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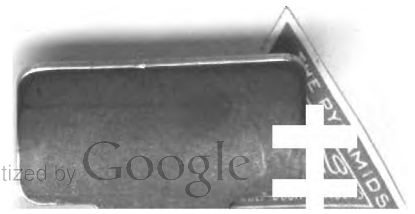
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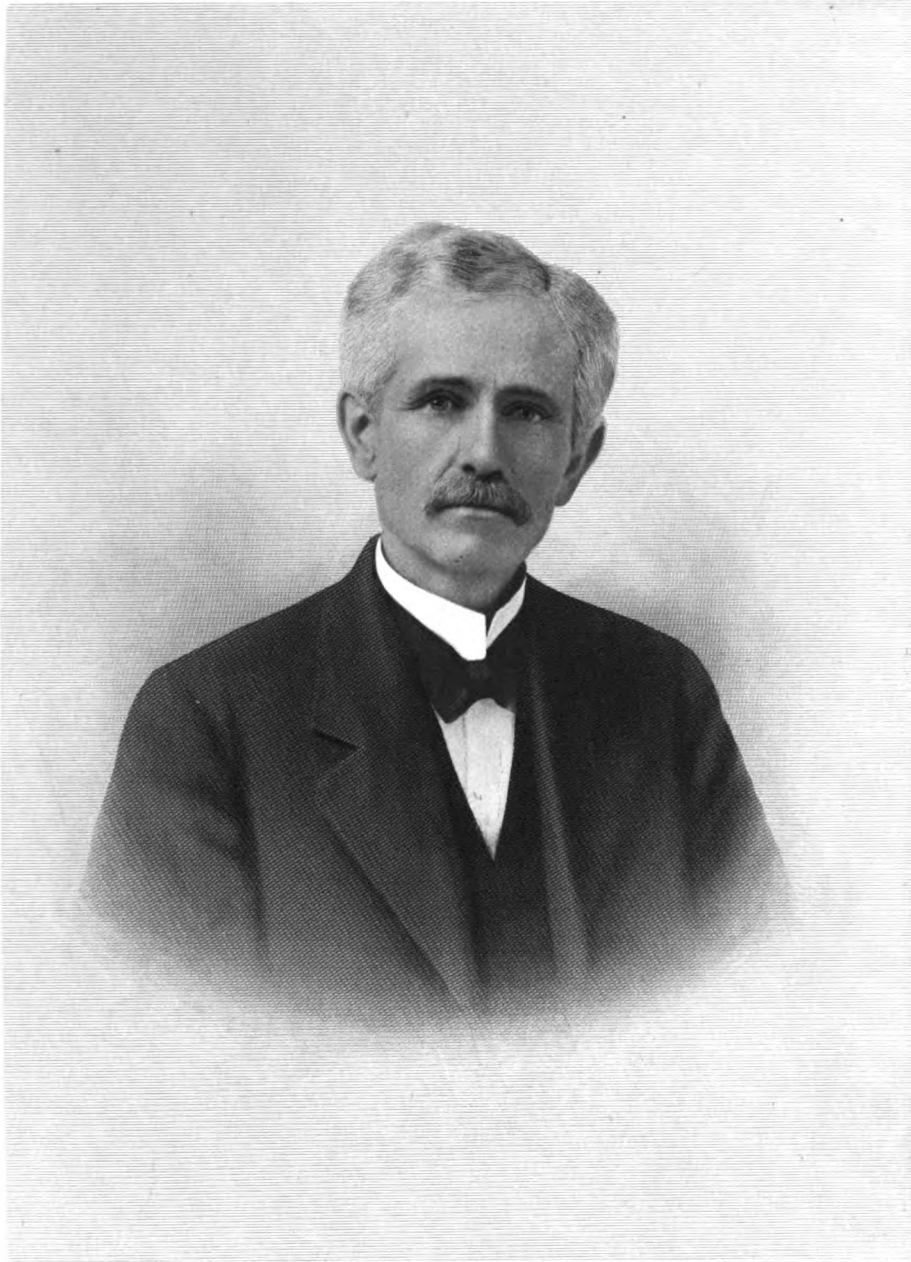
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HISTORY OF NEBRASKA



Albert A. Watkins

HISTORY OF NEBRASKA

FROM THE EARLIEST EXPLORATIONS TO THE PRESENT TIME

WITH

PORTRAITS, MAPS, AND TABLES

BY

ALBERT WATKINS, PH. B., LL.B.

VOLUME III

FIRST EDITION

LINCOLN

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AUTHOR'S PREFACE

IN THIS VOLUME, as in the two preceding it, I have purposely incorporated more minute details and citations than the general reader needs, because the work is much used by special students to whom these features are indispensable. Still, I think that most of the text and footnotes also will be interesting to people who care to read history at all. When I undertook the task of constructing the text, or history proper, nothing whatever had been done toward it; so that all the preliminary research, as well as the constructive part of the work, fell upon me. While I am sure that the product of the immense labor which is embodied in the three volumes is of great value, because it has been accomplished with painstaking, yet I am sensible that important improvements might be made in its revision. The enterprise was improvidently and unwisely undertaken without providing any capital; and this hand-to-mouth method unavoidably required great self-sacrifice on the part of those who ultimately carried it through. That Mr. Morton came to realize this mistake, appears in a letter he wrote to me March 10, 1902, shortly after he had persuaded me to begin the compilation of the history: "I know that you will grapple with the work seriously and that there has been danger of a collapse, one time and another, of the whole scheme into which I had foolishly permitted myself to be dragged and my name used without giving the matter proper consideration." The miracle has happened; the work has been accomplished. But I know and painfully feel what was behind the miracle and made it happen. Moreover, many competent critics have been kind enough to say that, in their opinion, there is no other state history so expensively or, on the whole, so well done.

The editors named in the prospectus of the history adopted and extolled the plan of incorporating an indefinite number of biographies and portraits in it. While the collection of these two classes of material is of very great value as "human documents" and for illuminating the text, yet, if used at all in a general history such as this, in my opinion, they would have been much better placed in a volume by themselves; but, in the circumstances, the publishers did not think that this plan was feasible. While I agree, in part, with their criticism, yet I am persuaded that the objections of many of the critics are inspired by the conviction that this feature of the history should have been confined to their own particular pictures and biographies. At any rate, a proper revision would eliminate all laudatory adjectives from the biographies. I am the more sensitive to this criticism because the fault was charged to me, after the appearance of the first two volumes, while in fact the only material or preparation for the history which Mr. Morton turned over to me was a vast number of biographical sketches in very crude form. However, this volume will not offend those who object to the mixing of pictures and biographical sketches with the text, because they have all been relegated to the rear. My recognition of the embarrassment, or hardship, even, involved in writing contemporary state history, most of whose figures have been or are personal friends or acquaintances, is expressed at the close of chapter X.

ALBERT WATKINS

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HISTORY OF NEBRASKA

CHAPTER I

ORGANIZING THE STATE GOVERNMENT — REMOVAL OF THE CAPITAL — ESTABLISHING LINCOLN

THE SESSION of the general assembly from July 4 to July 11, 1866, was the first overt act of Nebraska statehood, and from that occurrence until the first governor of the state, David Butler, formally superseded Alvin Saunders, the last governor of the territory, March 27, 1867, the commonwealth wore a mixed territorial and statehood garb.¹ (The enabling act passed by the federal congress, April 19, 1864, authorized the

¹Governor Butler and Charles H. Gere, his private secretary, drove from their home at Pawnee City to Omaha, and according to Mr. Gere's recollection (1904) the governor assumed his office on the day of his arrival, March 27, which is the date of his official oath. They traveled by way of Falls City to Plattsmouth, when they crossed the Missouri river, and proceeded on the Iowa side, recrossing at Omaha. At Plattsmouth they were guests of Turner M. Marquett at dinner. The weather was very cold at the time. Governor Butler took an official oath January 11, 1867, (see "Impeachment Trial," p. 11) before he performed his first official act in addressing a message to the legislature at its first session, but there is no record of such an oath.

Following is Governor Saunders's valedictory:

"TO THE PEOPLE OF NEBRASKA. Executive Office, Omaha, Neb., March 27, 1867. I have this day received official notice from the State Department at Washington, of the President's Proclamation announcing that the legislature of Nebraska has accepted the conditions proposed by Congress, and declaring the fact that Nebraska is admitted as one of the independent States of the Union. The governor-elect under the state organization being now ready to take charge of the office, my duties as the Chief Executive of the Territory this day cease. I take pleasure, before retiring from this office, in availing myself of this opportunity of returning my sincere thanks to the people of the Territory for their uniform kindness, and for the alacrity and promptness with which every official demand upon them has been honored, whether in war or peace. No period of time of the same length since the organization of our government has been so eventful

governor of the territory to proclaim an election of delegates to a constitutional convention, with such rules and regulations as he might prescribe. The election was held on the 6th of June, 1864, but since a majority of the voters declared themselves against the proposition for statehood, which was submitted to them at this time, the convention to form a constitution met at the designated time, July 4, and adjourned without action.) But in 1866

and full of eventful history as has been the six years that I have been honored with an official connection with the people of Nebraska, and it gives me great pleasure to know that peace and general prosperity now prevail throughout our whole country, and especially to know that no country can truthfully boast of greater peace or more genuine prosperity than can Nebraska. Especially do I feel proud of the financial condition of the territory. Six years ago the debt of the territory was fully two dollars for every man, woman and child in it, and the warrants on the treasury were selling at from 25 to 30 cents on the dollar. Now her paper is at par, and she is ready to pay every dollar of her indebtedness of whatever character, so that the new State can commence her career without a dollar of debt hanging over her. This condition of affairs, so far as my knowledge extends, is without a parallel in the history of new states, and gives cause for mutual and general congratulations. While our officers and people have been so attentive to the finances of our country, they have not been idle or wanting in other particulars, for during the war Nebraska furnished as many troops as any other state or territory in proportion to their population; and no soldiers from any quarter showed more valor and made a better record for bravery or true soldierly conduct than those from Nebraska. So viewing it from any standpoint, I feel proud that I have been permitted to occupy so conspicuous a position among a people so patriotic, prompt and appreciative. With my best wishes for the prosperity of the whole people of our new State and for its great success, I am, &c.

"ALVIN SAUNDERS."

the territorial legislature submitted a constitution which was adopted at a popular election held in accordance with a provision of the instrument itself, on the 2d of June, 1866. (By authority of the constitution, also, members of the first state legislature were elected on the same day and met on the 4th of July following) In accordance with the supplemental enabling act, (passed by congress February 9, 1867, which imposed the condition that the legislature should formally declare that there should be no denial of the right of suffrage

²AN ACT for the admission of the State of Nebraska into the Union:

WHEREAS, On the twenty-first [nineteenth] day of March [April] Anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Nebraska to form a constitution and State government, and offered to admit said State, when so formed, into the Union, upon compliance with certain conditions therein specified; and whereas it appears that the said people have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask admission into the Union: Therefore—
BE IT ENACTED by the Senate and House of Representatives of the United States of America, in Congress assembled, That the Constitution and State government which the people of Nebraska have formed for themselves be, and the same is hereby accepted, ratified, and confirmed, and that the said state of Nebraska shall be, and is hereby declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever.

SEC. 2. And be it further enacted, That the said State of Nebraska shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions of an act entitled "An act to enable the people of Nebraska to form a constitution and state government, and for the admission of such State into the Union on an equal footing with the original States," approved April nineteenth, eighteen hundred and sixty-four.

SEC. 3. And be it further enacted, That this act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof the president, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State Legislature shall be convened by the Territorial Governor with-

on account of race or color, by the proposed state.) Alvin Saunders, governor of the territory, called the legislature which had been chosen in October, 1866, to meet in special session, February 20, 1867, for the purpose of accepting this condition; ² but David Butler, who had been elected governor of the proposed state in June, 1866, delivered a message to the assembly at this meeting, as if there was a real state and he was actual governor. This session began two days after the final adjournment of the last session of the territorial legislature,

in thirty days after the passage of this act, to act upon the condition submitted herein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LAFAYETTE S. FOSTER.

President of the Senate, pro tempore.

IN SENATE OF THE UNITED STATES,

February 8, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act for the admission of the State of Nebraska into the Union," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and Resolved, That the said bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest: J. W. FORNEY, Secretary of the Senate.

By W. J. McDONALD, Chief Clerk.

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES.

February 9, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act for the admission of the State of Nebraska into the Union," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill—

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.
Attest: EDWD. MCPHERSON, Clerk.

PROCLAMATION BY THE GOVERNOR

WHEREAS, The Congress of the United States has passed an act admitting, conditionally, Nebraska into the Union as one of the independent States of the same; and

WHEREAS, Said condition is in the words following: "And be it further enacted, that this act shall not take effect except upon the fundamental [and perpetual] condition, that within said State of Nebraska there shall be no [abridgment or] denial of the [exercise of the] elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition, that the Legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act; upon receipt whereof, the President, by proclamation, shall forthwith announce the fact; whereupon said fundamental condition shall be held

and it lasted two days. (Though the admission of the territory as a state was formally proclaimed on March 1, 1867, the territorial governor performed the executive functions until he was relieved by Governor Butler, March 27.

The first official act under statehood was Turner M. Marquett's assumption of the office of representative in Congress to which he had been elected, June 2, 1866, according to the terms of the constitution which was adopted by popular vote on the same day. The territorial law provided that a delegate to Congress should be chosen at the regular election held on the second Tuesday of October, 1866.

On account of the hostility between President Johnson and the republican majority in Congress, it was uncertain in 1866 when the territory might become a state; and so at the republican convention for that year it was decided that Marquett should be the candidate at the regular fall election for delegate to Congress, and John Taffe for representative in case the territory should be admitted as a state during the time in which he would be entitled to his seat.

Furthermore, the new constitution provided that returns for the election of a representative in Congress should be canvassed in the same manner as those for a delegate, and the territorial law in force in 1866 required that the votes for delegates should be canvassed in the same manner as those for territorial officers. It seems therefore that the law pointed out that a second provisional election for representative in Congress should be held at the time of the regular territorial election in October. These explanations are pertinent, because friends of Mr. Marquett have indiscreet-

as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete." Now therefore, I, Alvin Saunders, Governor of the Territory of Nebraska, do call upon the members of the State Legislature of Nebraska, to meet at the Capitol, in the City of Omaha, on Wednesday, the twentieth day of February, instant, at the hour of 2 o'clock P. M., for the purpose of taking action upon the conditions as proposed by Congress. In testimony whereof, I have hereunto set my hand, and

ly contended that he deserved great praise for not insisting, when the state was admitted so early in 1867, that he was entitled to a seat as representative for the full term of the 40th Congress by virtue of his election in June, 1866, notwithstanding his intervening acceptance of a candidacy for the office of delegate and which at the time seemed more certain to give him a seat than to be a candidate for representative under statehood. (Moreover, the enabling act provided that a representative in Congress "may be elected on the same day a vote is taken for or against the proposed constitution and state government,") which day was the second Tuesday in October, 1864. Therefore the election of a representative in June, 1866, was not authorized at all. In the meantime the regular election came, which the convention evidently decided was the proper time for electing a prospective representative to the 40th Congress whose term would begin March 4, 1867, whether or not such election would supersede the as yet unrecognized election of June 2, 1866. Congress might have cured the first irregularity, but by so doing it could not have cured Marquett's bad faith if he had sought to displace Taffe.

Mr. Marquett was admitted to the house of representatives March 2, 1867, the day after Nebraska became a state. James M. Ashley, of Ohio (who moved the impeachment of Andrew Johnson), said, in making the motion for Marquett's admission, that the proclamation admitting Nebraska had been published that morning in the official organ. Ashley moved also that Marquett be paid from June 2, 1866, the day of his election. Spalding opposed on the ground that Nebraska was not a state, to which Ashley replied that having been admit-

have caused to be affixed the Great Seal of the Territory of Nebraska.

Done at Omaha, this 14th day of February, A. D., 1867.

ALVIN SAUNDERS.

Governor Saunders seemed bent on reconstructing the part of the United States statute which he quoted. His gratuitous additions are included in brackets. The wording of the statutes at large is followed here as there are material deviations from it in the copy which appears in the state statutes and legislative journals. — [Ed.].

ted in the last session by the vote of Congress which was vetoed and since then having been admitted over the veto the act became effective on the 2d of June. Spalding, impatient at this logic which did not connect, said: "Make it a donation, then, and not call it the pay of a member of Congress." Ashley said also that Marquett had been elected a delegate to the incoming 40th Congress, which would give him more pay and mileage than his motion proposed, but the intervening admission of the state had kept him out of that. Ashley's motion was defeated by a vote of 43 to 105. Dawes, of Massachusetts, moved a reconsideration with the view of making Marquett's term take effect December 1, 1866, the beginning of the session, but the motion was laid on the table, 67 to 56.³

(The state-making process was more complex in Nebraska than in any other of the Purchase states. The constitution of Louisiana was formed by a convention between November 7, 1811, and January 22, 1812, by authority of an enabling act passed February 20, 1811. The state was formally admitted by act of Congress, April 8, 1812.

Missouri's journey to statehood was almost as devious as that of Nebraska. The state constitution was formed by a convention which sat from June 12 to July 19, 1820, and which was authorized by act of Congress of March 6, 1820. At the first election, held in the following August, local and state officers, members of the first legislature, and a member of Congress were chosen. The first state legislature met September 19 of the same year. Con-

³ *Congressional Globe*, Part 3, 1866-67, pp. 1722-1728. The second of March being Saturday, Mr. Marquett served only one day—until final adjournment early Sunday morning. An act of Congress passed January 22, 1867, provided that there should be a meeting on the day of the beginning of the term—March 4—of the fortieth, and each succeeding Congress. Accordingly, on the 5th of March, Ashley presented Taffe's credentials and he was admitted to his seat.

Marquett himself afterward dallied a little with the false tempter. In a public address, delivered in 1892, he said: "The senators [Thayer and Tipton] were not sworn in in the thirty-ninth, and they got a continuance of two years thereby. I might have stayed out of the thirty-ninth and likewise have had two years instead of two days. I was told so by my friends in the house; but I deemed it but right

ditional consent to admission was given by act of Congress March 2, 1821, and the condition was accepted June 26, 1821.

Arkansas took the initiative by submitting a constitution which was completed in convention, January 30, 1836, basing her rights to statehood on the treaty of cession, and she was formally admitted by act of Congress on the 15th of the following June. By a supplementary act of Congress, passed June 23, 1836, the prospective state was required to accept school laws and salt springs subject to specified conditions, and the legislature accepted the conditions October 18, 1836. The constitution provided for a general election to be held in August, and that the legislature should meet in September, 1836. Thus Arkansas performed no premature functions of statehood.

The Iowa enabling act was passed March 3, 1845; the constitution was framed in convention May 4 to 19, 1846, ratified by the people August 3, 1846, and the state was formally admitted by act of Congress, December 28, 1846; but the first legislative assembly convened on the 30th of the preceding November.

The enabling act for Minnesota was passed February 26, 1857; the constitution was framed in convention from July 13 to August 29, 1857, and was submitted to the people and ratified by them on the 13th of the following October. An election of all officers—state, local, members of the legislature, and a member of Congress—was held the same day. The first legislature met December 2, 1857. The state was formally admitted by act of Congress May 11, 1858.

under the circumstances to go in and have myself sworn in for two days and out for two years. Many thought it a foolish act; yet I would do the same thing again." (*Trans. Neb. State Hist. Soc.*, V. 5, p. 134.) The "friends" who gave this devious counsel were members from Ohio, Marquett's home state. The statement that the terms of the senators were lengthened by their waiting two days so as to be sworn into the 40th Congress instead of the 39th is without foundation. The law merely provided that the division of senators into three classes should be arranged so that they would be as nearly equal in numbers as possible. As all the additions to the senate during the 40th Congress were known at the time the state was admitted, why a delay of two days should have affected the classification of the drawings to decide the length of the terms of the Nebraska senators is not apparent.

The constitution of Kansas provided that in case it should be ratified by the people, which was done October 4, 1859, there should be a general election held December 6, 1859. The territory was at last admitted by act of Congress January 29, 1861. But the first state legislature did not meet till March 26, 1861, after full admission, and the United States senators were elected on the 4th of the following April. The last territorial legislature adjourned February 2, 1861, so that with all her bleeding and other vicissitudes, Kansas came into statehood much more regularly than Nebraska.

The constitution of Colorado was adopted by the people July 1, 1876, and the territory was formally admitted by proclamation of the president, August 1, 1876. The first general election was held October 3, 1876, and United States senators were chosen by the legislature soon after November 1, the day of its meeting. The last session of the territorial legislature began January 3, 1876. Thus Colorado's change was regular and simple.

The enabling act of the two Dakotas, Mon-

⁴For account of this proceeding, see Vol. I, p. 527 *et seq.*

The *Daily State Journal*, January 25, 1880, alleges that prior to 1866 republicans had always cast between 80 and 90 votes and the democrats about 18 in this precinct and that at the next election after 1866 a like division of votes occurred. Unfortunately the Cass county records which alone would disclose the facts as to the relative votes in question cannot be found, and so this once very disturbing question will remain vexed between two contradictory partisan contentions. It is significant, however, that this material statement by the *Journal* does not appear to have been thought of at the time of the contest. It was reasonably safe to venture it after the lapse of fourteen years. The *Omaha Republican* — October 16, 1867 — said that Rock Bluffs precinct, "formerly the political Sodom of Nebraska," had "dwindled down to seven copperhead majority" — in company with all the democratic counties — excepting Sarpy — which had gone republican this year. This statement, so near the time of the trouble, implies that prior to the year 1867 democratic majorities were large in Rock Bluffs, and it completely discredits the statement of the *Journal*.

The law of January 22, 1867, which provided that each new Congress should meet on the 4th of March of the year in which its term began, gave the Nebraska senators the opportunity to enter upon their duties at once, with a new Congress. In accordance with the resolution passed by the first senate, May 14, 1789 — (*Annals of Cong.*, Vol. I, p. 36) Mr. Trumbull offered the following resolution, which was adopted:

RESOLVED, That the senate proceed to ascertain

tana, and Washington provided that the constitutional conventions of the several territories might provide by ordinance for the election of officers for "full state governments," including members of the legislature and of Congress; but that the state governments should remain in abeyance until the territory should be admitted, though, after the ratification of the constitution, the legislature might assemble and elect United States senators. Thus in the case of this group of states orderly procedure was secured by the enabling act.

The only important acts of the first state legislature were the throwing out of the vote of Rock Bluffs precinct, Cass county,⁴ and the election of John M. Thayer and Thomas W. Tipton as United States senators, who took their seats at the opening of the first session of the 40th Congress, March 4, 1867. The senators were unlucky in drawing lots, according to the rules, to determine the length of their respective terms. Neither drew the full term, while Tipton got the shortest — two years — and Thayer four years.⁵

the classes in which the senators from the state of Nebraska shall be inserted in conformity with the resolution of the 14th of May, 1789, and as the constitution requires, and that the secretary put into the ballot box three papers of equal size, numbered 1, 2, 3. Each of the senators from Nebraska shall draw out one paper. The paper numbered 1, if drawn, shall entitle the senator to be placed in the class of senators whose terms of service will expire the 3rd day of March, 1869; the paper numbered 2, if drawn, shall entitle the senator to be placed in the class of senators whose terms of service will expire the 3rd day of March, 1871; and the paper numbered 3, if drawn, shall entitle the senator to be placed in the class of senators whose terms of service will expire the 3rd day of March, 1873.

"Three papers were accordingly put into the ballot box; the senators advanced to the secretary's desk and each drew one paper. Mr. Thayer drew the paper numbered 2, and was placed in the class of senators whose terms will expire March 3d, 1871. Mr. Tipton drew the paper numbered 1, and was placed in the class of senators whose terms will expire March 3d, 1869.

"MR. TRUMBULL: I have the pleasure of presenting to the senate the credentials of the Hon. John M. Thayer and the Hon. T. W. Tipton, elected senators from the new state of Nebraska. I ask that their credentials be read and that they be sworn.

"THE PRESIDENT PRO TEMPORE: The senators from Nebraska will now come forward and be qualified.

"The senators elect were conducted to the desk of the president *pro tempore* by Mr. Sumner and Mr. Chandler, and the oaths prescribed by law having

On the second day of the session, and before the governor's message had been received, Senator Leach offered the following partisan, or, rather, factional resolution:

"RESOLVED, That the Senate of the Legislature of the State of Nebraska heartily endorses the policy and acts of Andrew Johnson, President of the United States, in all his legitimate and conservative efforts to restore the Southern States recently in rebellion, to their legal status in the American Union, and that we pledge him our hearty and cordial support in all such efforts and against the heresies of radicalism, as advocated by Stevens and Sumner, whom the President himself patriotically, on the 22d day of February, A. D. 1866, denounced as disunionists."⁶

This endorsement of "my policy" was laid on the table by a party vote of 7 to 6.⁷ In the house, Mr. Robertson, democrat, offered a similar resolution, which was defeated by a vote of 5 to 20.⁸ Mr. Frazier then sugar-coated a friendly Johnson resolution, similar to that offered in the house, with a resolution invoking the favorable action of Congress for statehood, and it passed by a party vote of 22 to 15.⁹

Mr. Robertson, of Sarpy county, submitted a memorial to the president of the United States asking for an investigation of the alleged official maladministration of Edward B. Taylor, superintendent of Indian affairs for the northwest, and Orsamus H. Irish, superintendent of Indian affairs for southern Nebras-

been administered to Mr. Thayer and Mr. Tipton, they took their seats in the senate." *Cong. Globe*, 1st sess. 40th Cong., p. 1.

⁶*Senate Journal*, p. 6.

⁷Ayes; Cadman, Hanna, Porter, Rich, Stewart, Tisdale, Welch.

⁸*House Journal*, p. 11.

⁹*Ibid.*, p. 36.

¹⁰*Ibid.*, p. 39.

¹¹Following is a list of the members of the senate with the counties comprising their respective districts: Nathan S. Porter, Dakota, Dixon, Cedar and L'eau qui Court counties; Frank Welch, Washington, Burt and Cuming; James G. Megeath and M. C. Wilbur, Douglas; David Leach, Sarpy and Dodge; Vincent Krummer—displaced by O. T. B. Williams—Platte, Monroe, Merrick, Hall, Buffalo, Kearney and Lincoln; Thomas K. Hanna, Cass; John Cadman, Cass, Lancaster, Saline and Seward; Stephen H. Calhoun, Oliver, Stevenson, Otoe; S. M. Rich, Nemaha; F. D. Tisdale, Richardson; A. S. Stewart, Pawnee, Gage, Johnson, Clay and Jones. Rich, republican, was elected temporary president over Megeath, democrat, by a vote of seven to six.

ka; but the house refused to adopt it by a party vote.¹⁰ Mr. Durant, vice-president of the Union Pacific Railway Company, invited the members of the legislature to go on an excursion to the end of the track—133 miles—on Saturday, July 7. The house accepted the invitation and went; the senate declined on the plea of pressing business, but a large part of it went too; and, after a vain call of the house Saturday morning, there was an adjournment until Monday.¹¹

The burden of the governor's message was an argument that the territory had a right to immediate admission as a state. In 1864, when the enabling act was passed, the population was 30,000; now it was 70,000. In a few weeks the track of the Union Pacific railway would be laid 200 miles west of Kearney. Territorial bonds were now worth 97 cents on the dollar. The governor recommended the adoption of the fourteenth amendment to the constitution of the United States, and Maxwell introduced the measure in the house; but no action was taken upon it.

(The second legislature, at its first and special session, February 20 and 21, 1867, performed no other function than to organize and formally accept the condition imposed by the federal Congress for the admission of the territory as a state.) Governor Saunders (territorial governor) stated the object of the session in a message in which he said that it would

Members of the house were as follows: William Parchen, Benjamin F. Cunningham—displaced by Henry W. Sommerladd—J. M. Deweese and Joseph T. Hoile, Richardson county; Charles H. Gere, Pawnee; Nathan Blakeley, Gage and Jones; George W. Fairbrother, William G. Glasgow, Daniel C. Sanders, William A. Pollock, Nemaha; A. W. Gray, Johnson; Edward S. Reed, Albert Tuxbury, D. M. Anderson, James Thorne, John Graves, Otoe; James Queen, Lancaster, Seward and Saunders; Ezra Tullis, Lancaster; Samuel Maxwell, William F. Chapin, T. R. Bell, Hiram D. Hathaway, Cass; Theodore H. Robertson and J. D. Smith, Sarpy; Philip O'Hanlon, A. J. Critchfield, Joseph W. Paddock, V. Burkley, W. A. Denton, Douglas; George J. Turton, Dodge; Edward W. Arnold, Platte; James E. Boyd, Platte, Merrick, Hall and Buffalo; David McDonald, W. R. Hamilton, Washington; George P. Thomas, Burt and Cuming; A. H. Barker, Dakota; Russell H. Wilbur, Dakota, Dixon, Cedar and L'eau qui Court; Kelly Frazier, Dixon, Cedar and L'eau qui Court. Pollock, republican, was elected speaker of the house over Tuxbury, democrat, by a vote of 20 to 17.

have been more satisfactory to himself, and he thought to the members, if Congress had referred the question to the people instead of to the legislature.¹²

The governor's frank statement of his own opinion may be taken as sincere, for it was quite in keeping with his personal interests as well as with a tendency on his part to fair-mindedness. He had been shelved in the struggle for the high offices appertaining to the present statehood project, and if it should be circumvented his successful rivals might in turn be shelved, giving him a chance sooner than if they should be entrenched in official power. But there was no foundation for the governor's solicitude lest any nice scruples of the politicians who dominated the legislature might shrink from the responsibility which Congress had imposed upon them instead of the people where it would more properly lie. Republican recruits were needed in the federal Congress in the war with Andrew Johnson, and for negro enfranchisement; and the average republican politician was anxious to keep in touch with the policy of the party and to

¹²"Gentlemen of the Senate and House of Representatives: In pursuance of an Act of Congress certified to have been passed on the 8th and 9th of February, 1867, you have been convened in extra session for the purpose of taking such action as you may think proper in regard to adopting or rejecting certain proposed conditions which are made precedent to the admission of Nebraska into the Union as an independent State. The Constitution, as you are well aware, which was adopted by the people of the Territory in June last, restricted or limited the privileges of the elective franchise to the 'white male citizens of the State.' Congress, near the close of the last session, passed a bill to accept our constitution just as it had been made and adopted by the people of the Territory; the President of the United States withheld his signature from the bill, and consequently it failed to become a law. A similar bill was presented at the commencement of the present Congress, but certain conditions were attached to the bill and these conditions must be first accepted and approved by you before the State can be properly admitted as provided by this Act. It no doubt would have been more satisfactory to you, as I frankly confess it would have been to me, if Congress had given the settlement of this question directly to the people of the Territory, instead of requiring of you, who were not particularly instructed on this subject, to take upon yourselves the whole responsibility of deciding this subject for them. But we must now meet the question as we find it, or as it has been presented by Congress. That a great revolution or change in the minds of the people of our whole country, in regard to granting equal and exact

hasten the entry into statehood, because there lay the emoluments of office and other spoils. On the first day of the session Mr. Doom, of Cass county, introduced a bill declaring the assent of the legislature to the condition prescribed by Congress, which was referred to a special committee composed of Doom, Hascall, and Reeves. At the afternoon session, Doom and Hascall reported in favor of the bill, and it was at once passed, before Reeves could prepare his minority report, by a vote of 7 to 3, Freeman, Reeves, and Wardell voting nay. On the next day Reeves offered his report, which the senate declined to receive. Doom moved to strike out certain passages of this report which he declared were offensive, and the motion was carried; whereupon Reeves withdrew the report entirely,¹³ and Freeman, Reeves, and Wardell left the chamber in a fit of disgust,¹⁴ but they were afterward permitted, at the request of Mr. Reeves, to record their votes against the bill. J. N. H. Patrick, who had not been sworn in when the bill was passed, was excluded from this arrangement.

The senate bill was promptly passed in the

justice to all men, irrespective of race or color, is in proof before us, not only by the action of Congress, but also by the action of the people themselves in a large majority of the States of the Union. My opinion is, that this liberal spirit is rapidly on the increase among the people of our own Territory, and if such should be your belief, it would cause you to have much less hesitancy about accepting the conditions proposed, than you otherwise might have.

"The day, in my opinion, is not far distant when property qualifications, educational qualifications and color qualifications, as precedent to the privilege of voting, will be known no more by the American people; but that intelligence and manhood will be the only qualifications necessary to entitle an American citizen to the privileges of an elector.

"Gentlemen of the Nebraska Legislature, I now, with these concise statements of the case, leave the whole subject in your hands, believing that you will act for your respective constituents, and for the whole people of the Territory in such manner as will best reflect their sentiments and their wishes, hoping that harmony and fraternal feeling may characterize your deliberations.

"ALVIN SAUNDERS."

¹³*Senate Journal*, p. 37.

¹⁴*Omaha Herald*, March 1, 1867. Under the heading "State Beaten After All," the *Nebraska City News* (Feb. 25, 1867) said: "The bill accepting the congressional condition was rushed through the state legislature, enrolled and prepared for the signature of the Governor, when lo! which governor was the governor, became the question. Alvin de-

house, under suspension of the rules, by a vote of 20 to 8, Anderson, Bates, Crawford, Dunham, Graves, Harvey, Rolfe, and Trumble voting nay. All the democratic members of the legislature but Hascall adhered to the party policy of opposing the measure. (If admission to statehood had been the one question at issue, their course would have been unwise; but since the proposition involved also the question of consenting that Congress and the legislature had the power to annul by resolution a provision of the state constitution, the democrats followed their plain duty, and Hascall's recreancy deserved the reproaches it won, though it seemed to surprise no one.

The third session of the general assembly, being the 2d session of the 2d legislature, was convened by the call of the now full-fledged governor, dated April 4, 1867, on the 16th of May of that year, for the purpose of passing such laws as the governor thought necessary for the new state. The most important work of this session was the removal of the capital from Omaha to Lincoln, accomplished by the passage of an act, approved June 14, 1867, which constituted the governor, secretary of state, and auditor a commission to select a new location before July 15, 1867, within certain specified limits, as follows: the county of Seward, the south half of Butler and Saunders counties and that part of Lancaster county north of the south line of township nine, the new capital city to be called Lincoln. A bill (S. No. 44) entitled "An act to provide for the location of the seat of government of the state of Nebraska and for the erection of public buildings thereat," was introduced in the senate, June 4, by Mr. Presson, and its counterpart was introduced in the house (H. R. No. 50) by Mr. Crowe. The senate bill passed that body on the 10th of June; it passed the house on the 13th, and was approved by the governor on the 14th.¹⁵

clined signing the bill because it was an act of a state legislature and he was the governor of a territory. David declined signing it because the legislature was called together under an act of congress by the territorial governor and he had nothing to do with it. Now as the legislature adjourned within three days of the passage of the act, and it

The bill (S. No. 44) which was passed originally provided that a commission consisting of the governor, the secretary of state, and the auditor should select, before July 15, 1867, from lands belonging to the state, within the counties of Lancaster, Seward, and the south half of Butler and Saunders, not less than 640 acres for a town to be named and known as "Capitol City." The commissioners should cause the site to be surveyed and fix a minimum price on the lots of each alternate block, these lots to be sold at public vendue to the highest bidder and the proceeds deposited with the state treasurer as a state building fund, out of which a capitol, "to be designed as part of a larger edifice," should be constructed at a cost not to exceed \$50,000, the building to be completed before November 1, 1868. The state university and the agricultural college, united in one institution, should be situated within the city, and a state penitentiary within or adjacent to the city. The removalists had their project firmly in hand, and the bill was pushed through with remarkably little halting or change. It was read the second time on the 5th of June, and on motion of Majors referred to the committee of finance, ways and means, composed of Presson, Reeves, and Holden — all of the South Platte section. Hascall, of Douglas county, attempted to have it referred to the committee on public buildings where it really belonged, but without success, as two of the three members of this committee — Patrick and Baird — were of the North Platte.¹⁶ The next day Presson reported the bill back from the committee, with amendments not of great importance;¹⁷ June 7 the committee of the whole reported the bill for the third reading,¹⁸ and on the 8th it was made a special order for the 10th;¹⁹ on that day Rogers's motion to extend the limits of choice to all, instead of half of the counties of Butler and Saunders was lost by a vote of 5 to 8; and

was not approved by a governor, we rather opine that it failed to become a law."

¹⁵*Senate Journal*, p. 110, and *House Journal*, p. 133.

¹⁶*Senate Journal*, p. 117.

¹⁷*Ibid.*, p. 124.

¹⁸*Ibid.*, p. 131.

¹⁹*Ibid.*, p. 136.

his motion to strike out the word permanent, applying to the relocation of the capital, was defeated by a like vote.²⁰ Sheldon's motion, to amend so that the location might be made anywhere within Seward county or the south half of Saunders and Butler and that portion of Lancaster county lying north of the south line of township 9, was carried by a vote of 9 to 4, Freeman, Hascall, Patrick, and Rogers voting nay.²¹ Patrick's motion to amend section 11, so as to locate the state university and agricultural college at Nebraska City, was lost by a vote of 5 to 8;²² and the motion to locate the same institution at such place in Washington county as the county commissioners might select, was defeated by a like vote.

It was left to Senator Patrick, an uncompromising democrat — called in the drastic political phrase of the day a copperhead — to move the substitution of Lincoln instead of the inexpressibly clumsy and ugly original name, Capitol City; and the motion was carried without division.²³ Rogers's motion to amend, so that the location made by the commissioners should be confirmed by a vote of the people, was lost by 5 to 8, and the bill was passed by a reversal of the same vote.²⁴ It was read the first time in the house on the 11th, the second time on the 12th. Mr. Woolworth's motion to place the state university and agricultural college at Nebraska City instead of Lincoln was defeated, 11 to 26.²⁵ Griffin's motion to change the location to some place in Cass county, not particularly designated, but no

more than three miles from the Missouri river, was lost by a vote of 10 to 25.²⁶ Kelley's motion on the 13th to recommit the bill to a committee consisting of Crowe, Griffin, Bennet, Daily, and Woolworth, who should report it so amended as to allow the commissioners to locate the capital anywhere within the state, was laid on the table by a vote of 23 to 16, and the bill was then passed by a vote of 25 to 14.²⁷ Hoile, of Richardson, was the only south Platte member who voted against the bill. Mr. C. W. Seymour, in a speech at the jubilee over the removal of the capital, held at Nebraska City, declared that Mr. Hoile had sold his vote for \$500; and the *News*, in reporting the incident, remarked: "As Hoile is founded upon 'a great moral idea' and represents the interests of God and humanity, we have no reason to doubt Mr. Seymour's statement."²⁸

It was publicly averred that Slader and Unthank, members of the house, and Senator Davis, all from Washington county, who, with Thomas P. Kennard, secretary of state — also of Washington county — and John S. Bowen, chief clerk of the house, were the officers of the Northern Nebraska Air Line Railroad Company to which the legislature had donated seventy-five sections of land, were the only members from the North Platte who voted for removal of the capital. This statement was technically incorrect, as Beebe, of Dodge county, and Morton, of Dakota, Dixon, etc., also voted for the measure.²⁹

The charge that there was corrupt collusion

viction that the location of the public buildings was not called for at this time, and seeing my constituency and county disregarded and unjustly dealt by in the provisions of the bill I was impelled to vote against it, and therefore forfeited my claim to any interest in these railroad enterprises, as I conceive their design." He had, he said, respectfully asked the secretary of state to erase his name from the list of incorporators, and he declared that he became an incorporator of the railway scheme before he saw that it was connected with the capital scheme.

²⁸The *Omaha Republican*, June 19, 1867. The same journal—June 26—said: "The House of Representatives completed the implied bargain with the Washington county delegation by which their votes were secured to the bill locating the capital in the south part of the state. Everybody is satisfied that there was as perfect an understanding upon the two subjects as though the papers had been drawn up, signed, stamped and delivered, and more than one

²⁰*Senate Journal*, p. 138.

²¹*Ibid.*, p. 139.

²²Ayes, Baird, Freeman, Hascall, Patrick, Rogers; nays, Davis, Doom, Holden, Majors, Presson, Reeves, Sheldon, Wardell.

²³*Senate Journal*, p. 141.

²⁴*Ibid.*, p. 144.

²⁵Those voting in the affirmative were: Baltzely, of Dixon, Cedar, and L'eau qui Court counties; Dunham, Frost, Griffin, Parmalee, and Woolworth, of Douglas; Rockwell, of Burt and Cuming; Crawford and Trumble, of Sarpy; Kelley, of Platte; Wallich, of Platte, Merrick, Hall, and Buffalo. — *House Journal*, p. 169.

²⁶Ayes; Chapman, of Cass, Crawford, Dunham, Frost, Griffin, Kelley, Parmalee, Rockwell, Trumble, Wallich.

²⁷*House Journal*, p. 172.

²⁸*Nebraska City News*, June 14, 1867. Mr. Hoile published a statement in the *Omaha Republican* June 26, 1867, in which he said: "I was under con-

between the removalist members of the legislature and promoters and beneficiaries inside and outside of that body of various railway land grant schemes, was pressed with tremendous force but with little effect against removal. But the attacks along this line were effective in defeating all the land grant bills excepting that for the Air Line. Even while his home city and county were the back-bone of the removal cause, Morton now began his opposition to land grants of this kind, which he persistently kept up through his life. "No man," he protested, "who votes for transferring from the public, to private hands, without value received, the rich landed inheritance of Nebraska, is a true representative of popular rights."³⁰ The *Nebraska City Press* also opposed these grants. It is not difficult to read between the lines of the accounts of these contentious land grabbing schemes that the Air Line grab was regarded by all concerned as a sort of indemnity to the North Platte supporters of the capital removal scheme.

On the day on which the successful removal bill was introduced in the senate, another, identical with it (H. R. No. 50), was introduced in the house; but it was dropped after having been favorably reported from the committee on ways and means. On the 11th of June Mr. Frost, of Douglas county, of the

member of the legislature stated in his place on the floor that he voted for the donation of land to the Northern Nebraska Air Line railroad against his convictions of its right because the members from Washington county had voted to locate the capital south of the Platte river. This is the payment of the first installment of the unholy bargain, and the others will follow in their own order and time. The same vote by which the capital scheme was passed is to be found recorded in favor of this bill in both houses."

This last assertion was correct as to the senate (*Senate Journal*, pp. 144 and 187) but not quite correct as to the house. There Collins and Clark, who did not vote on the capital question, voted for the Air Line subsidy bill, and Wallich, who voted against the capital bill, did not vote at all on the Air Line bill (*House Journal*, pp. 172 and 211).

On the 19th of June the *Republican* points out that the land-grabbing legislature amended section 75 of the general incorporation law, so as to give railroad companies organized under it the sole and exclusive right to lay out, construct, etc., a road with side-tracks, etc., between termini and for distances of five miles on each side of the road. June 8, the day after the amendment was approved, the Northern Nebraska Air Line Company was organized under

committee of ways and means, presented a minority report on this bill, in which were compressed all the objections of the anti-removalists. The number of commissioners was not large enough for so important a task, and there was danger, in particular, that the choice of a location would be too far from a railroad. "Railroads in this country are too expensive to be run in every direction, and a capital with public buildings located at any inconvenient distance from one would soon be removed." The time was too short for the selection of grounds; and, most important of all the objections to the bill, it failed to submit the location to the people for approval or rejection. "The question has not been fully discussed whether the university and agricultural college should be united or should be different institutions, wholly separated in their organization. Some of the best minds prefer the one course and some the other, but no expression could be obtained during the few days of the session to elapse." There was doubtful propriety in locating all the public buildings in one place. The time was not ripe for removal of the capital. "We have the best building ever occupied by any territorial government, and consequently the best ever belonging to a new state. With a trifle spent for repairs, it will be all that would be required for years.

it; June 11, The Nemaha Valley, Lincoln City and Columbus Railroad Company was organized, the officers being Governor Butler, T. J. Collins, Thomas J. Majors, Jas. E. Doom, George P. Tucker, William Daily, William F. Chapin, Jas. T. Hoile—all except Hoile republican members who voted for removal to Lincoln—and Elmer S. Dundy, J. T. Hall, Jos. E. Lamaster, Phineas W. Hitchcock, "who are experienced lobbyists and the power behind the throne were taken into partnership." On the same day the Kansas and Nebraska Railroad Company was organized with nearly the same list of officers. The Nemaha Valley road was to run from Rulo, Senator Presson's home, to Columbus. The successful initiatory grab of the Air Line coterie of the removalists raised such a storm of protest that it ruined the schemes for land subsidies of their other suggestively officered companies.

The *Omaha Republican*, July 3, 1867, notes that all propositions to donate lands to internal improvements other than Senator Davis's pet Air Line scheme have failed. "Not one of them, however meritorious, stood the least chance to get lands for aid in their construction." The *Republican* believed that the construction of the Platte bridge should have been provided for by a land donation.

³⁰*Nebraska City News*, June 17, 1867.

It is located centrally so far as our thoroughfares are concerned, and much more so than the proposed site could be for many years."³¹ It would be premature to attempt to locate the university and agricultural college because "we (the people) do not know where we wish them, and do not wish them at all until we have the means at hand to make them what they ought to be."³² The argument that the removal of the capital was premature because there was no legitimate need or reason for its removal, and because it was impossible, in the undeveloped condition of the state, to ascertain the place to which it should be removed, was unassailable except by the right of might — just as it had been from the beginning.

The same day on which these two bills were introduced, Mr. Hascall, of Douglas county, introduced another (Senate No. 45) entitled "An act to locate the Capitol, State University, and Agricultural College." The bill provided that a commission composed of Governor Alvin Saunders and Turner M. Marquett should procure for the state of Nebraska an entire section of land in the valley of Salt creek within ten miles of its junction with the Platte river and at a cost of not more than \$5 per acre. This land should be the site of the capitol, the state university, and the agricultural college, and reservations should also be made for buildings for an insane asylum, deaf and dumb institute, and for other purposes, "as the state may hereafter see fit to erect." The name of the proposed capital was left blank in the bill. It provided that the capitol at Omaha should revert to the city of Omaha for school purposes, on payment of the cost of the site of the new city. On the 7th of June Mr. Patrick, of the committee on public buildings, recommended the passage of the bill, and on the 8th Mr. Presson, of the same committee, reported against it, holding that the location proposed in

³¹The *Omaha Republican* of July 17, 1867, copied from the *Cincinnati Gazette* a description of Omaha by the well known correspondent, H. V. Boynton, which contained the following reference to the capitol:

"The state house is a plain brick building, about 120 feet by 70, painted a lead color, and relieved by Corinthian pilasters. Its plainness tells of a youthful state. By people who began life in log cabins it

the other bill — No. 44 — "will better subserve the interests of the state, in that it contemplates a more central location for the seat of government, and fixing the same where it will enhance the value of our state lands at least three hundred per cent." On the 12th the senate, in committee of the whole, reported in favor of tabling the bill, and that was the end of it. The movement for the removal of the capital was almost, if not altogether, a conspiracy, and the speculative gain of the conspirators was its chief motive and impulse.

The statehood blossom was not auspicious of healthy fruit. It was pointed out in a foregoing volume that exploitation by adventurers distinguished the beginning of Nebraska from that of the earlier territories and states, because, having been set apart as Indian country, in which white occupancy was interdicted, there was no stable citizenship or established and developed individual property interest and therefore no public spirit or opinion to dampen the rapacious spirit of speculation or restrain the buccaneering of speculators. Though by 1867 conditions had improved in this respect, yet the original characteristic was still dominant. This overweening greed of conquest was seconded by the still strong sectional prejudice and animosity, without which the schemes of the speculators could not have been carried out. It is true that the leading motive of Otoe, the most substantial county of the state, and the most influential south of the Platte, was at least a respectable, and perhaps a legitimate desire to promote the commercial interests of Nebraska City. It is true that Morton now showed desire to cultivate a spirit of amity with the North Platte. Before the legislature which removed it convened, he began to advise that the capital be let alone.³³

Only a month before the legislature met, his policy was to cooperate with Omaha in the would be considered magnificent. The point of these remarks will be sharpened by contrast with Governor Izard's panegyric on the capitol in his message to the second territorial legislature and with the description by the Omaha *Nebraskian*. (See Vol. I, pp. 263 and 267 of this work.)

³²*House Journal*, 3d session, p. 156.

³³*Nebraska City News*, Feb. 18, 1867.

distribution of the state institutions and get the university for Nebraska City's share. "The state university will be located during this session [which had just been called] and Nebraska City desires that institution. . . . We hope the influence of our delegation will be sufficient, when combined with that of Douglas county, to secure this boon for the people and at the same time to retain the capitol at Omaha."³⁴ And Omaha seemed ready for reciprocity with her old time rival. "If Nebraska City wants the state university," said the *Herald*, "we have no doubt that Omaha will second the motion at the right time and in the right way."³⁵

It is improbable that the university, placed in an extreme corner of the state and without the aid of the libraries and other advantages afforded by the capital city, would have conferred the amount of benefit on Nebraska City, which it has conferred on Lincoln, or have achieved the important position it now occupies among the leading universities of the country; and it is probably fortunate for the university that the segregation experiment was not tried. But it is undoubtedly unfortunate for Nebraska City that Morton's policy was not carried out; for that still important town would have been at least a great gainer thereby, instead of suffering the injury which the alternative policy of planting a rival city in its immediate rear inflicted. But the inertia of the antipathy to Omaha, to whose force Morton had so largely contributed, could not be overcome by a sudden policy of prudence, especially where there was clear gain to the South Platte and at last the power to realize it along the lines of the ancient assault on the North Platte section.

And even Morton's conversion was only half-hearted and apparently not whole-minded. His comment on the consummation of the re-

³⁴Nebraska City *News* April 10, 1867.

³⁵March 1, 1867. But after the removal of the capital through the agency of Nebraska City, Omaha coveted the state university. The *Herald* of December 16, 1868, argues that "Capitol Square" of that town should be used with the building for the university and proper legislation should be enacted. The three conveyances to the territory—by the

removal scheme epitomizes and enlightens the whole subject from his point of view:

"Yesterday was a day of great excitement and no little rejoicing in Nebraska City over the location of all the state buildings upon state lands at a point not definitely known, called Lincoln City, to the westward of this place, possibly on Salt Creek. As a political movement by the dominant radical party of the state we regard it with a feeling of exultation, and for once have no tears to shed over a radical triumph. The Otoe delegation supported the bill because it was the best they could get for what they considered the vital local interests, which as representatives of the foremost county of the state, they have in their charge and under their protection, and they are endorsed by the entire constituency as having discharged their duties with candor and fidelity. The removal of the capital and the location of all the public buildings of Nebraska was long since determined upon by the dominant party of the state, and right at this point of disagreement among radicals the copperheadical delegation of the democratic county of glorious old Otoe became the fortunate holders of the balance of power and stepping into the breach said: 'Locate here, within these bounds, so as to be of benefit to our constituents particularly, and the people generally and we will help you, but if you refuse, we will burst your entire programme.'

"Otoe triumphed, and Otoe democracy, though it did not originate the movement, did control its ultimate determination after the radicals had it under way and got to fighting among themselves about town lots and plunder. The commissioners to locate the public buildings are Gov. Butler, Sec. Cannard and Auditor Gillespie, all of them gentlemen of intensely 'lawyal' antecedents, and remarkably experienced in town-building, the Governor having established Pawnee City and the Secretary of State having been an original proprietor of De Soto, while the Auditor drew a house and lot in Omaha, at a recent gift enterprise.

"The name of the capital city is Lincoln, and while this 'rose would smell as sweet by any other name,' we heartily endorse it as purely 'lawyal' and we have no doubt that the shade

Council Bluffs & Nebraska Ferry Company and two mayors—were made, "with the reasonable expectation that the capitol building and grounds, when no longer used for the purpose for which it was given, would become the seat of the state university."

This hope was not literally realized, but the high school which now occupies those grounds and the greatly enlarged building is equal to the conception of a university in those days.

o: the 'lamented' will smile benignly upon the entire building of the city. A wicked and thoughtless person at our elbow suggests that 'Martyr,' or 'Martyrsburg' would have been equally appropriate. It is useless to remark that the loyalty of any man who would talk so, may well be doubted; he evidently never had a government contract.

"It would be ungrateful did we not here publicly thank the able editor of the *Omaha Republican* for his great influence and untiring efforts in assisting the measure to its final consummation. Balcombe, you are a brick, we see it in your eye, in your head, in your hat.

"The *Herald* of Omaha is entitled to no thanks. The course pursued by that journal has been one of too much selfreliance to merit any reward. Reading the *Herald* only, one might think that Omaha and the legislature were like Daniel and the lions in the den, when described by a profane exhibitor of scriptural pictures, thusly: 'Here is Daniel who don't care, as you see, a d—n for the lions, and there are the lions who don't equally care a d—n for Daniel.'

"The *Herald* evidently has an idea that Omaha is based upon some other foundation than Capital Hill and believes in a future for it filled with manufacture, commerce, and flush prosperity, and very likely the *Herald* is right.

"Last evening Nebraska City was illuminated in honor of the event. Speeches were made from the Seymour House portico, and much good feeling was manifested. Hon. C. W. Seymour made quite a lengthy speech. He declared that a member of the legislature from Richardson county by the name of Hoile had sold himself and vote for \$500. As Hoile is founded upon a 'great moral idea' and represents the 'interests of God and humanity,' we have no reason to doubt Mr. Seymour's statement. Upon motion of Wm. McClennan, the entire legislature of Nebraska will be formally invited to Nebraska City to indulge in a banquet. Whiskey has risen five cents on the drink in view of the onslaught.

"The commissioners to locate the public

**Nebraska City News*, June 14, 1867.

**The *Omaha Republican*, June 7, 1867. "Please spread out your map, Mr. Commissioner. What is the price of that inside lot at the juncture of the Bayou with Salt creek? (The word 'inside' has no reference to rings.) Only seven thousand dollars, eh? Dog cheap; I don't see how you can afford it at that. Just as I supposed; you wouldn't sacrifice the property to anybody else in that way. It is on account of my influence. So we go. This, we would say to the honest taxpayers of the state, is

buildings are the very men to treat now and the most proper men to banquet. But it would, in our opinion, do no good. Butler, Kennard and Gillespie will certainly locate the buildings and found the city of Lincoln in Saunders, Butler, or Seward county. Their lands and their town lots and pecuniary interests will weigh more with them than banquets or arguments." 26

On the 24th of June the *News* explains that the votes of Otoe county members "were given to put the state buildings south of the Platte river and westward from the Missouri river, not because they loved Omaha less, but Nebraska City more." The *Omaha Republican* led the opposition to removal with great energy and ability, but the extravagance and bitterness of its attacks impaired their effectiveness. After the bill was introduced this journal became frantic in its denunciation of the banishment of the seat of government to a locality "275 miles from the northern settlements and one-third of that distance to the southern!" The perpetrators of this outrage were "legislative cormorants," irrespective of their party affiliations. The scheme of establishing a capital in the wilderness by mere legislative fiat was hare-brained and foolhardy. "It would do honor to the most extravagant notions of Fourierism or free love which have been developed by this age. The tough stories of Baron Munchausen and of the wonderful fortunes of the hero who always arrived at Bagdad, are no longer a tax upon our credulity. A great city, a 'capital city' is to be resolved into a huge and perfect existence with thronged streets and solid blocks, by the Nebraska legislature, at an extra session! What could not be done at a regular session?" 27

The making of a metropolis at Omaha by

only the beginning of the end. After a miserable failure, the part second of the enterprise will be the presentation to the honorable body of huge unliquidated claims. It is a good thing that the bill provides that this capital city shall be the permanent seat of government. That makes the thing perfectly safe. While the author is in that line we would suggest that he resolve that no further Indian depredations shall be committed upon the plains. Let every pilgrim carry a certified copy of the resolution in his pocket, and no red man would have the temerity to raise his hair. Of course not."

sheer manipulation of railways in spite of the superior natural advantages of other sites for both town and railways, though a striking objective illustration of the new fact that in town building, though God proposes, man finally disposes, did not restrain the partisans of Omaha from undertaking to laugh down the capital scheme as absurdly impracticable. A schedule of the departure of coaches from Plattsmouth to "Lincoln City" was the occasion of a burst of sarcasm which, contemplated in literal view of actual accomplishment, turns the fanciful ridicule into truest prophecy:

"On arriving at Lincoln City passengers will find the Lincoln House, a hotel of the most ample dimensions and luxurious accommodations, commanding a fine view of the new state house crowning the adjacent elevation, the state University embowered in the magnificent grove of umbrageous trees hard by with the experimental farm in its rear, the massive penitentiary heaving up its solid walls in another point of the horizon, and the Insane Asylum (mostly occupied by members of the legislature of 1867) bounding the view on another side of the beautiful natural panorama, while the weary traveler will be lulled to sleep upon his downy couch by the incessant barkings of the numerous denizens of the adjacent prairie dog town. The next morning the passengers can take the coaches for Plattsmouth or anywhere else only so they get out of Lincoln City."³⁸

This contemporary condemnation shows how audaciously the capital was founded upon a fiat. It had no real advantage; "no river, no railroad, no steam wagon, nothing."³⁹ The hopes of its projectors lay in the unsubstantial stuff that dreams are made of. It was projected "on the site of a little village which though two years old contains less than forty inhabitants." Isolation will mark its future and oblivion is its fate. "Lincoln is too far south to be reached by the B. & M. R. R., and it must remain isolated from every other por-

³⁸Omaha *Republican*, July 10, 1867. Though according to the *Senate Journal* the word "City" was kept out of Senator Patrick's amendment changing the name of the capital to Lincoln, yet, such was the fondness in those times for the generic name, that in the publication of the removal act the name Lincoln City was used and for a long time the newspapers clung to the pseudonym. The realism of

tion of the state (except through ordinary wagon roads) for many years to come. . . Nobody will ever go to Lincoln who does not go to the legislature, the lunatic asylum, the penitentiary, or some of the state institutions. There are no roads leading to it now. It has no commerce, and there is scarcely a wagon load of produce raised annually within ten, perhaps twenty miles of its proposed site."⁴⁰

The metropolitan press, as prone to long-distance oracular opinion and as apt to be wrong in it as now, ridiculed the whole scheme out of consideration. The Chicago *Republican* was quite sure that it would "break down under its own weight of folly—not to use a harsher term. There would have been some decency in making Plattsmouth, Nebraska City, or Columbus the state capital, if Omaha could not be retained, but to locate it in a wild country, remote from any present or probable lines of travel, has not [*sic*] only the merit that either the commissioners are insane or have concluded to bring the whole 'south Platte' movement into contempt."

Alas for the editorial Sir Oracle! Within three years the main line of the Burlington and Missouri railroad had reached the fiat city and endorsed its future, and in less than twenty years it became a notable railroad center. The fiat of the modern town-builder naturally seconded that of the legislature. The Omaha *Herald*, probably animated more by a shrewd determination to make the best of an inevitable catastrophe than by a firm belief in its own professions, allowed the belligerent Balcombe, of the *Republican*, to do the defensive fighting, itself the while assuming an attitude of dignified indifference. Omaha was too far developed in commercial metropolitanism to be impaired by the loss of so relatively trifling an adjunct of civic greatness as a mere political institution of any sort. Indeed the removal of the capital would benefit rather than

these unintended forecasts seems the more striking to their chronicler because he writes in one of the actual edifices of the real university where all the beauties and natural growth which the prophet unconsciously bespoke, too often, perhaps, challenge and divert his admiring attention.

³⁹Omaha *Republican*, June 7, 1867.

⁴⁰*Ibid.*, July 17 and August 7, 1867.

injure Omaha, in that it would open up and develop a new section of the state of whose trade the commercial metropolis would naturally and certainly become the beneficiary.

The *Herald* complacently expressed its resignation to the inevitable in a long rather sermonized article, in part as follows:

"This new town, the fruit of local and sectional hostility, which was bred in the camps of radicalism, and of a desire on the part of the David Butlers and Tom Kennards of glorious De Soto and Pawnee memory, to legislate away the people's lands for their personal benefit, has never given Omaha occasion for the slightest uneasiness. We opposed the bill to locate the public buildings, upon public grounds, and denounced the legislature which received its chief animus from the spirit of sectional envy as wrong in itself; but we took pride in protesting against opposition to the removal of the capital from Omaha on account of any injury the change could visit upon this young city. The bellowing of the *Republican* and its high-toned moral lectures to its kindred radical rascals in the legislature were but the expression of the disgust of its proprietor at being ruled out of the lion's share of the plunder. . . Capitals long since ceased to agitate our people. As important subjects of local concern to Omaha, they have forever had their day. . . Right and justice, subjects so foreign to radical consideration, would undoubtedly have re-located the capital, at least, at Columbus, the university at Nebraska City, and so forth."⁴¹

The *Herald* then goes on to derive comfort from a profession of faith that the location of all public buildings only thirty-two miles distant from a station on the Union Pacific railroad, even if it were final, would be a benefit to Omaha. "A small stream of water [Salt creek] thirty miles distant, even when fortified by sectional envy and prejudice, can afford no obstacle to our free access to the rich regions of the south Platte, when commercial considerations require it." While it is true that removal was accomplished under the leadership of the dominant republican party, yet the pertinent remarks of the *Nebraska Advertiser* dull the edge of the *Herald's* taunt: "In either event, the failure or the success of

the capital scheme, the copperhead center or party will get the benefit of it. If it succeeds it benefits Otoe county's three-fourths copperhead majority; if it fails it aids that of the whole state."

Patrick made a strong speech in the senate against the proposed location, but disclaimed opposition to removal from Omaha—in a general way. She was above need of the capital. "Infamous as were the operations of the forty thieves of Wisconsin, they sink into insignificance when placed by the side of the enormous swindle which it is vainly attempted to hide under this bag." While this confident prophecy of the growth and development of Omaha into an important commercial city has been vindicated, yet the contemporary growth of such capitals as Indianapolis, Des Moines, Minneapolis, and Lincoln, indicates that the presence of the seat of government does not, as a rule, or in the long run, injure the capital town; and that, on the other hand, while Omaha has done well without the capital it would have done much better with it.

The *Nebraska Advertiser*, still the principal republican organ of the South Platte, moved either by fear (of injury to the party) or conscientious scruples which may not always be differentiated, joined the *Republican* in opposition to removal, and its arguments, having the appearance of disinterestedness by virtue of its location, and being more sober and restrained than the *Republican's*, carried great weight. It was urged that the people had not been heard in the matter, and while the action of Omaha at the last session of the territorial legislature, in the apportionment scheme, was disgraceful and had outraged public feeling, yet this was no excuse for the reckless legislation which was pushed in a spirit of revenge. The capital question was not in issue when the legislature was elected, and the location of the public buildings was not specified in the governor's call for the special session at which the removal was accomplished. "We have believed that one vague section of the call might be stretched to cover removal of the capital." Selection of the public land due the

⁴¹"Omaha *Herald*, Sept. 26, 1867.

state should have been made first, because "any action to indicate the location of the capital will induce speculators to take up every foot of vacant land for miles around." The capital ought not to be located on saline lands because they were for the development of salt springs and works.⁴²

It is not likely that the citizens of Nebraska City, who were the chief and enthusiastic abettors of the new capital scheme, realized that through the stimulus of the fast-developing railway system, and by virtue of its political importance and proximity this rival of their own creation would soon overshadow their own ambitious city. Their vision apparently did not reach beyond the temporary advantage to the inevitable permanent injury. Morton's frequent expressions indicate this: "Whatever advantage can accrue to any river point from this location is thus secured and insured to Nebraska City, whence all merchandise, lumber, and other supplies must necessarily be transported. Now is the time to endorse the location of the capital city. Now is the time when every citizen of Otoe county may boast over that location . . . in the beautiful and fertile valley of Salt Creek, and not too far from the great Olathe rock quarries."⁴³ And again: "Ten car loads of lumber for Lincoln arrived in our city yesterday"⁴⁴—an il-

⁴²*Nebraska Advertiser*, June 6, 1867. The governor's call treats the subject in these foxy words: "The location of state public buildings and making such provisions for the erection, repair or completion of the same as may be deemed necessary." The same journal stoutly insisted that in the state canvass the removal was never mentioned except to deny it. "Governor Butler denied it all over the state. So did several others who participated in the canvass." The *Omaha Republican* (June 19, 1867) alleged that "before the opening of this session of the legislature, Gov. Butler stated to Mr. Frost, Mr. Chase, Mr. Sahler, Mr. Worthington, ourself and others that he deemed the removal of the capital, or the agitation of the same at this time premature, inopportune, injurious and fruitless, and that all that the people south of the Platte desired was a just apportionment, and that it was not their intention to urge this question in earnest at this time and that he would stand in the way of its being done by vetoing all such measures if they passed." It is not unlikely that this man of overpowering impulses even then apprehended the resistless force of the temptation to engage in a fascinating and profitable speculation which the capital scheme would bring to bear upon him—and, as the event proved, to his undoing.

lustration of the material, but ephemeral profit which Nebraska City realized, in addition to sweet revenge, by wrenching the capital away from her ancient foe and landing it south of the Platte. In less than ten years—if not earlier—Mr. Morton perceived and publicly acknowledged Nebraska City's mistake: ". . . It is discovered that to build up Otoe county and Nebraska City merely involves the tearing down, politically, of the county of Douglas and the city of Omaha. To this end the capital of the newly-formed state was removed to a point called Lincoln. And the profitableness, commercially or otherwise, to this people arising from that action, remains up to this day shrouded in profound obscurity."⁴⁵

If Otoe county had not brought the capital to Salt creek at that early day, when it had the power, it is probable that it would have remained at Omaha for many years and then would have been fixed at least as far west as the Blue river, but more likely on the Platte at Columbus; and Nebraska City would have been the leading town of the South Platte for a very long time, perhaps permanently, a town withal of much more than local importance.

Thirteen years after the organization of the territory and in the year that a great railroad had completed its progress through the length of the state, it was believed with confidence

The *Advertiser* (June 13) urged further that, "if the capitol is thus located though it be 'declared to be the permanent seat of government' the result will be to get the 'capitol on wheels,' as the probabilities are that it will be located within fifty miles of the river and nearly that much nearer to the southern boundary than the northern, and the state's selections [of lands] will have to be made a great deal farther west. . . . We have a capitol, while speculators are taking up land at the rate of thousands of acres daily. The one is fixed, the other is passing from our grasp. These state lands are, 12,800 acres for public buildings, 32,000 acres for penitentiary, 46,000 (72 sections) for university, 90,000 acres for agricultural college, and 500,000 for internal improvements."

This land, it was contended, should be selected contiguously and centrally, "after which a removal of the capitol near its center would give all the benefits now derived and would increase in value every foot of our state land."

⁴³ *Nebraska City News*, July 29, 1867.

⁴⁴ *Ibid.*, Dec. 4, 1867.

⁴⁵ Centennial Fourth of July address, the *Daily Nebraska Press*, July 5, 1876.

and asserted with plausibility that population would be confined mainly to the eastern end. This was at least a convenient and comfortable faith for the fiat capital promoters, and it was embraced with much the same motive and quality of discernment as impels the religious pioneer to fly to the atonement from the alternative pains of the orthodox hell. For on the spiritual and intellectual, as well as on the physical, frontier personal safety and material immunity are the first care. Courage and inclination to acknowledge and face truth, much more to lead out in quest of it, come only with the settled security and order of the social base. "It [Lincoln] is not the geographical center of the state and from the peculiar circumstances at present existing it is well that it is not. It would be too handy to the Cheyennes and Sioux, but it is probably as near to the center of the population of the state, present and prospective, as it is possible to approximate." 46

**Nebraska Commonwealth*, No. 1, Sept. 7, 1867.

**Nebraska Advertiser*, Aug. 1, 1867.

**Omaha Republican*, August 7, 1867. The *Republican*, June 26, 1867, gives an account of a public meeting held at the school house at Fort Calhoun, June 22, of which J. P. Andrew was chairman and N. Clark secretary. Elam Clark, George Stevens, and Alexander Reed presented the following resolutions:

"RESOLVED, That the acts and votes of our senator, J. T. Davis, and D. C. Slader and J. A. Unthank, members of the house of representatives, relating to the location of the capital and state buildings, is a violation of the well known will and interests of their constituents and a damaging blow to the prosperity of our young state.

"RESOLVED, That the scheme of organizing the Northern Nebraska Air Line Railroad, embracing as it does for incorporators the names of said senators and representatives together with the only lobbyists from this county, viz., T. P. Kennard, and J. S. Bowen, and having for its object the absorption of a large amount of the state lands, presents a system of speculation and fraud upon the people's rights unequalled by that of the 'forty thieves of Wisconsin.'

"RESOLVED, That our members be requested to use their influence for an adjournment of the present legislature at as early a day as practicable, fearing as we do more evil from such an assembly than good."

The *Republican* says that about 150 people were present and that only six voted against the resolutions. Additional resolutions were passed demanding the assignment of the incorporation of the Air Line company to Washington county (the preamble having said that it had been stated on good authority that the incorporators were willing to do so).

According to the same authority similar resolutions were passed at Cuming City.

The self-constituted anti-removal mouth-piece was not behind present day journalism in its presumptuous and oracular over-wisdom, but it lacked the more modern merit of perceiving when an "issue" was dead and needed burial. In the months of midsummer madness, it agitated the question of a second removal. It quotes its South Platte ally 47 in support of the hope that the movement is even then on foot: "A removal party is already forming which is backed by the people and will show itself in the next legislative election." But the chief anti-Lincoln organ is willing to put off a little the day of vengeance: "This Lincoln bubble will burst as soon as the voters of Nebraska have an opportunity to probe it, and when our state gets rich enough and ready to erect our state buildings, the capital will be located at Columbus. Stick a pin there." 48

The *Republican's* pathetic crying over spilled milk fell into a reminiscent refrain:

"Town building during the first few years

The *Republican*, July 24, 1867, quotes the *Plattsmouth Herald* as follows: "The *Press* [presumably of Nebraska City] says that the capital was first located at Omaha by men who were elected by emigrants passing through the country. They would stop a train of wagons, open an election, appoint one of their own members county clerk, and send in their returns. They would drive on a few miles and repeat the performance. The men elected by these ballots located the territorial capital at Omaha. No wonder Omaha men think there is rascality in everything connected with the location of a state capital.

"James C. Mitchell, of Florence, 'residing at Council Bluffs,' was against Omaha on the capital question, and held the casting vote. He favored Plattsmouth but 'was made to see the case more clearly,' receiving the appointment as sole commissioner to fix the site in Omaha. In the lower house the North Platte section had fourteen members, including Smith, of Florence, a bitter enemy of Omaha, and the South Platte, twelve, including Johnson from Missouri, who claimed to represent Richardson county but went to Kansas near the close of the session and ran for the legislature there. Cass county interests had a public meeting at Glenwood after the capital had been given to Omaha, at which Thompson, nominally a member from Cass county, narrowly escaped a flagellation by his outraged constituency because he had voted for Omaha.

Discussing the capital question in the *Omaha Weekly Herald*, July 23, 1875, General Experience Estabrook said that nearly all of the twenty-seven hundred inhabitants credited to the territory by the census of 1854 came from Iowa and Missouri for the purpose of being enumerated and returned to their homes immediately afterward. "The legislature, which assembled on the Sixteenth day of January, 1855, was composed in large part of non-residents. Not less than nine of these resided with their fam-

of our territorial existence was a mania among the inhabitants of Nebraska. Men in other respects sane wandered over our prairies and along our streams in search of eligible sites; the lithographer was kept busy furnishing plats for Nebraska towns, and go where you might you were in danger of breaking your shins against the stakes of an embryo city. But about 1857 the fool-killer came and it was supposed that all these had been exterminated. Since then the streams of commerce have settled down into their legitimate channels. Towns have grown up at all points where the wants of trade or public convenience demanded, and Nebraska, 'clothed and in her right mind' was pursuing a career of prosperity unparalleled in the history of new states. . . . Half a million acres of land were put at her disposal, with which she could have essentially obliterated that prolific cause of dissension, the Platte river. But in an evil hour the affairs of state were intrusted to weak and incompetent hands. Old issues deemed settled were thrust upon us, a new brood of kites were hatched and a fresh swarm is beginning to prey upon the body politic. A new city is to be forced into existence on land which for years has been subject to entry at \$1.50 per acre without takers, and where nature never intended a town to be, by a lavish expenditure of our congressional patrimony, in building a capital there which is not demanded and can not be justified by any consideration of public interest or convenience. Three members of the legislature, a clerk of the legislature, and the secretary of state, whose whole joint estates would not grade a mile of railroad, who have subscribed their names to a piece of paper, and put the same into a pigeon hole of the secretary's office have been made the donees of seventy-five sections of public land. This much

illies in Glenwood [Iowa]. All the representatives from Cass county resided there. It is a curious fact that after the close of the first session an indignation meeting was held at Glenwood to call these representatives to account for misrepresenting their constituents on the capital question, which they wanted to have located at Plattsmouth."

In the debate of the question of the location of the capital in the constitutional convention of 1871, Mr. Hascall said that the members of the legislature from Cass county held a caucus pending the consideration of the bill for removal to Lincoln which Maxwell attended, and they decided that they would rather have it at Lincoln than Ashland; but Kirkpatrick asserted in reply that Maxwell and the people of Plattsmouth preferred to have the capital go to Ashland rather than to Lincoln. Hascall audaciously asserted that Omaha not only did not want the capital when it was removed from Lincoln but

is already accomplished. Other measures of a kindred character and with kindred designs were contemplated, which if time did not fail, would have resulted in placing the 500,000 acres given us for internal improvements into the hands of irresponsible, self-created corporations."

The anti-removal organ seems to have become quite obsessed by long brooding over this removal trouble, and it now hysterically insists that the capital speculators intend to cut off the north part of the state and add it to Dakota and the west part is to be annexed to Colorado, to insure the ascendancy of the South Platte section.

The *Advertiser* concedes that the commissioners had doubtless done the best they could in the choice of a location, within the prescribed bounds, but ventured the prophecy that Otoe county would lose more from removal than it would gain, because the projected Atchison & Nebraska railroad would naturally diverge westward as soon as it reached the Big Nemaha. Cass county, it was thought, would be neither gainer nor loser through the new capital.

The *Advertiser's* insistence that it "represents the unanimous voice of this section" in opposing the capital scheme and will labor for the removal of the imaginary edifice on Salt creek, is either a palpable piece of inconsistency or else an implication that the solid support of the removal project by the South Platte members, including those from its own county, misrepresented their constitu-

preferred to lose it because it was a constant source of injurious agitation. Estabrook said that fourteen individuals professed to represent Plattsmouth in the first territorial legislature, all of whom lived at Glenwood (Iowa) with their families, and their instructions were to go in for removing the capital to Plattsmouth, which then consisted of one little log cabin. But some of them came under the influence that prevailed at Omaha and violated their pledges, and at the close of the session an indignation meeting was held at Glenwood to call their representatives to account for misrepresenting them in the Nebraska legislature. He said that Nebraska City always exhibited hostility toward Omaha because it was too near the southern line, and believed Omaha without the capital would be less successful and by its removal to Lincoln, Nebraska City would be more successful. [*Nebraska Constitutional Conventions*, Vol. II, pp. 406, 408, and 414.]

ency and was gained by corrupt influences.⁴⁹ The zeal of the *Advertiser* against a movement of its own South Platte section is a reminder of its like inconsistent attitude, in several instances, in the territorial period — notably in the attempt to remove the capital in 1857 — and raises the suspicion that this zeal was animated by illegitimate motives as in the earlier cases. The suspicion is increased by this recklessly sweeping statement: "We know we represent the unanimous voice of this section in opposing this scheme, and the reckless disposal of public lands, and we believe the majority in Nemaha county is with us in this sentiment."⁵⁰

In support of the contention that the capital scheme was "a Nebraska City affair, out and out," it was shown that all of the sureties on the several bonds of the capital commissioners were residents of Nebraska City, excepting Levi Kennard, of De Soto, brother of the secretary of state. The relocation act provided that the commissioners should file the required bonds in the office of the state treasurer before entering on their duties, but instead, on the 22d of June, 1867, they were filed in the office of the secretary of state, who was one of the commissioners. It was insisted by the more rabid anti-removalists that the subsequent acts

"Nebraska Advertiser, June 27, 1867. June 20, the Advertiser declared that the rottenness of passion exhibited by the legislature over Omaha's bad behaviour last winter in the apportionment matter "is more than the salt of Lancaster county can ever save. They have thrown to speculators all the benefits that might have accrued from first locating as state lands the vacant lands," in the counties named, "and then removed the capitol . . . The manner of building the buildings simply makes Nebraska—through its state officers—a town speculating company."

The *Advertiser* goes on to predict that Cass county and Otoe, "with its two-thirds copperhead majority," will certainly sustain the movement, yet Otoe "will be the first to make political capital by condemning the radical paws that raked out their nicely roasted peanuts. To Nemaha and Richardson counties it [the new capital] can be of no earthly benefit it being so near the river, to Pawnee and Johnson it is a positive detriment by drawing emigration north of them, and to our western frontier it will be a drawback as it will build up an eastern opposition to their progress."

By July 4, the *Advertiser* has grown sarcastic at the expense of the copperhead city of Nebraska City which had "opened wide its arms and sucked into its loving bosom that same Governor Butler" who had once been hooted off the stump to make room for the

of the commissioners in locating the capital were invalidated by this disregard of the law. In August, after the relocation was formally accomplished, a package, which Secretary Kennard said contained the bonds, was offered to Treasurer Kountze, but he refused to receive it on the ground that the proper time for filing the bonds had gone by.⁵¹ The bonds were endorsed by the secretary of state as having been filed in his office on the 22d of June, and since the removal act prescribed that the commissioners should qualify by furnishing bonds and subscribing a proper oath within ten days after its passage, the failure to file the qualifying papers in the proper office was plausible reason for the contention that the acts of the pretended commissioners were wholly void.

The removalists, on the other hand, contended that the commissioners had qualified, within the purview of the act, when the judge of the supreme court approved their bonds, and that the time of filing them was not of material importance. The question of legitimacy was not pressed to a judicial decision, and had no practical results. It is not unlikely that the commissioners preferred to run the risk of irregularity and keeping their passports to legitimacy in their own hands rather than to be regular at the risk of placing them in the

friend of Vallandigham, and the 'lawyal' legislature "and marched 'em to the banquet and feasted and toasted and stroked 'em, and the poor cat, with its burnt paw, purred and reared its back and was rubbed again and again . . . How proper to obliterate all local feeling by giving 48 thousand acres of it [the public land grant] to the Washington county delegation to help across the Platte with the capitol."

J. Sterling Morton was "the friend of Vallandigham" referred to, and he spelled the word loyal as quoted above because to him it was a detestable republican cant phrase.

July 18, the *Advertiser* says: "Nebraska City was the foremost competitor against Omaha for the first location of the capitol, and thrown then, like an ill tempered wrestler has held a grudge against Omaha ever since." August 1st, the *Advertiser* declares that a removal party is already forming in the state, backed by the people, and will show itself in the next legislative election; and that Otoe county will lose more than she will gain, for the Atchison & Nebraska City R. R. will eventually diverge westward as soon as it reaches the Big Nemaha — (to strike Lincoln).

This prediction came true.

⁴⁹Quoted in *Omaha Republican*, July 3, 1867.

⁵¹*Omaha Republican*, August 14, 1867.

hands of the hostile treasurer. Answering the rather silly explanation of the *Plattsmouth Herald* that the bonds were sent by the judge who approved them to the secretary instead of the treasurer, and that in the secretary's absence a clerk put them in the safe, the *Republican* aptly asked, why, on the secretary's return, they were not put in their right place, stating that they were endorsed by the secretary himself, and that he formally filed them with himself.⁵²

Though present interest in the question why this particular locality was chosen for the capital is based upon little else than curiosity, yet it is a natural and therefore a legitimate curiosity. Contemporary explanation, or vindication rather, was overworked:

"The instinct of capital seldom errs. . . For years the popular mind had settled that the capital of Nebraska would eventually be located in this vicinity. And why? Because nobody had ever laid out in his mind or on paper, an important line of railroad south of the Platte river that did not pass through by the salt basin, . . . because it is the center of the finest wheat growing country in America, because it has a most beautiful situation for a city, because it will be the great salt emporium of the west Missouri, and because it is the centre of the present and prospective population of the young state."⁵³

Furthermore, "As a prospective railroad center the attention of a railroad had been attracted to the salt basin, long before the removal of the capital was in contemplation. The Nemahas and Salt creek running south to the Missouri and north to the Platte, their branches almost commingling near this point, afford every facility for uniting the U. P. R. R. of the Platte with the interior of a rich wheat growing country, and with St. Louis to the southeast, and also with the Smoky Hill route, at Ft. Riley to the southwest. . . The development of the saline resources of the Basin would of itself, were there no other inducements, inevitably attract the iron arms of commerce to Lancaster county, and with no other

aid, a town of great commercial importance is bound to be located on Salt creek."⁵⁴

These facile findings and forecasts were illusive as to the most important particulars — salt and the center of population. But principalities and powers, saintships and systems have been predicated or formed upon illusions. It suffices that the salt illusion brought the capital to the basin, just as it came near bringing it there in 1856 and still nearer in 1857;⁵⁵ and in turn the capital, plus the salt illusion, but chiefly the capital, brought the first two railroads; and these united forces — minus the eliminated salt — gave the increase. Without the capital, "a railroad" would have been "attracted to the salt basin" — and past it, along the natural Salt creek route — but not the existing convergence of railroads. It seems that the illusory superficial aspect of the salt basin was at once discerned: "A stranger, the other day, started down to the big basin to take a swim in what he imagined was a silvery lake. He returned heated, astonished and very dry."⁵⁶ This illusion might have been taken as a hint of the then hidden commercial truth.

If the capital commissioners were acquainted with the proceedings of the early territorial legislatures — and probably they were by hearsay, at least — their attention had been already directed to Lancaster county and the vicinity of the salt springs as a favorite site of a new capital city. In the removal bill of the second legislature — 1856 — the proposed capital was to be in the immediate vicinity of the salt springs and called Chester, the name by which the principal salt basin was known. It is important to revert here to the fact that J. Sterling Morton signed the report of the committee which favored the passage of this bill. In 1857 the capital narrowly escaped removal to a place to be called Douglas City, also in Lancaster county, but not near to the salt

⁵²*Omaha Republican*, August 14, 1867. The bonds were endorsed as follows: "Received and filed the 22d day of June, 1867. Thos. P. Kennard, Secy. of State." The amount of each bond was \$60,000, and the act declared that the office of a commissioner would become vacant in case he should neglect to qualify within ten days after its passage.

⁵³*Nebraska Commonwealth*, June 20, 1868.

⁵⁴*Ibid.*, Sept. 7, 1867.

⁵⁵See Vol. I, pp. 275 and 299.

⁵⁶*Nebraska Commonwealth*, Sept. 7, 1867.

springs. According to a map drawn in 1856 there were two places — or rather prospective places — of that name, one situated near the point where the Burlington railroad leaves Lancaster county and enters Cass, three miles southwest of the present town of Greenwood; and the other about two miles northwest on Salt creek, near the mouth of Camp creek. These locations on the map correspond with the statement of Governor Izard in his veto of the bill: "All agree, however, that there are two towns in Lancaster county, by the name of Douglas, already made upon paper. To which of these it is the intention of the legislature to remove the seat of government I am left wholly to conjecture. It might so happen and from my knowledge of the speculative genius of a certain class of our citizens, I think it highly probable that should the bill under consideration become a law each of these rival towns would set up a claim to the capital, which it might require long and tedious litigation to settle; leaving the people of the territory in the mean time without a seat of government."

A bill to remove the seat of government to the same neighborhood precipitated the riot in the next (fourth) legislature. The *Nebraska Advertiser*⁵⁷ took the story of this attempted removal, as told by the *Nebraska City Press*, as a text for its weekly anti-removal sermon:

"The next attempt (after that of 1857) was by Otoe county, several of whose capitalists laid out a town called Louisville in Lancaster county and called for the removal of the capital to that place. All the appliances of sculduggery were brought into play to aid in this scheme; every member who could be induced to accept them was stuffed with these shares; Nebraska City was at Omaha armed and ready to protect the removal faction; Omaha stood by the anti-removalites; two legislatures were in session for a time. In this emergency Nemaha stood as her people stand now, opposed to its removal until a more complete development of internal improvements should indicate a permanent location. Nebraska City sent

⁵⁷July 18, 1867.

⁵⁸See Vol. I, p. 322 *et seq.* According to recollection of Mr. J. A. Hawthorne, of Fremont, the site of Neapolis was on section 29, twp. 17, range 8 east; and for beauty it rivals that of Bellevue.

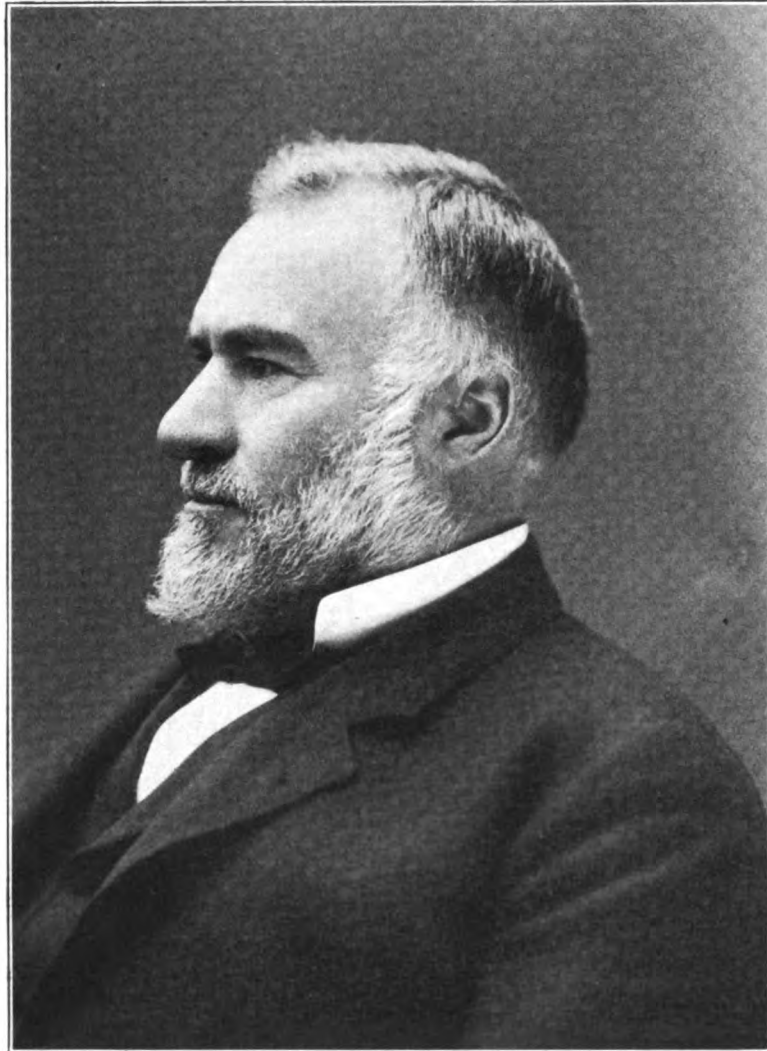
down her best speakers to urge our people to instruct our delegates to go for a removal, who succeeded so well that they left very suddenly, and the action of our delegation was endorsed.

"This last effort, we admit, outside cat's paws did the dirty work for Nebraska City, and Nemaha acted as accoucher for the abortion."

But this statement of the *Advertiser* as to what the people of Nemaha thought is wholly inconsistent with what their representatives did; for, headed by Robert W. Furnas, they deserted the capital at Omaha to hold the remainder of the session at Florence, because the Omaha lobby and members violently opposed this removal bill; and the Florence faction passed a bill to remove the capital to a place to be called Neapolis, situated on the south bank of the Platte river about three miles west of Fremont.⁵⁸

There are extant certificates of shares in Salt City and Bedford, issued in 1856, which show that the salt basin lent the contiguous land a speculative value for town sites. Salt City was to be situated on the western border of the basin, the site comprising 640 acres. According to a prospectus contained in the certificates of shares, Bedford had hopes of becoming the county seat: "It is situated near the center of Lancaster county, contains 640 acres, or 2,200 lots, 200 of which are to be given to the county in case the county-seat is there, besides public grounds for court house, churches, and parks. The timber on Stephen's Creek and Salt Creek lies convenient to Bedford; and the noted Salt Spring in Lancaster county is a sure evidence that it will at no distant day be the wealthiest county in the territory." The stock of each of these town sites was divided into 200 shares, and to Daniel H. Wheeler, the prominent Cass county pioneer, they seemed to have more than a paper value. He paid in gold \$150 for a single share of Salt City and \$100 for a share of Bedford, its rival.

The suggestion or contention, often heard in recent years, that the confluence of several minor creeks was a strong secondary reason



Andrew J. Hanson

See biography, page 292, Vol. I

for placing the capital in the salt basin, in the expectation that the easy grades they offered would be a drawing invitation to converging railroads, must be regarded as an apologetic afterthought. The first two and vitalizing lines and two other distinct lines — the Chicago & Northwestern and the Rock Island — entered by the salt valley; the two principal western lines of the Burlington system climb arduous grades to get out, and only two of the four creek-beds in question are used to any appreciable extent. Engineers of the converging systems assert that in comparison with Milford or Seward, for example, Lincoln is unfavorably situated in this respect, and that to avoid the heavy grades the through freight traffic of the main lines of the Burlington should be diverted to a new track along the Blue river. The "especial advantage" urged by the commissioners for the site of their choosing was that it lay approximately in the center of a circle with a diameter of 110 miles whose circumference intersected or passed near Omaha, Fremont, Columbus, Pawnee City, the Kansas-Nebraska line, Nebraska City, and Plattsmouth.

From a comprehensive point of view, thus to confine the available tributary territory of the chief city of this great state to this pent-up Utica, seems a serious lack of reach in judgment and an absurd lack of reach in imagination. For those primary and potent promoters of latter day American states — the railways — were already at work. A great trunk line traversed the entire length of the state and four others rapidly approached its eastern border, not only bringing immigrants with them, but providing the markets which were both essential to the possible, and assured the profitable, occupancy of the country. But the coterie of capital speculators were confronted with a condition so practical and specific that it left no play for theory. Their capital for promoting this unique and hazardous, if not hare-brained capital enterprise was only a gift of raw prairie, as yet scarcely touched by the increment of labor which alone could give it value. The basis of its slight

worth was wholly prospective, and this prospect was so dim and distant that its investiture with the name and promise of the capital city lent slight enhancement. In brief, the removal scheme was premature and selfish, having regard to the immediate interests of the state at large and to the capital city itself. But the ultimate fact of a remarkably comprehensive capital, developed in spite of original obstacles, has logically settled the capital question.

But this discussion, like its subject, is chiefly speculative. A more practical question, and one which entails deep and lasting regret, was the blunder in the immediate location of the town. It would be difficult to find an ineligible site for a city on the rolling plains of Nebraska or one not fairly accessible to railways; so that regret is rather relative than positive. Granting the wisdom, or even the necessity, of settling the capital in the vicinity of the salt basin, the egregious blunder lay in settling it in the basin instead of near it. The three desiderata were, favorable ingress for railroads, good water, and beautiful sightliness — all but the first involving healthfulness, and even the last an important business advantage. Yankee Hill, which was an eager competitor; the commanding elevations sloping southward to the penitentiary; or those sloping northward to the Antelope valley and toward which the city is eagerly reaching in its instinctive effort to get as far as possible from the appreciable depression of the original site; the beautiful slopes including and eastward of University Place; or even the rougher contour but matchless views of the heights to the north of the Salt — all of this boundless contiguity supplied fully the requisites here noted and the choice of either would have seemed a city set on a hill; "the chiefest among ten thousand . . . comely as the tents of Kedar, as the curtains of Solomon." Of all the beautiful landscapes of the plains which are celebrated in song and story, none is more enchanting than either of these rejected sites. These alluring and enduring beauties invited in vain the fatuous folly of the commissioners

who flew to the alternative grosser charms of the salt marsh ogress and yielded the fair young form of the capital to her very embrace. Contemplating this might-have-been the sentiment of every resident of Lincoln and, in lesser degree, of the whole state, who is possessed of an appreciative sensibility, must be akin to that of Elizabeth — according to a probably apocryphal story — when she discovered that she had signed the death warrant of Essex under misapprehension. She had given her wayward favorite a ring, assuring him that in whatever trouble he might fall, if he would return it to her as a mark of his desire for her favor, she would lend a favorable ear to his apology. After his trial and condemnation for treason, Essex entrusted the ring to the countess of Nottingham to deliver to Elizabeth; but her husband, who was an enemy of Essex, prevailed upon her to keep the ring. Afterwards, as Hume relates, “the countess, falling into sickness, and affected with the near approach of death, was seized with remorse for her conduct; and having obtained a visit from the queen, she craved her pardon and revealed to her the fatal secret. The queen, astonished with this incident, burst into a furious passion: she shook the dying countess in her bed; and crying to her, ‘that God might pardon her, but she never could,’ she broke from her, and thenceforth resigned herself over to the deepest and most incurable melancholy.”⁸⁹

The removal project was unique only in its successful bravado. It was not marked by the merit of originality; for it was substantially a replica of the Iowa removal scheme of 1847. By authority of an act of the first legislature of that state the capital was located by three commissioners at a place named by them Monroe City, in Jasper county. But the Hawkeye conscience, or judgment, was sounder than that of Nebraska, and the enterprising speculation of the commissioners in the new capital city lots caused or stimulated a reaction, by force of which the next legislature squelched the whole scheme and ordered that the purchase

price of lots with six per cent interest should be refunded to buyers. The commissioners, however, were punitively excluded from the restoration and were left holding a very heavy bagful of lots. When the capital was removed to Des Moines in 1856 it found a state house ready, built and donated by private speculation — tintured, perhaps, with patriotism.

Though laying the foundation of the new capital was a notable, as well as a notorious, achievement, yet the more difficult task remained. The construction of a state house was the next step; and it was a condition precedent to the success of the enterprise, which in turn depended upon public belief that a considerable town could and would be built upon the fiat site. For the sole means of building a state house lay in the few hundred acres of raw prairie whose availability lay in the confidence that a capital city would occupy the site and give it the wanting value. This is probably a unique case in the annals of town-building. The site which King David chose for his capital occupied a commanding and strategic position relative to the great tribe of Judah and the other tribes, whom he sought to fuse into a national system; so that Jerusalem was a case of natural selection. Besides, there was behind this first city of David an unquestioning religious sentiment and sanction; an advantageous aspect or quality which we should with some hesitancy attribute to the chief builder of our Nebraska City of David or his coadjutors. If, in accordance with tradition, the Phœnician Dido arbitrarily founded a great capital, yet she chose a commanding commercial location and her enterprise was backed by the most energetic and powerful commercial people of the time. Madison was scarcely a hamlet when it was chosen by the legislature for the capital of Wisconsin, yet the site possessed rare natural attractions and lay in a country of known fertility and general attractiveness. Pierre and Bismarck scarcely merited the title of town when they were constituted capitals of the Dakotas, but each had an excuse for existence and a beginning by

⁸⁹Hume's *History of England*, Vol. 4, p. 341.

virtue of location on an important waterway and on a trunk line railway.

On the 29th of July, 1867, the commissioners chose "Lancaster" for the site; August 14th they made proclamation of the event, and the next day August F. Harvey and A. B. Smith began to survey the ground, which comprised 960 acres.⁶⁰

Sale of lots at public auction, which began September 18, 1867,⁶¹ was characterized by questionable expedients and irregularities. It was a common practice to bid in lots and hold them for an advance without paying for them, and the commissioners in their report made the remarkable admission that they deliberately violated the mandate of the law that the proceeds of the sales should be deposited in the state treasury, because they assumed that the treasurer might be as lawless as themselves and would refuse to give up the money for its lawful purpose—for, being a resident of Omaha, he was personally hostile to the removal scheme.

And yet to say that the removal scheme was unfortunate in the character of its promoters is to suggest, if not to admit, that the scheme itself was devious and indefensible and one in which men of high character would not have engaged and conscientious methods would have been incongruous and unsuccessful. In the circumstances, removal was premature and unwarranted and it was naturally, therefore, accomplished by mere sharp practice. Satan who

⁶⁰The original site comprised all of section 26; the southeast quarter of section 23, contiguous to section 26 on the northeast; and the west half of the west half of section 25, contiguous to 26 on the east; all in township 10 north range 6 east, and in form as shown on page 26.

The commissioners obtained title to the site from the following named parties:

Jacob Dawson and Editha his wife, east half of section 26 and west half of southwest quarter of section 25; John Giles, the southwest quarter of section 26; Luke Lavender and Mary his wife, the west half of the northwest quarter of section 25; trustees of Lancaster seminary, the southeast quarter of section 23; and the United States, by Saline land certificate, the northwest quarter of section 26.

⁶¹*House Journal*, 1869, report of commissioners, pages 345-361, and 366-370.

⁶²The *Lincoln Statesman*, quoted in the *Nebraska City News*, Sept. 21, 1868. On the 16th of September, in a public speech, Governor Butler called on

"Against the throne and monarchy of God,
Raised impious war in heaven"

was a leader of consummate acumen and altogether the most interesting figure in the Mil- tonic system, and his rebellious followers were very like him. Self-confident and ambitious, they resented imperious and perhaps despotic restraint and sought

"Our own good from ourselves
Free and to none accountable."

But

"Mammon led them on,
Mammon, the least erected spirit that fell
From heaven."

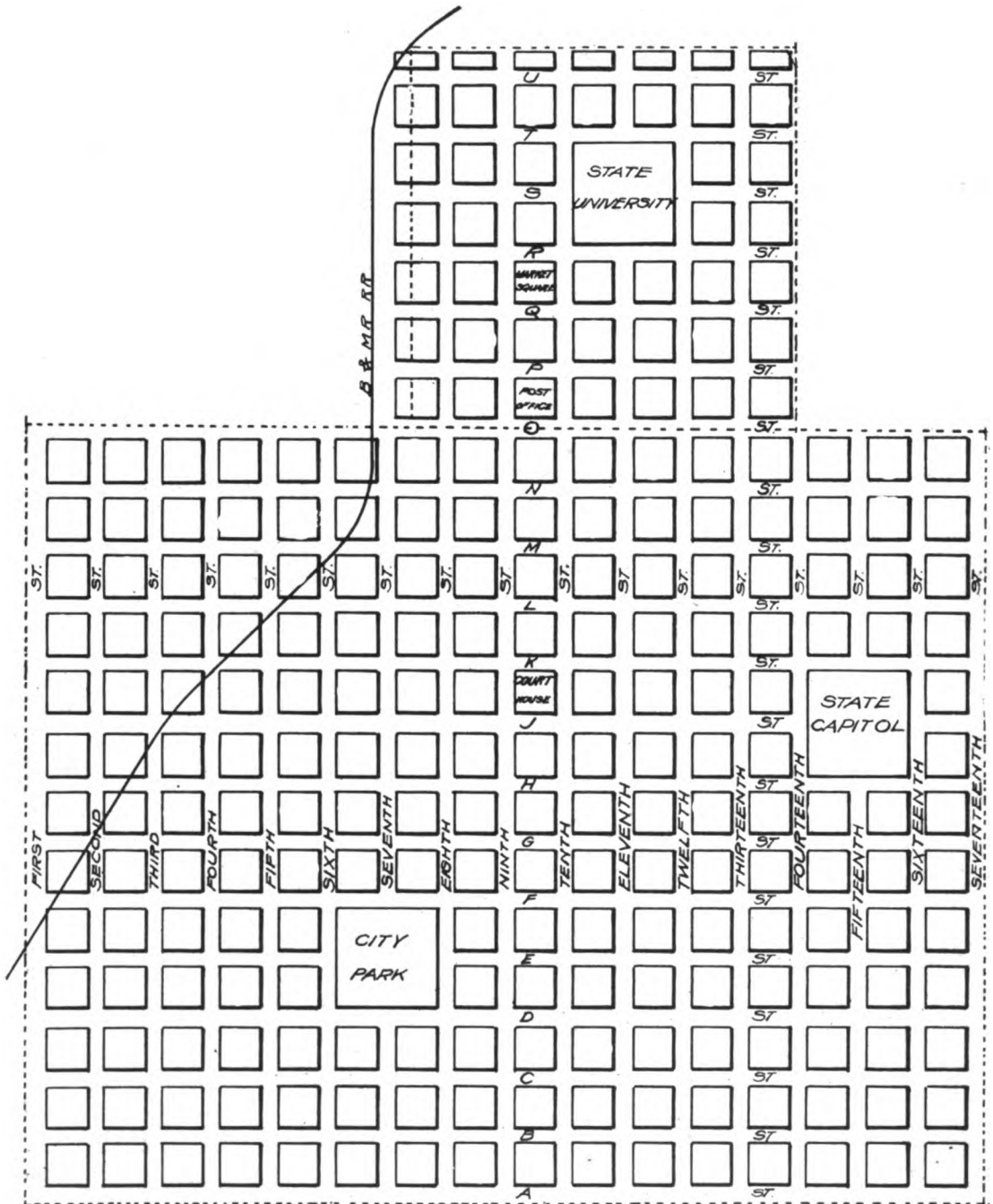
In brief, the capital enterprise was a bald, and therefore of necessity, a very bold speculative adventure, and the adventurers who invented and fostered it of necessity strained every expedient to carry it through. Begun without scruple, it must needs be continued without scruple. The exigency was aptly, if apologetically, epitomized thus:

"We may add in regard to this whole business of Lincoln lots, that if Governor Butler, John Gillespie, Tom Kennard, and James Sweet had not (when the lots were first offered, in the midst of a two days' rain, and every man in attendance looked and felt blue, gloomy, and dispirited) come up to the scratch and bid off lots at prices above the appraisements, Lincoln would have fizzled—died aborning."⁶²

But whatever the sins, omissive or commissional, of the commissioners and other

Mr. A. F. Harvey to deny the charges that he had corruptly obtained lots at the capital sales. Mr. Harvey responded by stating in the *Statesman*, of which he was editor, that he had been "surveyor and clerk to the commissioners from the beginning of the enterprise to the present," and that "the commissioners bid upon the lots marked down to them as other persons bid and paid for their purchases exactly as other persons paid for theirs." But the *News* took advantage of this evasion by alleging that Mr. Harvey had told the editor and Mr. Andrew J. Poppleton, on September 4, that he—Harvey—had not yet paid for the lots he bid off and did not expect to pay for them until he had sold them—"exactly as other buyers paid for theirs."

The *News*—September 16, 1868—quotes the statute to show that lots must be paid for in cash and that, "All moneys received by the commissioners for sale of lots shall be deposited by them in the state treasury, and said moneys shall be held by the treasurer as a state building fund, and be kept by him separate from other funds, and be separately accounted



PLAT OF THE ORIGINAL SITE OF LINCOLN, NEBRASKA

founders of Lincoln, they at least exercised great courage and enterprise. The fact that the mere arbitrary and fiat beginning has so soon developed into a prosperous and most attractive city challenges admiration for the unexcelled faith, resolution, and self-denial of its pioneer citizens. Of a surety, "thy rowers have brought thee into great waters, but thy builders have perfected thy beauty."

The faithful weekly, and in due time the daily, chronicles of the local newspapers afford a useful and interesting filling for the foregoing story of the fiat capital's beginning.

The *Commonwealth*, September 7, 1867, contains notice of the capital commissioners to architects — dated August 28 — for plans and specifications for a building to accommodate the six executive offices and the two houses of the legislature, the cost not to exceed \$40,000.

Linderman's portable, down the Creek, and Young's steam saw mill west of market square, are busy sawing lumber. A great deal is coming in from Nebraska City, also.

Forty farm-houses are in sight from the rising ground east of market square.

Ibid., November 2. The Lincoln saw mill is turning out 3,000 feet daily.

From plans for the capitol submitted Oct. 10, the commissioners adopted those of John Morris of Chicago. "The total size of the building, as designed, is 160 feet long with an average depth of 70 feet, height from ground line to top of cornice 40½ feet, height of pediment 10 feet from cornice, height of central tower walls 80 feet, surmounted by a cupola making the total height 120 feet. The central tower is 25 feet square. Projections at each of the four corners 20 feet, surmounted by square domical roofs, total height of projections 61 feet. The first story is rusticated, with square-headed windows. The second story, with semi-circular arched windows, having small

for." The public statement of Mr. Kountze, state treasurer, September 1, 1868, showed that November 30, 1867, \$148 was deposited in the treasury on account of the sales, and no more before or since. The *News* then avers that "David Butler and Tom Kennard, themselves the commissioners, deposited their money by giving notes to, and obtaining titles to lots from each other, the purchase to stand in case they could sell them at a profit, and not otherwise, the profits going into the pockets of these loyal speculators upon a violated law which they were bound on oath to execute. . . . It was in this way that large sales were made under the mock auctions

windows above them for lighting the galleries of the legislative halls. The principal entrance has a large and deep recessed arching 16 feet wide and 32 feet high. At all the principal angles are square pilasters with simply carved capitals standing upon battered pedestals. On the first floor the central portion contains a vestibule 20 by 22 feet, a central hall 22 feet square and extending up to the cupola with galleries on each floor, and the library 22 by 24 feet with librarian's room attached, 17 by 11 feet. The left or northern wing contains on the first floor five executive rooms besides the librarian's room. The right wing, running south, contains a central corridor 10 feet wide, having three rooms on each side, making twelve rooms besides the library and the halls. On the left hand of the central hall is an opening of three arches, the central arch opening into the central corridor of the left wing, the two outside arches to the stairways, which are 5 feet wide. At the top of the stairways is a lobby 17 by 10 from which is the entrance to the Senate Chamber which is 46 by 28 feet, from the same lobby by an arch-way we arrive at the lower gallery of the central hall from which are large arched doorways, on the east to the Supreme Court room with judges' room attached, on the west to the Governor's room which is over the principal entrance with the private secretary's room attached. Immediately opposite to the arched entrance to the gallery is an arched doorway entering into the Representative hall which is 46 feet square. The Representative and Senate Halls are 24 feet high to the ceilings which are domical giving an average height of 20 feet. Over the central part of the building is an additional floor reached by a double flight of stairs by which we enter the upper gallery of the central hall which opens into four additional committee rooms and to galleries around the Senate and Representative halls. At the back of the chairs of the presiding officers are handsome screens brought forward from the wall allowing free passage behind. These screens

of Butler, Kennard & Co." The refusal of the commissioners to deposit the proceeds of the sales in the state treasury, according to law, lent great force, of course, to the charges of speculation preferred by A. D. Balcombe, J. Sterling Morton, and Dr. Geo. L. Miller, editors, respectively, of the *Omaha Republican*, *Nebraska City News*, and *Omaha Herald*.

The *Omaha Daily Republican*—March 2, 1871—asserted that sale-book entries were made with lead pencils and there were many erasures. In some cases stubs were torn out of the stub books altogether, and in others the certificates remained in the books.

are handsomely ornamented with scroll trusses which form canopies over the chairs, above these screens project the reporters' galleries. The whole of the foregoing is included in the part of the building intended to be erected at present, the length of which is 120 feet by 50, with central projections in front and rear 14 and 15 feet deep respectively . . . When the necessities of the state shall demand it, the plans will be completed by the erection of wings upon the north and south ends, of which the corner towers will form a portion."

"We understand it has been wisely determined by our State House commissioners to have the new State House entirely faced with the beautiful limestone of our neighborhood, although this will involve some additional cost, the gross expenditure will be within the appropriation. We believe that this improvement to the appearance and durability of the fabric was adopted on the recommendation of the Superintendent, who, it is said, considered the sandstone rather unsuitable to the style of the design, and the quarries not sufficiently indicative of a material in every respect adapted to sustain great weight, although excellent for general purposes."

January 18, 1868. Jacob Dawson (then postmaster) states that he and several others donated the town site to the state. The commissioners then had \$60,000 on hand for building the capitol, proceeds of the sale of lots in September, 1867. In August, 1867, there were four or five houses and three or four families in the town of Lancaster now comprised in the city of Lincoln; about 100 houses at this date and near 300 people.

Ibid., February 1. W. W. Cox says in a communication that five years before, the site of the capital was a wilderness.

There are about 100 buildings at this time and foundations of the capitol are laid. Outside walls and foundation of central portion, "a beautiful limestone of the silurian fossiliferous formation, and for the inner walls brown sandstone and brick." Lumber is already upon the ground.

Ibid., April 4. Expatiates on "our beautiful brown sandstone," and commends James Sweet for exhibiting it in his building, "on the southeast corner of Market Square." (This building—still standing at the northeast corner of O and 10th Sts.—was occupied by the first bank in Lincoln, conducted by James Sweet and Nelson C. Brock).

Jacob Dawson has sold a lot for \$600. Morris, superintendent of capitol construction, laid

off the foundation for the Methodist church, west of Capitol square.

April 11. Capitol commissioners advertise sale of 300 lots, June 9, 1868, "being the number unsold at the time of the adjournment of the sale last fall."

May 2. G. A. R. encampment organized by Maj. E. D. Strunk at Lincoln, "last week."

May 9. Scorches Judge Lake for putting off the term of court a second time this year because "he is not through at Omaha."

May 16. Bishop Clarkson, of the Protestant Episcopal Church, has \$2,000 to \$3,000 to build a church on block 121. Will cost in all \$6,000. A clergyman for Lincoln and Ashland has been appointed.

June 6. Benadom & Co. have finished first kiln of 8,000 brick at yard northwest of town.

High School meeting was held at school-house June 1, Dr. McKesson, and Messrs. Field and Donovan appointed a committee to secure scholarship subscriptions, \$6 for half term of ten weeks, \$2 extra for classical, or higher mathematical studies.

June 13. Copies letter of Rev. W. B. Slaughter to *Omaha Republican*: "The foundation (of the Capitol) is blue limestone, scabbled. The first story is a kind of magnesian limestone, very beautiful, easily wrought, and excellent building material. It is brought from Beatrice a distance of forty miles. The inner walls are built of brown sandstone. Of this there are immense quarries within three miles of Lincoln. The builder, Mr. Ward, is very enthusiastic in his appreciation of the stone. He says it is the same rock that is in such high favor in New York City, where brown stone fronts are the synonym of aristocratic grandeur. It is quite soft when taken from the quarry, and is therefore easily wrought into any desired form. It hardens by exposure and forms a most durable as well as a beautiful material for building." The salt springs are an "inexhaustible source of wealth to the state," and alone must have built up a town here. He had dedicated the Methodist Episcopal church, Sunday, June 7. "A neat frame building, 26 x 40, and is painted white. It is well seated and furnished with a neat pulpit and sofa," H. T. Davis, pastor. [This building stone illusion was more extravagant than that of salt production. The elegant brown stone was not only positively ugly but soon turned out to be fatally lacking in strength and durability. None of the varieties of stone in question has been found practicable for important uses.—Ed.]

June 20. "Mr. N. Atwood of Chicago,

while attending the sales of lots and school lands here last week bought of Hon. John Cadman the stone hotel erected by him last fall. He has now contracted with Mr. Dunn for the foundation of a large addition to be built in front of the present structure. This will be 50 x 60 feet on the ground." [The site of the present State Journal building. — Ed.]

S. B. Galey, county clerk, finished the sale of the school section south of town last week for \$35,788 for the 320 acres — \$111.83 per acre.

August 1. Notes order of 2d assistant post-master general increasing mail on the route from Nebraska City to McFadden's to a daily service between Nebraska City and Lincoln, the present weekly service to be continued to points west.

September 5. McConiga and Kennedy arrived in Lincoln with land office papers and furniture, from Nebraska City, Wednesday, September 2.

September 12. Contract for building Congregational church let to Sam McClay and Bro.— to be completed by Nov. 15.

Ibid., September 19. About \$8,000 received for sale of lots on the 17th. Sale adjourned, sine die, on Friday the 18th.

December 12. Contains proclamation of the governor issued Dec. 3, which announces the completion of the wing "or rather the center of the State House;" ready for occupancy; 120 feet long, 55 wide at each end, 85 at center, in form of cross. From base of tower foundation, 48 feet high, Representative Hall, 50 x 55 feet with galleries all around; Senate Chamber, 38 x 55, galleries on three sides; vestibule 20 feet square, "and opens upon the rotunda and corridor running the entire length of the building, from which winding stairs lead up from each side to the legislative rooms." Library opposite vestibule and of equal size.

February 6, 1869. "Lincoln is destined to be, to an eminent degree, a city of churches." Every denomination except Presbyterian had a church building and meetings were held last Sunday to provide for that.

February 27. The *Nebraska Advertiser's* charge that the capitol cost \$75,000 instead of \$49,000 as provided in the contract, defended on the ground that the commissioners changed the plans and the stone from limestone to freestone at a cost of \$15,000 and cost of surveying, conveyance, selling lots and salaries of architect and superintendent were included in the \$75,000. The balance was all paid out of the proceeds of sale of lots on hand. The legis-

lature approved the change of plans "with great unanimity."

April 3. Corner stone of the M. E. church laid this day. The ceremonies were conducted by Rev. E. T. Hudson, Rev. Chas. Little, Rev. McKesson, the governor, and the state auditor.

April 10. David Butler and T. P. Kennard, commissioners, advertise, under date of Feb. 24, for plans for a building for the state university, to cost not more than \$100,000, and a lunatic asylum to cost not more than \$50,000 — in accordance with the act of Feb. 15, 1869, for sale of lots, etc. Odd numbered blocks of the town site, "the even numbers having been sold heretofore," also 40,000 acres of state lands lying from one to ten miles from Lincoln, are advertised for sale.

April 24. Seal for Lincoln adopted by trustees: "Town of Lincoln, Nebraska, Seal."

Rule for width of park outside lot lines leaving 60 feet for carriage way, trees 16 feet from lot line.

May 8. Western Stage Co. has bought the Elkhorn line of stages and now running a daily line between Lincoln and Elkhorn, on the Union Pacific railroad — forty-five miles.

Nebraska State Journal (succeeded *Commonwealth*, May 22), June 5. Sale of lots for university, etc., began June 3, 105 sold for \$30,000; 300, first two days, \$77,585 — 1,500 remaining unsold.

June 12. Sales last week on lots about \$150,000; on saline lands, \$50,000 — 40,000 acres offered.

July 10. Notes sale by T. F. Ganter of lot on S. E. corner of O and 10th sts. for \$5,400, and one — vacant — by J. G. Miller west side market square for \$1,500.

June 19. June 12, citizens assisted in breaking ground for the Burlington and Missouri railroad at the "fill" in Salt Creek bottom. A procession formed on Market Square at 1 o'clock p. m., headed by Governor Butler, Secretary Kennard, Auditor Gillespie and Mr. Thielson, chief engineer of the B. & M. Prayer by Rev. H. T. Davis; Governor Butler spoke and turned first spadeful, followed by Kennard and Thielson.

The commissioners have located the "State Lunatic Asylum" and foundations begun — put in under direction of commissioners before contract is let, to save time.

July 24. Triweekly mail line between Lincoln and Fremont started on the 12th.

August 21. Contract for first state university building let August 18, to Silver and Son of Logansport, Ind., for \$128,480.

September 4. Answers complaint of *Brownville Advertiser* that contract for university building was for \$28,480 more than was appropriated by law, as follows: No satisfactory plan was received for \$100,000 and it was better to spend that much toward a satisfactory building, though it did not complete it, and let the bonds of the commissioners protect the public.

September 18. Finishing touches given to cupola of capitol.

September 25. Sales of lots in June and September, 1868, "having been very successful, without exhausting the supply of alternate lots, the commissioners proceeded to furnish the building in an elegant manner at a cost of \$10,000. When the legislature convened these acts were ratified. Last winter the legislature appropriated the remaining lots for buildings for the university and asylum. Sales in September, 1867, amounted to \$50,000. Excavation for capitol was begun early in November and foundations put in by Superintendent Morris and Contractor Ward, before work was stopped by cold weather. Going to Beatrice for stone increased cost of building from \$50,000 to \$65,000.

September 25. Account of laying corner stone of state university and agricultural college building, September 23. Ceremony conducted by Masonic order, Seth Robinson orator.

November 27. Notes that Augustus F. Harvey, founder of the *Statesman*, is going to St. Louis to take charge of the St. Louis office of the Home Life Insurance Co. of N. Y.

December 4. Foundation of university building completed.

February 12, 1870. Announces that B. & M. will not change location of depot which would necessitate cutting through "the heart of the most desirable situations for residences, would ruin some of our most attractive business streets, and force the best buildings away to the east or west limits."

February 26. Congratulates the state on the business sagacity which has provided "a state house, ample for present purposes, completed, and has the funds raised from the sale of a section and a half of land, worth, three years since, five dollars an acre, to provide two other fine buildings, and some 500 lots left for future use."

Opposes proposed investigation of acts of commissioners of public buildings. There were no specific charges and not worth while to take time at the special session.

March 5. Walsh & Putnam, agents, re-

ceived box of B. & M. tickets. Now prepared to sell through tickets.

March 12. Quotes *Advertiser* on violation of law in building university and insane asylum. Defends on ground that section 24 of old law authorized regents to change plans submitted by architect. Plans offered last June were not adopted, but regents advised the commissioners to erect a better building than could be built for \$100,000 and to go on selling lots. Governor Butler went to Chicago to consult architects and builders and procured a plan requiring \$50,000 additional, and on his return called another meeting of regents who unanimously agreed on new plans. The commissioners then called a meeting "of the prominent men of Nebraska City to consult in the premises. Among the men who responded were Judge Mason, Judge Kinney, Hon. T. B. Stevenson and Hon. Wm. McClellan. Every one expressed his entire approval of the proposed enlargement of the plans."

Another meeting was held in Omaha with like results — of course. It was impossible for the commissioners "to get a single plan that would answer the first purpose of such a building (for insane asylum) at a cost of \$50,000 or even \$100,000" — and so the wise men and astrologers were called in with like results.

The entire sales of 1867, 1868, and 1869 brought \$400,000 — of 1869 alone, \$296,000. The "palatial mansion" of Governor Butler cost about \$12,000 and not \$20,000; of Secretary Kennard, \$8,000 instead of \$15,000; "the neat little residence" of Auditor Gillespie the same.

March 26. The *Plattsmouth Herald* urges investigation of evidence. *Journal* replies that the commissioners wished to have it published, but it was not left in Lincoln nor read to the joint convention that heard the report based upon it.

April 2. Quotes *Advertiser*, in which Furnas denies that the board of regents of which he was a member ever authorized or encouraged the commissioners to go beyond the lawful \$100,000 for a university building, and denied that the Nebraska City men advised such a thing. The *Journal* dodges.

April 9. James E. Philpott, "atty. B. & M. R. R. Co." says that s. e. quarter of section 23 and n. w. quarter of section 26, were saline lands and did not belong to the state when made part of the city and the B. & M. therefore had a right to condemn the right of way across them.

April 16. State prison inspectors advertise for sale, June 6, 32,044 acres of penitentiary

lands, and on the same day the commissioners of public buildings "will offer five or six hundred lots in the town of Lincoln, which at the present time contains about 2,000 inhabitants."

April 30. The B. & M. railroad company has closed a contract for the location of a depot. Citizens have pledged \$5,000 to obtain right of way through the west part of town, and the company agrees to locate the depot on the "grounds sold to them by the state commissioners for that purpose in the bottom between O and Q streets and west of 8th."

Tree planting brisk all over town.

"Lincoln is destined to be clad in emerald and veiled with the verdure of thousands of fruit and shade trees in five years. The Governor, Secretary and Auditor are very active tree planters."

June 3. A. C. Tichenor's new building, corner K and 13th sts. (afterward called the "Oriental") is "one of the handsomest buildings in Nebraska." — and "for neatness and solidity of ornamentation cannot be beat."

There is a magnificent view from the great plateau between the head waters of the Salt and Nemaha, about 20 miles south of Lincoln. This is the highest land between the Platte and the Gulf of Mexico.

June 10. Enthusiastic notice of a newly discovered stone quarry (at Roca) on s. w. quarter sec. 9, twp. 8, r. 7, nine miles due south, 1½ miles from Salt Creek. Fine grained magnesian limestone; harder than Beatrice; takes polish almost like white marble! (Experience proved that this stone disintegrates on exposure to freezing. — ED).

First telegraph line to Lincoln — line of the Burlington railroad — finished Sunday evening, June 5; opened first telegraphic communication with Plattsmouth and Omaha.

June 17. Contract for building penitentiary let June 13, to W. H. B. Stout, consideration, \$307,950.

June 24. Notes that postoffices at Lincoln, Plattsmouth and Brownville have been made presidential. Lincoln salary, \$1,700; Plattsmouth, \$1,400; Brownville, \$1,300.

July 8. Notes that a temporary penitentiary is nearly finished — walls of brown sandstone.

Ibid. Old capitol at Omaha being torn down — condemned as unsafe by architects.

July 15. Contract for stone for permanent penitentiary made with Mitchell of the new Roca quarries.

Daily *Journal*, July 21. Notes that the Presbyterian church nearly completed is quite a handsome building, and the university is ready for roof.

August 2. Organization of board of trade completed. Charles H. Gere, president; Andrew J. Cropsey, Anson C. Tichenor, vice presidents; G. A. Randall, secretary; Paren England, A. M. Ghost, S. B. Galey, executive committee.

August 9. Opening reception at the Tichenor House, evening of Aug. 8. Secy. Kennard presided; Gov. Butler and other officers took part.

September 14. By census the population of Lincoln, 2,437 (correctly 2,441); Lancaster county, over 7,000 (7,074).

December 23. Meeting of regents for organizing university held this day—adjourned to January 6, 1871.

March 7, 1871. A committee of the house of representatives to examine the walls of the insane asylum report that ashlar were bulging out of the main wall of the basement story. Their thickness did not exceed six inches; the inside part of the wall had settled faster. Recommended that "the sandstone ashlar around the whole main building be replaced with good limestone foundation for the ashlar," and that the softest ashlar further up be replaced with harder.

April 17. Account of burning of insane asylum. No loss of life but complete loss of building. Started on the fourth floor of north wing. Cost of building, \$137,000; was put up for the most part prior to the completion of the railroad to Lincoln. Insured for \$95,000. Merchants Company of Chicago had withdrawn its policy of \$5,000 probably because over-insured. Ten prisoners escaped from penitentiary same night. Bored hole in door of cell with augur (must have been wood) and opened the front door with its own key which had been left in!

April 7. "The First National Bank of Lincoln" authorized to commence business in the "town of Lincoln," February 24, 1871.

First city election, April 4, 1871. William F. Chapin, republican, mayor; but Geo. W. Ballantine defeated J. N. Eckman, regular republican, for treasurer.

April 22. Midland Pacific railroad from Nebraska City reached depot at foot of J st.

April 24. Regular trains began to run.

April 26. Defends against the "bonus" epithet: Lincoln has been founded,

1st. By donation of about 900 acres of land belonging to owners of the site, who are now citizens.

2d. Proceeds of the site bought from the state as lots, put into capitol, \$80,000 to \$90,000.

3d. Proceeds of other lots bought and paid

for by the people of Lincoln, invested in the state university to the amount of \$150,000.

4th. Proceeds of other lots and lands given value by building up Lincoln, in asylum, \$137,000.

5th. Proceeds of other lots paid for by people of Lincoln appropriated to pay for special session of legislature, 1870—mileage and per diem—\$11,000.

May 24. Tells of excursion over Midland Pacific, May 23, Lincoln to Nebraska City; about 1500 people went free; all dined at Nebraska City; Judge John F. Kinney made speech of welcome; Governor Butler responded.

May 29. Copies correspondence Harrisburg (Pa.) *Union*: "The state capitol building is as inconvenient and ill-looking as an Ohio rail fence, or a down East stone wall; and the sooner it is demolished the better for the reputation of the state. The University is a splendid building."

January 8. Regents met this (yesterday) morning and elected Rev. A. R. Benton, of Alliance College, chancellor; salary, \$5000.

June 16. Penitentiary is built on land donated to the state for that purpose by Judge Hilton and W. T. Donovan. There is a temporary prison, enclosed by temporary walls, of brown sandstone, to be used as a workshop when the main building is completed, for which plans were drawn by L. W. Foster of Des Moines and the contract let to Stout and Jamison, for a portion of the building: warden's house, 75 feet front; guard house on each side, 20 feet front, and one wing—west—222½ feet long; price, \$307,000; material, magnesian limestone from their own quarry at Bennett, 12 miles away on the Midland Pacific railroad.

June 18. Elder J. M. Young, welcoming about 3000 (?) excursionists from Otoe county, June 17, said Lancaster colony was located in 1863, settled in 1864, seminary built in 1864-5, school opened in latter year, taught by Mr. and Mrs. Merrill; building was burned in 1866.

August 6. L. W. Foster of Des Moines has furnished plans and specifications for the new insane asylum; outer walls, limestone, two shades of color, yellowish white for ashlar, blue tinted for caps and sills.

November 3. Explains vote to convey blocks 2, 6, 10, 14, 18, 22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 62, old town site of Lancaster, to state. It was necessary that the site of the town of Lancaster should be conveyed to the state for a capital. The county held several blocks and agreed to transfer them in consideration of re-

ceiving a deed for ground for a courthouse, jail, etc. This vote was necessary to make the title to the state and its grantees good.

November 21. Says the *Herald* has swelled the list of those burned to death at the asylum fire to three. Mr. Keeler was the only supposed victim and it wouldn't pay the state to remove the enormous mass of debris in the small chance of finding the remains after the intense heat.

November 22. "The State National Bank of Lincoln" authorized to do business, November 16, 1871; S. G. Owen, president; N. C. Brock, cashier; capital, \$100,000.

November 23. The shackles worn by Keeler at the time of the asylum fire were found open with the rivets cut, evidence that he had been released.

December 21. Sir Chas. Dilke's book, *Greater Britain*, states that the Nebraska legislature had fixed the capital 250 miles away from the nearest settlement. Prof. J. D. Butler in answer says the population of the South Platte section was 19,850 greater June 1, 1870,—by U. S. census—than that of the North Platte; "a majority of the population was, and is, and is likely to be, on the south of the Platte."

March 25, 1872. Contract let for grading down "market space"—present site of the postoffice—to Wm. Fulton of Nebraska City; 4,700 cubic yards to be removed at 18¾ cents.

April 26. Contractor Eaton has sunk the artesian well on "market space," 65 feet. Heavy cast iron tubing, about 12 inches in diameter, has been driven down. Expected abundant supply of water at 600 or 700 feet, whether salt or fresh was a problem.

May 21. Says Mr. Eaton, contractor for sinking the artesian well for the city of Lincoln, is going to make a new beginning with heavier machinery; object, to supply the city with "an abundance of pure water."

June 20. Judge Lavender "built the first house that was ever erected on the present site of Lincoln." Proposes to donate part of his land in east part of the city for a public park.

June 22. The city well borer struck a fine flow of fresh water at 100 feet, after going through 8 feet of hard blue limestone. At 160 feet, sandstone, strongly impregnated with salt.

June 24. Yesterday the Universalist church, corner of Twelfth and H streets, was dedicated.

June 27. First commencement exercises at the state university, June 26th. J. M. Woolworth made the principal address; no graduates, but degree of LL.D. conferred on Bishop

Clarkson of the Protestant Episcopal diocese.

June 28. At a depth of about 200 feet salt water rose in city well within 20 feet of the surface. Salt strata all along here.

July 12. Water flows out of the well this morning at depth of little over 600 feet; tested 10 degrees salometer, one degree stronger than Oak Creek well.

October 7. Says J. Sterling Morton and Dr. Geo. L. Miller are pledged to use their utmost influence to move the capital to some point on the Union Pacific railroad. Quotes speech of Robt. W. Furnas at Omaha, in defense of the charge that he had been bribed to change his vote in the legislature on the capital removal question in 1857. He found that "Douglas City" the proposed capital was all on paper, and a swindle.

October 15. Work has ceased on the artesian well, the contract depth having been reached. Fresh water comes up within 40 feet of the surface.

October 24. The Omaha *Herald* is making a campaign for removal of the capital. The *Journal*, in opposition, insists that people of Lincoln created the public buildings for the state; put nearly \$200,000 in the permanent school fund; caused a network of railroads to be thrown over a great part of the interior of the state; gave princely subsidies to every railroad south of the Platte except one; didn't elect any of the alleged rascally officers.

Omaha *Republican*, May 24, 1867. Quotes the *Kansas State Journal* strongly advising Nebraska to unite the state university and agricultural college in one institution.

Ibid., June 16, 1869, says Governor Butler personally advanced \$1100 toward expenses of locating and surveying the capital site, for which he rendered an account.

J. Sterling Morton has offered for sale, for \$18,000, the three quarter sections of saline lands for which he had received patents before the interference of the land department. He threatens to sue the *Republican* for libelous charges relative to his filing on such lands.

Ibid., June 23. Now recognizes the capital city as a fixture and asserts that there is no doubt of its prosperity and ultimate success.

Ibid., September 1, 1869. Noticing the agitation of the question of removing the national capital to some western city, St. Louis, Chicago, Indianapolis and Cincinnati being included in the list, cites the facility of the Nebraska capital removal as a precedent.

NOTE—Shortly before his death Mr. Patrick said to the editor that he proposed the name Lincoln with the hope of disgusting the copperhead senators from Otoe county and thus hindering their program (see page 9). In a recent letter to the editor, Thomas P. Kennard, one of the capital commissioners, said that Nebraska City men were in favor of the Yankee Hill site because it immediately adjoined their road, called the "Steam Wagon Road;" also that the first day's sale of capital lots having been a failure, ten men of Nebraska City agreed that James Sweet should bid up to the appraised value all lots not run above the appraisal by other bidders, each one of the ten to be responsible for a thousand dollars' worth of lots, the other promoters to stand for sales to the amount of \$15,000.

CHAPTER II

STARTING THE STATE — SCANDALS IN THE STATE GOVERNMENT — SENATOR TIPTON REELECTED
— GOVERNOR BUTLER'S THIRD ELECTION — HITCHCOCK UNITED STATES SENATOR

THE CALL for the session of the legislature for providing the legal machinery necessary for operating the state organization covered thirty-one subjects of legislation, though the last was a catch-all of doubtful validity.⁶³ The first fourteen specifications proposed revision or amendment of existing statutes. The eighth proposed "to abolish the distinction between actions at law and suits in equity" by supplying the omission of the last territorial revision.⁶⁴ The 18th specification called for provision for the "location and disposition of such lands as are, or may be hereafter donated to the state by the general government for any purpose." The school lands had all been located except the proper sections in the half-breed Indian tract, which, it was contended, was subject to such reservation. The principal enactments of the session were as follows: The state auditor was constituted state land commissioner and he was authorized to offer for sale all school lands at an appraised value which should not be less than seven dollars an acre. The state was divided into three judicial districts, the first district comprising the counties of Richardson, Nemaha, Otoe, Johnson, Pawnee, Gage, Jefferson, Saline, Fillmore, Nuckolls, and the territory west of them; the second district comprised the counties of Cass, Sarpy, Douglas, Saunders, Lancaster, Seward, Butler, and the territory west of them; the third district, the counties of Washington, Dodge, Platte, Cum-

⁶³"Such other enactments as may be deemed necessary to carry out the provisions of the constitution."

⁶⁴This specification explained that, "Our code of civil procedure is almost identical in its provisions to the code of Ohio and other western states . . . But though adhering very closely to the letter of the

ing, Burt, Dakota, Dixon, Cedar, L'eau qui Court, Kearney, Lincoln, Merrick, Hall, Buffalo, and the counties west and north of the Platte river. The chief justice, Oliver P. Mason, was assigned to the first district, Associate Justice George B. Lake to the second, and Associate Justice Lorenzo Crouse to the third. The office of district attorney for each district was established with an annual salary of \$1,500. The bill locating the seat of government and the public buildings thereat was passed; a state seal was adopted; provision was made for the transfer of suits from the territorial, to the state courts; also for the appointment of four commissioners who should select and enter the public lands donated to the state; an apportionment act created eleven senatorial districts with thirteen members and nineteen representative districts with thirty-nine members. Four members each were allotted to Cass, Nemaha, and Richardson counties; five to Otoe; six to Douglas; two each to Sarpy and Washington; one each to Dakota, Dodge, Johnson, Lancaster, Platte, and Pawnee; one to Gage and Jefferson jointly; one to Butler, Saunders, and Seward; one to Kearney, Lincoln, and Saline; one to Buffalo, Hall, and Merrick; one to Burt and Cuming; and one to Cedar, Dixon, and L'eau qui Court. Fifteen thousand dollars of the fund granted by the federal congress to pay the expense of the militia raised for defense against Indians was appropriated to pay

Ohio statutes, we find in section two, title one, 'Code of Civil Procedure,' a material deviation or omission. The Ohio code, under the corresponding title, reads thus: "The distinction between actions at law and suits in equity, and the forms of all such actions and suits heretofore existing, is abolished." In our code the clause, 'and suits in equity,' is omitted."

current and contingent expenses of the state for the year 1867. It was provided that one term of the supreme court should be held at Omaha and one at Nebraska City each year; but unless the commissioners of Otoe county should offer the use of the courthouse for the term, free of charge, it should be held instead at Brownville or such other place south of the Platte "as may offer the use of court room free of charge." Distinction between actions at law and suits in equity were abolished; the revenue act was amended; a bill was passed to locate, establish, and endow a state normal school at Peru, provided that the tract of not less than sixty acres adjacent to the town, known as the grounds of Peru seminary and college, with all buildings, should be donated to the state; the new school to be under the direction of a board of seven members, five to be appointed by the governor, the other two to consist of the state treasurer and state superintendent of public instruction. Twenty sections of state lands were appropriated to the school as an endowment, and \$3,000 was appropriated for completing the school building, procuring apparatus, and putting the school in operation. It was provided that the secretary of state should be state librarian. A drastic general registration law, under which the registrar of a precinct might exclude names from the voting list for "disloyalty" and other reasons, was passed; the general school law was revised; 75 sections of the public lands were granted to the Northern Nebraska Air Line Railroad Company to aid in the construction of a road from De Soto to Fremont. The act provided that the company should receive twenty sections on completion of each ten miles of the road, but definition of what "completion" meant was singularly neglected. The boundary of the new county of Cheyenne was defined,⁶⁵ and the fourteenth amendment to the federal constitution was ratified.

Memorials to the federal Congress prayed that a land office might be established at Lone Tree for the convenience of the many settlers

⁶⁵It ran from the intersection of the 42d parallel of latitude and the 102d meridian south to the northeast corner of Colorado territory; thence west along

along the line of the Union Pacific railroad, and vigorously protested against the continuance of the Indian policy: "We represent to you the unvarnished and unpalatable truth that at no point from the northern boundary of Texas to the British Possessions can either trade or travel be prosecuted from the western settlements to the Rocky mountains without imminent danger to life and property." This danger was much greater than it had been twenty-five years before. It was insisted that the policy of treating with the Indians as independent nations was impracticable; for "the Indians will not and the government cannot respect them [the treaties] and fulfil their stipulations. The Indians of the plains are proverbially faithless." The only order to the military commander sent against the Indians ought to be to chastise them until they should sue for peace. With due allowance for the selfishness of the settlers who knew by actual experience the conditions of which they complained in urging this drastic policy, yet the fact that the proposed policy was soon adopted and permanently adhered to illustrates the superiority of popular judgment to that of the few wise men in whom authority is vested by virtue of their theoretical wisdom, as also the advantage of local over absentee government. Since by the cruel but inexorable rule of social progress the superior race was predestined to encroach upon the domain of the inferior, and forcibly dispossess it, the ultimate forcible subjugation of the latter was inevitable, and its inevitability should have been sooner recognized in our Indian policy.

In the year 1867, the capital contest had distracted and all but demoralized the commonwealth which, still wrestling with the doubts and discouragements of occupying and subduing the unpromising interior plains that constituted most of its domain and its main productive dependence, needed its utmost resources for the difficult industrial conquest. But the year 1868, with the capital experiment still held doubtful, with a special session of

the Colorado line to the 104th meridian; thence north to the 42d parallel; thence along this line to the place of beginning.

the legislature, with state elections, involving the choice of a United States senator, and the presidential election as well, gave no relief from the continuous curse of politics but rather an increase of its distractions. The first important political incident of the year was the appointment of a federal district judge. Dundy had the advantage of holding the corresponding office under the territorial organization, but his application for appointment for the district covering the whole state was sharply disputed, and it took a year to settle the controversy. In the early part of January it was publicly reported that Judge Lake had been appointed, and after the party organs had dutifully commended the choice,⁶⁶ it was an-

⁶⁶*Nebraska Commonwealth*, January 4, 1868.

⁶⁷The *Nebraska Commonwealth*, January 11, 1868, still expects the appointment of Judge Lake to the federal bench and notes that the *Omaha Republican* favors the appointment of Experience Estabrook to the vacancy resulting on the district bench, that a large portion of the Douglas county bar have signed a petition for Clinton Briggs, that others are for Champion S. Chase, while the friends of John Sahler and J. E. Kelley are not inactive. In Cass county Marquett and Pottenger are urged "in a masterly manner." Senator Thayer had no standing with the president but had the confidence of the senate, and it was through his influence that Judge Dundy was confirmed, although his name came to the senate from the hostile and hated executive. According to a statement by Senator Thayer to the editor made about a year before his death he advocated the nomination of Worthington at the behest of some of his own political friends in Omaha, but he did not expect that he would be confirmed. The *Nebraska City News*, Jan. 22, 1868, assuming that Judge Lake would be taken from the state bench by this federal appointment, in commenting on the *Omaha Herald's* industrious citation of a long list of republicans eligible to the vacancy, complained that the *Herald* had ignored "one gentleman who has been vastly more important to radical tactics, strategy and success than any other civil or military general in their ranks. The man that made the great Butler governor; the wise Kennard secretary of state; the handsome Thayer and the sagacious Tipton, senators; who conceived and perpetrated the Rock Bluffs swindle, and retired from a speaker's chair, at the request of the gallant Howard, has claims, which if properly laid before the statesman from Pawnee [Governor Butler] would be properly considered. To the bench Briggs might bring sense and law; Strickland, finesse; Haxby, political acumen; Ambrose, excerpts from 'Bothwell'; and Pot, *otium cum dignitate*; but in addition to a part, if not all of these, Chapin would bring foxiness, craft, strategy, wilyness, which could be happily used, if need be, to further any scheme for the aggrandizement of his party or partizans."

The *Nebraska City News*, April 5, 1867, notes that William F. Lockwood had been appointed judge of the federal district; Silas A. Strickland, attorney

nounced that Col. Henry G. Worthington had been nominated. Notwithstanding that he was a carpetbagger, having come to Nebraska but a year before, and by political stages from far off California, via Nevada, where he had achieved the office of delegate to Congress, the *Omaha Republican* accepted the appointment, carpetbag and all, as a solution of a difficult problem. But the wily Dundy had won the territorial judgeship after he had apparently lost it, and he soon repeated that rather remarkable feat. The warring executive and senate agreed to a truce in Dundy's favor, and his appointment was confirmed in the early part of April.⁶⁷

A democratic state convention was held at general; Phineas W. Hitchcock, surveyor general; Casper E. Yost, United States marshal, and the disgusted Plattsmouth *Herald* wants to know if "we have any senators in Nebraska?"

The *News*, December 4, 1867, notes that the nomination of Wilkinson, of Illinois, for United States district judge for Nebraska, has been defeated in the senate, and criticising this nomination of an outlander says: "If we must have a radical and cannot stop A. Johnson from appointing one, let us have either Mason or Lake . . . Dundy's appointment next after that of a democrat, would make our party the most political capital. His rottenness is good radicalism."

The *News* December, 23, 1867, advocated the appointment of Experience Estabrook to succeed Lake as judge of the state supreme court, the latter having been appointed federal judge. The *News* expected that either Dundy or Lake would be able to win the federal judgeship over Mason, "who was born an abolitionist and acted as one for years and years before the other two gentlemen obtained the courage to muster into the then detested and defeated squadrons of anti-slaveryism." [It is difficult to reconcile Judge Lake's positive statement to me, in 1906, that he had no knowledge that the president ever sent his name to the senate for the federal judgeship with the positive statements of the contemporary press that he was so nominated. Ed.]

The *News*, March 20, 1868, states that Thayer is strong for Worthington "of Nevada and Omaha," for district judge.

The *Omaha Republican*, May 31, 1867, quotes a statement by the *Nebraska City Press* that William F. Lockwood for United States district judge and Algernon S. Paddock for Pawnee Indian agent had been turned down by the senate. This may be accounted for by the fact that both of these men had "Johnsonized." The *Republican* of the 7th of June notes the arrival in Omaha of Gen. Silas A. Strickland, U. S. district attorney, to reside there.

February 12, 1868, the *Omaha Herald* declares that George B. Lake is its favorite for the judgeship and yet thinks that "Pot" is entitled to it. On the 10th the *Herald* says that Briggs, Estabrook, Redick, and Mason are aspirants for the office and that Worthington has been nominated for it by the president. February 26, the *Herald* charges that Lake,

Nebraska City, January 8, 1868, for the purpose of choosing delegates to the national convention.^{67a} The national party was divided upon the question whether the 5-20 bonds should be paid in greenbacks or in gold, as it was divided in 1896 on the silver question, though not as sharply. Not only did the Nebraska delegates to the convention support George H. Pendleton, apostle of greenbacks, for the nomination for president, but the two most prominent leaders of the party in the state—Dr. Geo. L. Miller and J. Sterling Morton—who left the party in 1896, on account of their opposition to silver, stoutly ad-

Dundy, and Mason had filed vile and indecent charges against Worthington; and April 8th, notes the withdrawal of his name.

December 25, 1867, the *Omaha Republican* announced that intelligence was received yesterday afternoon of the appointment of Judge Lake as U. S. district judge. The *Republican* recommended Experience Estabrook as his successor as judge of the state supreme court for the remaining five years of his term, and it charged that J. Sterling Morton had forwarded to Washington papers endorsing Mason when he was a candidate for the territorial judgeship as if they were for the judgeship under the state organization. But obviously, if these endorsements of Judge Mason's fitness for the office were good in the first case, they were good in the second.

The *Republican*, February 5, 1868, announced the appointment of "Col. Henry G. Worthington of this city." The *Republican* remarks that the change in the appointment—from Lake—"was not anticipated," and that Worthington had been a resident of Nebraska only a year, was a politician of California and Nevada, and had been a member of Congress from the state last named.

Judge Eleazer Wakely states—1907—that Worthington was generally regarded as a carpetbagger.

April 1, 1868, the *Republican* announces that Dundy was nominated March 27. He was confirmed by the senate on the 13th of the following April. J. Sterling Morton in the *News* and Dr. George L. Miller in the *Herald* attacked Dundy with their usual bitterness. The *Herald*—April 8—said: "If Dundy could hang on a tree as long as his nomination has hung in the senate the people of this state might be spared a serious inflection;" and that Dundy "is a name which is a by-word and a hissing in every hamlet in Nebraska."

The *Nebraska City News*—March 20, 1868—showed that by practical, and political justice this office should have gone to Pottenger: "Pottenger of Plattsmouth is a prominent candidate against Worthington, and as 'Pot.' made Thayer and Tipton great he may possibly become our judge and make us all too proud to sleep." But the senators remembered not their creator. Thayer stood for Worthington; but he was without grace in the eyes of the recalcitrant president who, it seems, reciprocally inclined his ear to the petition of the more friendly Tipton. While Lake was, without doubt, the fittest of those who were presented for this very important office, yet Dundy was abler than Worthington

vocated the greenback theory, so far as it involved redemption of the bonds in that currency. Though the fact that it was expressly provided by law that the 10-40 bonds should be paid in gold while there was no such provision as to the 5-20s, afforded a strong argument that it was the original intention that the latter should be redeemed in the same kind of money that the capitalist holders had paid for them, namely, greenbacks, and that such payment would not involve bad faith, yet, at bottom, the question was the same in kind as the silver question of 1896.⁶⁸

The republican state convention for 1868

and far fitter than Pottenger, whose draft for services performed and goods delivered was, however, subsequently honored with a less desirable office, that of United States marshal in Utah.

^{68a} Stephen H. Calhoun, of Otoe county, was both temporary and permanent president of the convention. Capt. Charles F. Porter, George N. Crawford, of Sarpy, J. Sterling Morton, of Otoe, Dr. John Black, of Cass, and Peter Smith, of Richardson, were unanimously chosen delegates to the national convention (*Omaha Herald*, Jan. 15, 1868.) Morton strongly favored the nomination of George H. Pendleton, of Ohio. Dr. Geo. L. Miller, in editorial letters to the *Herald* from the convention, advised against the nomination of Pendleton, presumably on account of his own early affiliation with the party leaders of New York, and which continued throughout his active connection with the democratic party.

⁶⁹The *Nebraska City News*—J. Sterling Morton, editor—Sept. 6, 1867, stated the proposition for the greenbacks, in phrase and spirit very like those of the later day silver advocate. The federal taxes paid by plain people are "used to pay, in gold, the interest upon a non-taxable government bond which is held by some bloated aristocrat . . . The public debt might be paid in greenbacks. The bonds which bear interest and make taxes might be replaced with non-interest-bearing and non-tax-making greenbacks."

Mr. Morton's advocacy of greenbacks in the *News* of September 9, 1867, curiously anticipates the staccato sententious style now peculiar to many newspapers of the "yellow" type, thus:

"\$660,000,000.

"That is the circulating medium of the United States.

"Three Hundred Millions are greenbacks.

"Three Hundred and Sixty Millions are National Bank Currency.

"The latter based upon government bonds, drawing Twenty Millions of gold interest per annum, which interest is paid by taxing the people, ought to be abolished.

"In its stead issue that amount of greenbacks, save the interest and lessen the burdens of taxation.

"Democracy favors this plan, Radicalism is against it."

Again, April 15, 1868, the *News* argues the case effectively, though speciously: "Legal tender greenbacks have been declared legal by the courts, and have been used to discharge all private debts contracted in gold before the law was passed. Why

was held at Nebraska City on the 29th of April. The state administration had been the object of constant merciless attack by the democratic press, and its defense was left mainly to the republican organ at the capital. It was necessary, therefore, either to repudiate the old crowd or to put on a bold front and unanimsously endorse them. The drastic alternative was postponed, and the state officers were nominated by acclamation for a second term.

Turner M. Marquett's home paper had urged that the nomination for member of Congress was due him because, though he had been elected twice, he had held the office only two days, and because "he met upon the stump the great war horse of democracy — the power and eloquence of the democratic party — the acknowl-

should they not be equally good to discharge debts of the government that were contracted in greenbacks when they were worth fifty cents on a dollar, and which were not expected to be paid in gold?" Mr. Morton never did things by halves, and this climax occurred in the *News*, June 12, 1868: "Greenbacks are a legal tender among poor folks. But the rich and pampered holder of government bonds receives only gold as interest money. Bonds which analyzed are found to be made of shoddy contracts, swindles, blood, bones and death, bear interest payable only in gold! They cost their possessors fifty cents on the dollar. The people work, sweat, and pay taxes in order that the codfish nabobs who own them may get their usury in gold."

Mr. Pendleton's statement of the case was also copied approvingly, in substance as follows: There are 338 millions of 5-20 bonds held as security for 300 million dollars in national bank notes. These notes should be replaced by greenbacks, and the \$1,700,000 outstanding interest-bearing bonds could thus be reduced by 300 million dollars saving 20 million dollars interest annually. This saving added to 48 millions which it was proposed to save out of the current revenues would make 68 millions which converted into greenbacks at \$1.40 would amount to 100 millions a year for a sinking fund. If all the bonds were replaced by greenbacks the interest saved on them, which was payable in gold, would redeem the greenbacks in fifteen years, without adding a dollar to taxation or to the circulating medium. The *News* summed up the case thus: "There are now nearly 2000 millions of 5-20 bonds, bearing an annual interest, at six per cent, of 120 million dollars in gold — equal to 168 millions in greenbacks. Which is the easiest paid, non-interest-bearing greenbacks or interest-bearing bonds?"

Thirty years later Mr. Morton would have argued that during a large part of the slow process of retiring the greenbacks with the gold revenues this gold would be at a considerable premium, and would therefore promptly leave the circulation field to the cheaper greenbacks whose decrease year by year would seriously deplete the currency. When

edged best democratic stump orator in the west, J. Sterling Morton — and he completely whipped him, a thing which democrats say was never before done." But considerable virile ability did not find favor in competition with smooth and comparatively colorless vote-getting qualities, and John Taffe was nominated on the first ballot by a vote of 34 to 18. At this time the civil war capital of the republican party was drawn on without stint, and it found characteristic expression in the resolutions through the medium of Gen. Robert R. Livingston's appropriately florid phrase. Though an anti-prohibition plank was introduced with studied apology, it was afterward summarily ejected. This incident shows that though the party had become a great business machine, politically and commercially, it showed a lin-

resumption of the gold standard was undertaken in 1879 by a comprehensive promise to exchange gold for greenbacks whenever offered, it took several years to bring the greenbacks up to par with gold. The repeal of the Sherman Act in 1893 was based on a like contention, namely, that to keep silver and greenbacks at par, the further increase of silver coinage when silver bullion was worth scarcely half as much as gold, must be at once stopped.

If speculators in gold and in the United States bonds which were ultimately paid in gold, made large profits at the expense of the people, it was owing to the misfortune of war which required heavy borrowing and also impaired confidence in the borrower, and to the bad policy of forcing a part of the loan by the issue of greenbacks. It can never be proved, and should not be dogmatically asserted, that the sudden revelation, on the return of peace, of the wonderful resources of the country would not have lent a confidence which would have ultimately carried Pendleton's equivocal policy safely through to resumption and, if not with less actual inequity, with less appearance of it. But the republican policy, which prevailed, of positively promising gold redemption and resumption and, while waiting until its actual execution became practical, doing nothing to discredit and retard it, was probably the wiser, and in the outcome, as equitable as the other.

The Omaha *Herald* was not ardently committed to the Pendleton theory but naturally leaned toward the New York monetary school; still at this time it vigorously attacked the national bank system and the republican policy of redeeming United States bonds in gold. For example, January 15, 1868, the *Herald* said: "The national banks and the national bonds are partners in a great untaxed monopoly." April 1st, 1868, the *Herald* approved "Pendleton's doctrine" of paying the 5-20 bonds in greenbacks. June 24, 1868, it called Pendleton's financial plan for reducing 1700 millions of the national debt "a lawful and just scheme;" and July 8, of the same year, it insisted that the bonds in question must be paid in greenbacks or "financial enslavement and public ruin" would result.

gering trace of the sentimental philanthropy on which it was founded.⁶⁹

The second democratic convention for the year 1868 was held at Omaha on the 5th of August. Democratic and republican newspapers alike expatiated on the harmony of the respective party conventions this year. It has been heretofore pointed out that, owing to the extreme factional discord in the republican party, which had grown, mainly, out of the removal of the capital and the questionable methods of the pro-removal administration, a show of harmony was the alternative of repudiation of the administration; and since possession of power and of spoils was at stake, harmony was necessary. For the democrats, harmony was easier. They had nothing materialistic to quarrel over but unpromising prospects of power. At the January convention, S. H. Calhoun, a leader of the anti-Morton "young democracy" of Otoe county, was

⁶⁹Plattsmouth Herald, April 2, 1868, quoted in the Nebraska Commonwealth April 18, 1868. The convention met at the courthouse at 12 o'clock, noon, and was called to order by Oliver P. Mason. Robert R. Livingston, of Cass county, was chosen temporary chairman; W. W. Carder, of Lancaster, temporary secretary; A. B. Fuller, Samuel Maxwell, S. C. Smith, A. S. Stewart, committee on credentials; J. S. Church, O. A. Abbott, Geo. R. Smith, J. E. Lamaster, Thomas J. Majors, committee on permanent organization. Officers of the permanent organization were, Samuel Maxwell, president; John M. Howard, secretary; John C. Cowin, assistant secretary. An attempt was made to postpone the nomination of state officers until August 26, but it was defeated by vote of 21 to 29. A resolution declaring that the two U. S. senators, John M. Thayer and Thos. W. Tipton, should be delegates at large to the national republican convention, was defeated. Thereupon Silas A. Strickland and Alvin Saunders, of Douglas county; Leander Gerrard, of Platte; Thomas B. Stevenson, of Otoe; Robert W. Furnas, of Nemaha; and Samuel Maxwell, of Cass, were chosen delegates to the national convention, and A. J. Harding, John Ritchie, T. J. Majors, Elam Clarke, Geo. R. Smith and J. G. Miller, as alternates.

T. M. Marquett, Lewis Algewahr and J. F. Warner were nominated for presidential electors.

Members of the state committee were appointed by the president of the convention, "at the suggestion of the several delegates," as follows: Hinman Rhodes, of Johnson county, Robert R. Livingston and H. D. Hathaway, of Cass, O. A. Abbott, of Hall, W. W. Carder, of Lancaster, J. S. Church, of Nemaha, E. K. Valentine and E. B. Taylor, of Douglas, R. M. Rolfe and N. B. Larsh, of Otoe, E. H. Barnard, of Dodge, A. Rockwell, of Burt, E. E. Cunningham, of Richardson.

The resolutions "pointed with pride" to the rec-

chosen temporary chairman, permanent president, and a member of the committee on resolutions, and Morton was unanimously chosen as a delegate to the national convention.

In the convention of August 5th, Andrew J. Poppleton, a favorite of Morton and of the Omaha Herald, was nominated by acclamation as the candidate for Congress and thus made leader of the party for the campaign, and he sympathized with the general Pendleton-greenback sentiment of the party in the state. The specific declaration, in his speech to the convention, in favor of a policy which should encourage the building of railroads in the state, while in accord with a prevailing and natural public sentiment, yet, between the lines, foreshadowed a subsequent division of the party which tended to keep it in an almost inconsequential minority until it united with the professedly antimonopoly populist party in 1894. The

ord of the republican party, because it had "saved the republic from overthrow by putting down the most wanton and wicked rebellion ever known to the history of the world;" had "given the country a homestead law, thus providing free homes for free men;" had "chartered and endowed the great Union Pacific railroad, thus uniting with iron bands the Atlantic with the Pacific;" because "it is the vivifying power which imparts to the efforts of the struggling friends of freedom throughout the world their light, their heat and their highest value." They demanded that in the reconstruction of the rebel states loyal men only shall control. There was a fervent resolution of praise for the soldiers of the Civil War, and the last one, which was stricken out on reconsideration, declared that "we are opposed to all prohibitory laws and statutes interfering with the national customs of any portion of our citizens, as subversive of sound morality and as unnecessary abridgments of the liberties of the person guaranteed the people by all republican constitutions."

A resolution instructing the delegates to the national convention to support Ulysses S. Grant and Benjamin F. Wade for the offices of president and vice president, respectively, called out a motion to substitute the name of John M. Thayer for that of Wade: whereupon Silas A. Strickland presented a letter from General Thayer objecting to the use of his name for that purpose and favoring the support of Wade: "Wade helped to make Nebraska a state. Why should not Nebraska help to make Wade Vice-president?" But it appears that no action was taken on the resolution. There was an extended controversy as to whether the next state convention should be held at Lincoln or Omaha, which was decided in favor of the capital city.

O. B. Hewitt, of Nemaha county, was nominated for district attorney of the first district, J. C. Cowin, of Douglas, for the second district, and E. F. Gray, of Dodge, for the third district.

candidates for the state offices were also nominated by acclamation, a mode of choice with which democratic conventions became familiar through the common practice of some twenty-five years. The office seeks the man only when there is little or no chance that it will find him.⁷⁰

The political campaign of 1868 was a tornado of vehement offense and defense — virulent epithets and violent personalities; though the climax of this viciousness was not reached until the eve of the impeachment of the governor and auditor. It excites the wonder of their successors of the very next generation that

⁷⁰The convention was held in the Academy of Music; was called to order by Jas. G. Megeath, chairman of the state committee, on whose motion T. W. Bedford, of Nemaha county, was unanimously chosen temporary president. Chas. F. Porter was chosen temporary secretary. Committees were appointed by the chair as follows: On credentials, Thomas L. Griffey, of Dakota county, P. T. Smith, of Richardson, P. G. Cooper, of Washington, Theodore H. Robertson, of Sarpy, Harrison Johnson, of Douglas, D. P. Rolfe, of Otoe, Henry C. Lett, of Nemaha; on permanent organization, John Black, of Cass, John Rickley, of Platte, S. B. Harrington, of Gage, Charles H. Brown, of Douglas, E. A. Ellsworth, of Johnson. The officers of the permanent organization were, John Black, of Cass county, president; E. A. Ellsworth, of Johnson, C. P. Hall, of Lincoln, James C. Crawford, of Cuming, John J. Hart, of Richardson, J. S. Briscoe, of Sarpy, vice-presidents; Edwin S. Towle, of Richardson, W. H. Platt, of Hall, secretaries; committee on resolutions, Chas. H. Brown, of Douglas county, S. H. Calhoun, of Otoe, T. W. Bedford, of Nemaha, T. H. Robertson of Sarpy, George Turner, of Dodge; committee to select a state committee, H. Grebe, of Douglas, D. VanValkenburg, of Richardson, Jacob Vallery, of Cass, Guy C. Barnum, of Platte, C. P. Hall, of Kearney and Lincoln.

The second day's session was held in the rooms of the Young Men's Democratic Club. A state central committee was chosen as follows: John R. Brooke, Richardson county; T. W. Bedford, Nemaha; E. A. Ellsworth, Nemaha, Richardson and Johnson; J. A. Hellman, Pawnee, Gage, Jefferson, Saline and Lancaster; J. S. Morton and S. H. Calhoun, Otoe; Dr. John Black, Cass; John Q. Goss, Cass, Sarpy, Saunders, Butler and Seward; A. Dellone and Harrison Johnson, Douglas; P. N. Stilts, Washington and Burt; William Taylor, Dodge, Cuming, Stanton, L'eau qui Court, Dakota, Dixon, Cedar and Pierce; T. G. Braeckin, Platte, Merrick, Hall, Buffalo, Kearney and Lincoln.

Mr. Clark, chairman of the democratic committee of Wisconsin, and B. F. Montgomery, of Council Bluffs, addressed the convention.

The resolutions adopted by the convention endorsed the national democratic platform of the New York convention and its candidates—Seymour and Blair; declared that the right of suffrage should be confined to the white race; denounced the acceptance

these men of considerable parts could have played the game of politics on a plane so mean. Morton in the *News* and Miller in the *Herald* led in this unbridled offensive partisanship, partly because it was the business of the outs to attack the ins, partly because the reckless conduct of the administration offered so many vulnerable points of attack, but more largely because Morton and Miller were greater masters of epithet than their still willing and resourceful antagonists of the *Republican* and the *Commonwealth*.⁷¹

The republicans won the elections by major-

by a republican legislature of the negro suffrage condition imposed by congress in violation of the state constitution; declared against prohibitory liquor laws and the registry law then in force.

Charles H. Brown advocated the nomination of Andrew J. Poppleton of Douglas county for member of Congress, and on motion of Thos. L. Griffey he was nominated by acclamation. Mr. Poppleton made an eloquent speech in the course of which he insisted that the integrity of the constitution should be restored, that the whites of the south should be rescued from negro dominance and that there should be a reform of the rotten system of finance, which was adding eight hundred millions to our national debt. It was the desire of his heart to see Nebraska covered by a network of railroads equal to that of Illinois.

James R. Porter, of Cass county, was nominated for governor on the first formal ballot, receiving 36 votes against 16 cast for John H. Croxton, of Otoe. Victor Vifquain of Saline county was nominated by acclamation for secretary of state; Henry C. Lett for auditor; J. A. Ware of Otoe for treasurer; Jas. G. Megeath of Douglas, H. A. Hellman of Lancaster, Vincent Kummer of Platte, for presidential electors; E. W. Thomas for district attorney, first district; James W. Savage for the second district; Thomas L. Griffey for the third district. All of the candidates, excepting Mr. Kummer for presidential elector, were nominated by acclamation.

⁷¹The *Commonwealth*, for example, (August 15, 1868) in its editorial comment on the democratic convention, wishing to create an impression that it had ostracised the chief democratic leader, noted that "J. Saline Morton," "J. Stuff-ballot Morton," "J. Salt Springs Morton," "J. Sanguinary Morton," "J. Stealing Morton," "J. Standing Candidate Morton" had not been nominated for anything. Mr. Morton was afterward nominated for state senator but declined the nomination for the alleged reason that he expected to be absent from the state. He, however, took an active part in the campaign. The other principal democratic speakers were, Andrew J. Poppleton, Charles H. Brown, James W. Savage, and Victor Vifquain—a remarkably strong force; and they were well met on the republican side by Thomas W. Tipton, Turner M. Marquett, Oliver P. Mason, John Taffe, John M. Thayer, John I. Redick, and Silas A. Strickland.

ities ranging above 2,000,⁷² though it is questionable whether they fairly won at all two years before. While local conditions favored the democrats, the result of this contest plainly indicated that thenceforth, owing to the prevailing republicanism of the large immigration and the great prestige and influence of the national republican party, the organization in Nebraska was destined to be invincible for very many years. But the democratic party was not wanting in faults which strengthened and lengthened republican power in the state.

At this time the "old soldier" shibboleth began to be an open sesame to public office at whose door it continued to knock for some twenty-five years with a persistency and success unfavorable to fair politics and good government. The indebtedness and general preference which were naturally conceded to this peculiar class, were naturally overworked and overdrawn, sometimes by themselves and constantly by selfish partisan demagogues at the frequent expense of due discrimination.

The interval between the elections of 1868 and the meeting of the legislature in regular session January 7, 1869, was busily employed by the democratic press in continuing the bombardment of the state administration — and Governor Butler in particular — for corruption, and by the administration organs in denying, rather than refuting the damaging charges. The *Journal*, the organ at the capital, was the thick-and-thin defender, and the *Omaha Republican*, for the time, substituted

⁷²Following is the result of the state election, 1868, as reported by the *Commonwealth*, Oct. 31:

REPUBLICAN

Member Congress—John Taffe.....	8496
Governor—David Butler.....	8514
Secretary State—T. P. Kennard.....	8484
Treasurer—James Sweet.....	8500
Auditor—John Gillespie.....	8226
Chief Justice Supreme Court—Oliver P. Mason.....	8476

DEMOCRAT

Member Congress—Andrew J. Poppleton.....	6119
Governor—James R. Porter.....	6070
Secretary State—Victor Vifquain.....	5859
Treasurer—J. A. Ware.....	6113
Auditor—Henry C. Lett.....	6106
Chief Justice Supreme Court—John R. Croxton.....	6044

⁷³*Nebraska Commonwealth*, Dec. 5, 1868. This assiduous party organ, unwittingly or otherwise, charged that the provisions for beggarly salaries in

a policy of apology for its former hostility. In the latter part of this year the capital coterie of politicians began agitation for a new state constitution. The first constitution was condemned as inadequate and otherwise faulty because it limited the number of judicial districts to three for the next six years, and they were "entirely inadequate, even now;" because under its provisions the supreme court was composed of the three judges of the inferior judicial districts, whereas a distinct and independent supreme tribunal was necessary; because the salaries of state officers were too low — so paltry that they degraded the state; because the period of forty days to which sessions of the legislature were limited was too short for the proper transaction of business; ⁷³ and because improved provisions for the creation and regulation of corporations were needed.

After the third session of the legislature had adjourned it was discovered that no provision had been made for the election of presidential electors, and on account of this oversight it became necessary to call the fourth special session which began at Omaha, October 27, 1868, and lasted two days. The members of this legislature were elected in October, 1866.⁷⁴

The beginning of the period of almost safe supremacy of the republican party in the state was indicated by the composition of the third state legislature — but the first to have a regular session and the first, also, to hold a session at Lincoln. The observation that the half

the constitution were due to a "picayunish trick, worthy of the democratic wiseacres who perpetrated it," while in fact the constitution was compiled by men of both parties, and democrats did not actually control the legislature which promulgated it. While James G. Megeath, a conspicuous democratic leader, was speaker of the house of representatives, Oliver P. Mason, one of the most prominent of the republican leaders, was president of the senate. See Vol. 1, pp. 509-516.

⁷⁴The session of the first legislature began July 4, 1865, in accordance with a provision of the constitution, and which applied exclusively to that legislature. A distinct section of the constitution specified a different time at which regular sessions should begin; therefore the journals of the first session — July 4, 1866 — improperly styled it the "first regular session." While other special sessions are called by the governor by authority of the constitution, this first session was specially called, out of the regular time, by the constitution itself.

dozen democratic members looked very lonesome does not impute partisan bias in the observing party organ;⁷⁵ for this was a familiar phenomenon of many succeeding sessions. This legislature convened in the new capitol January 7, 1869. The officers of both houses were elected unanimously. Edward B. Taylor, of Douglas county, was president of the senate, and William McLennan, of Otoe, speaker of the house. The prospectively rich resources of the salt springs had lured the capital to its site and largely carried the hazardous enterprise of establishing it. The result of actual experiment in their development had already become disappointing and embarrassing to the sponsors of the capital removal scheme. The governor complained in his message that the Nebraska Salt Company, of Chicago, which had acquired a half interest in Tichenor's lease of the principal springs, had failed to fulfil its obligations; even the local demand for salt had not been supplied, and the company "has been unable at times to supply even a single bushel for home consumption, and has refused to pay its debts among our citizens." The governor urged the legislature to take such action as would promote the manufacture of salt to the greatest extent. He urged the legislature to provide compensation for the company of volunteers which had been organized under his advice in the fall of 1867, consisting of those settlers who had been plundered of everything and compelled to abandon their homes. He also urged the passage of a militia organization law.

The most exciting procedure of this session was the choosing of a United States senator to succeed Mr. Tipton. In the first caucus, Senator Tipton commanded less than a third of the total number of votes. He was supported by the eleven members from Nemaha and Richardson counties, the representative from Gage, and from one to three from the North Platte. Turner M. Marquett, of Cass, and Dwight J. McCann, of Otoe, each controlled the seven members from his own county and those attached to make up the districts, and in

⁷⁵The Omaha *Republican*.

addition two to three scattering votes. Governor David Butler controlled the votes of ten to twelve members, four from back counties south of the Platte, two from Douglas, and the remainder scattering from the North Platte. Four scattering ballots from Douglas county were probably held in reserve for Phineas W. Hitchcock. At the second caucus, held Saturday evening, January 16th, Tipton's highest vote was 15, Butler's 12, Marquett's 11, McCann's 10. Butler and Marquett tried to tie up their forces in the hope of winning enough to elect one of them, but at the third caucus, held January 18th, the votes needed for the success of the plan began to go to Tipton, the first vote standing, Tipton 22, Marquett 15, McCann 8. The third ballot stood Tipton 27, Marquett 15, McCann 2, and the independent and recalcitrant senator succeeded to a long term, while his carefully conforming colleague, Thayer, was put off with a single fractional term of four years. Charles H. Brown, of Douglas county, as aggressive and independent as Tipton, but without his graces of oratory and too harsh in his methods for a successful politician, received the complimentary vote of the seven democratic members.

The most important question of the session was that of applying the public improvement lands to encourage the building of railroads. There was a general public sentiment in favor of the general policy of subsidizing railroad companies with these lands, and the only important dispute was as to the extent of the grants and the manner in which they should be awarded. While the wisdom of the policy of subsidizing railroads or other private enterprises with public property is open to question, and certainly it has been very often, if not generally misapplied or abused, yet there were strong arguments in its favor in this case. For without railroads there could be no appreciable market for land or its products and so no general settlement. Locally, then, the question was one-sided; for the settlers who had cast their fortunes with the plains country could not afford to await the voluntary coming of the railroads. But whether, considering

the ample room and the undeveloped condition of states farther to the east which railroads had already reached, it was good economic policy to force the development of the trans-Missouri plains by expensive subsidies, is another question. So the present question is one of local speculation—whether in a particular case it will pay a local community to invest a part of its property with the purpose of increasing the value of the remainder. In this case the state at large came within the purview of a local community. In the circumstances, therefore, the allegation that, “by common consent these lands, or the greater part of them, seem destined to be used for railroad purposes”⁷⁶ is explicable, and it was also a correct forecast.

A resolution declaratory of the policy of the legislature, offered in the house,⁷⁷ provided that all of the internal improvement grant, “or as much thereof as the legislature may deem proper,” should be reserved for actual settlement, all the net proceeds of the sale of such lands to be used for aiding in the construction of railroads and for such other improvements as the legislature should deem best for the interests of the state. This policy was impracticable because it involved the immediate sale of the land and therefore at a very low price, so that the proceeds would have amounted to but a small gratuity; while under the policy which was adopted, of grant-

ing the lands themselves, the corporations would reckon on their prospective values which would arise largely from the building of the roads in their propinquity.

The measure adopted was the product of a compromise between the differing views. It provided that 2,000 acres should be granted for each mile of road that any company should construct ready for rolling stock, within the state; but ten consecutive miles of road must be built within one year from the passage of the act and before any land could be awarded. To prevent injurious competition with the lands retained by the state, the railroad companies were prohibited from selling their subsidy lands at less than \$1.25 an acre, and to prevent “large tracts of land from being held for any considerable length of time, thereby retarding settlement and cultivation,” the companies were required to offer annually at public sale all lands which they should still hold after five years from the time they were acquired. The act contained the conservative provision that it should not remain in force more than five years. The Union Pacific and the Burlington & Missouri companies were let into limited participation by the provision that companies which had received grants from the United States would be entitled to 2,000 acres for each mile of road thereafter constructed, but only to the extent of 25 miles.⁷⁸

⁷⁶Nebraska *State Journal*, November 21, 1868. But in his call for the special session of the legislature which convened May 16, 1867, Governor Butler stated that other new states, with the sanction of Congress, had applied the grant of 500,000 acres of internal improvement lands to university and other educational purposes, and he recommended that the legislature should memorialize Congress for a like privilege.

⁷⁷By Zimmerer, *House Journal*, 1869, p. 231.

⁷⁸Following is a statement of the disposition of the lands in question:

Internal Improvement Lands received	504,131.86 acres
Less acct. short section.....	3,319.86
	500.812.
Granted to Gage county for bridges....	1,000
Granted to Saline county for bridges....	1,000
Fremont, Elkhorn & Missouri Valley R. R.	100,030.32
Midland Pacific R. R.....	100,384.08
Brownville & Ft. Kearney R. R.....	19,989.12
Sioux City & Pacific R. R.....	47,327.10

Burlington & Missouri R. R.....	50 104.77
O. & S. W. R. R.....	100.010
O. & N. W. R. R.....	80,416.24
Burlington & S. W. R. R.....	20,000
A. & N. R. R.....	12,841.54
	533,103.17
	500,812.

Excess, owing to errors..... 32,291.17

The amount of these errors was distributed among all the railroad companies except the Burlington & Missouri and the Atchison and Nebraska.

Selections of university lands were approved as follows:

April 17, 1870.....	45,119.93 acres
Sept. 20, 1871, Agricultural College	11,504.96
Dec. 8, 1871, Agricultural College	77,947.82
	89,452.78 acres

(*Report of Commissioner Public Lands & Buildings*, 1878, p. 28.) About one-half of the school lands were located within the eastern third of the

Lingering resentment against the notorious grant of 75 sections of the public lands to the Northern Nebraska Air Line R. R. Co. at the session of June, 1867, was manifested in the vote—12 affirmative, 23 negative—on a bill offered by Brush to repeal that measure⁷⁹ and to appropriate the lands for the construction of bridges across the Platte river.

Another important act of the session was that providing for the establishment of "The University of Nebraska." An act requiring the state treasurer "to keep constantly on hand the identical funds received by him from any source whatever," until they were paid out according to law, was so inconvenient in practice that it was repealed at the special session in March of the following year. Doubtless the sense of the inconvenience was manifested quite as much by those who hoped to profit by an open-door policy as by the treasurer himself. Disastrous experience in later years has shown that the makers of the inconvenient law did not act without prevision or reason.

A law was passed prohibiting the sale of intoxicating liquors on election day. Similar laws are now generally in force throughout the

state and were therefore of excellent quality for agricultural purposes. The agricultural college lands are in the best northeastern counties, as follows: Burt, Cedar, Cuming, Dakota, Dixon, Knox, Pierce, Stanton, and Wayne. The state university lands are also, in the main, in the northeastern counties, as follows: Antelope, Cedar, Dakota, Dixon, Holt, Knox, Madison, Nuckolls, Pierce, and Webster. (*Report of Commissioner Public Lands and Buildings, 1878, pp. 19-20.*) *Report of 1880, p. 21*, shows that John Gillespie's residence property (S. ½ blk. 153) came into the hands of the state under foreclosure.

⁷⁹*House Journal, 1869, p. 260.* But an amendment to the original act was passed which provided that "the depots shall be located as before mentioned if the town of Fremont shall furnish the land necessary to put the said passenger depot upon it." (*Ibid.*, p. 206.)

⁸⁰Other notable enactments were as follows: Authorizing the choosing of an attorney general (the first under the state) at the next election with a salary of \$1,000 a year; exempting the wages of laborers, mechanics, and clerks for 60 days from attachment, execution, or garnishment; revoking the lease of the salt basin to Tichenor and Greene, executed March 18, 1868, and authorizing the governor to re-lease the lands; declaring section lines to be public highways, excepting those in the counties of Cass, Dodge, Douglas, and Washington; appropriating \$10,000 toward paying for teaching and furniture for the normal school past and future; providing for a session of the supreme court at Lincoln in January

Union. Five thousand dollars was appropriated for the compensation of Capt. John R. Brown's militia—company A, 1st Nebraska Cavalry—"called into service against the Indians by the governor from August 13 to November 15, 1867, and to satisfy claims of citizens who furnished to said company transportation and quartermaster's stores." The report of the capital commissioners was accepted, and Lincoln was formally declared the capital of the state. The original capitol grounds at Omaha were re-transferred to that city, "for the purpose of a high school, college or other institution of learning, and for no other purpose whatever." Alvin Saunders, George W. Frost, Thomas Davis, John H. Kellom, Augustus Kountze, James M. Woolworth, and their successors were constituted a board of regents to manage and control the contemplated school. A joint resolution authorizing and recommending the people to vote upon the question whether there should be a constitutional convention aroused more attention and caused more contention than any other enactment of the session.⁸⁰

A bill "to regulate the passenger fare and and July of each year; placing cities having 3,000 registered voters in the first class and those having 500 in the second; exempting from taxation property to the amount of \$100 of each person who should plant one acre or more of forest trees and to the amount of \$50 for one acre or more of fruit trees; directing the sale at public auction of the "safes, desks, and all other personal property now in the old capitol building at Omaha City, belonging to the state," the proceeds of the sale to be applied to the purchase of doors and fixtures for the vaults in the new capitol; appropriating \$1,180.45 to pay William McLennan for expenses paid in transferring the archives from Omaha; creating the office of adjutant general with rank of colonel for the incumbent and a salary of \$1,000 a year; providing that the governor, secretary of state, treasurer, and members of the legislature should be elected in 1870 and every second year thereafter, and the auditor in 1872 and every fourth year thereafter; revising the general educational law; declaring Lincoln the county seat of Lancaster county; defining the boundaries of Colfax county; appropriating \$500 toward the fund for erecting a monument to Abraham Lincoln at Springfield, Ill.; appropriating 80 acres of public land for a state cemetery at Lincoln—50 acres for the burial of inmates of the various benevolent and other public institutions of the state and 30 acres for the use of citizens of Lincoln; authorizing an election in the city of Omaha to vote on the question of bonding the city scrip issued in 1857. If the scrip should not exceed the sum of \$35,000, bonds might be issued covering principal and interest for

tariff of freight on all railroads in the state" was prematurely perhaps introduced into the house by Stout. Tender nursing and indulgence of this class of corporations, rather than correction or restraint, was a natural public policy when expansion and development of the area of settlement was a serious, and perhaps the chief public care. But a self-seeking and powerful standpat element seized upon the opportunity afforded by this peculiar condition to project its influence far beyond a legitimate period. There was, therefore, for many years, a congestion of thinking and of acting upon the important problem of the regulation or control of corporations. Such a condition is unfortunate because it is pretty sure to involve public injustice and ultimately a resentful outburst of public feeling which leads to ill-considered retaliatory anti-corporation measures. The bill was referred to a special committee — Furay, Stout, and Tisdell — which reported it back without recommendation,⁸¹ and it died a natural death without convulsion.

The secretary of state and ex officio librarian complained in his report that the last general assembly ordered him to subscribe for and keep and bind weekly editions of all the newspapers of the state but made no appropriation for that purpose.⁸² The territorial librarian complained of a like, but more deplorable neglect in 1858 and 1859. No public files of newspapers were kept until the State Historical Society began to do so about 15 years after the state librarian's notice of the miscarriage of the law. The report of the commissioners of public lands gave the information that the commissioners appointed under the law of

an amount equal to half their face, the loss of the excess over \$35,000 to be adjusted pro rata; legalizing the election of July 13, 1868, at which Douglas county had voted seven per cent bonds to the amount of \$250,000, "for securing the location and aiding in the construction of a railroad bridge across the Missouri river between the Union Pacific railroad and such other roads as may seek connection therewith, at Omaha City."

⁸¹H. R. 50, p. 142, reported back by Furay, Stout, and Tisdell—*House Journal*, 1869, p. 252.

⁸²*Ibid.*, p. 161.

⁸³*Ibid.*, p. 279. The work of the respective commissioners was as follows:

1867 to select the lands granted by the United States to the state reported that they had chosen 650,393.95 acres.⁸³ Under the date of January, 1869, John Gillespie, land commissioner, reported that there had been sold up to the close of the fiscal year—November 30, 1868—21,944 acres of school lands, at an average price of \$10.53 per acre; \$64,964.87 having been paid in cash and the balance in notes drawing ten per cent interest. School funds were invested as follows: \$26,000 in state militia bonds at 10 per cent and costing \$1.04; \$15,000 in 30 year 6 per cent U. S. bonds at 99¼ cents; and a like amount in 5-20s at \$1.10¼. The highest price per acre obtained for any of these lands was \$28.82, sold in Lancaster county, and the lowest, \$4.40, sold in Sarpy county.⁸⁴

As a condition of admission to the union, Nebraska was required by the national Congress to grant the right of suffrage to negroes. Just three years later the state was called on to give the assent needed for the adoption of the fifteenth amendment to the federal constitution which guaranteed universal right of suffrage to the black men. The motive for the first requirement was mainly philanthropic and was animated by a small number of political idealists led by Charles Sumner. The motive for the second was also partly philanthropic but very largely selfish partisan advantage. This partisan exigency or ambition demanded expedition, and of the objects of a special session of the legislature, the governor's call, issued February 7, 1870, first specified the ratification of the amendment. The second object of the session was to provide

B. F. Chambers selected 120,187.95 acres at a cost of \$18.00 per section.

John S. Bowen selected 188,600 acres at a cost of \$6.28 per section.

Royal Buck selected 46,080 acres at a cost of \$5.27 per section.

R. B. Presson selected 249,859 acres at a cost of \$5.28 per section.

Samuel Maxwell selected 45,667 acres at a cost of \$2.88 per section.

The daily expense of the commissioners was reported to be as follows: Chambers \$6.74; Bowen \$7.03; Presson, \$5.80; Maxwell, \$5.50.

⁸⁴*Ibid.*, p. 395.

for the erection of a penitentiary. Among the other proposed subjects of legislation were the ratification of the remarkable contract made by the governor with Isaac Cahn and John M. Evans for the development of salt manufacturing, and division of the state into congressional districts.⁸⁵

None of the proposed legislation was of such urgent nature as to justify a special session, constitutionally or otherwise. Such of the acts recommended as were needful, if any, ought to have been passed at the regular session; though since the purpose of ratifying the fifteenth amendment had brought the legislature together, several of the measures proposed in the call were worthy of consideration.

There is now little influential dissent from the general tacit, and the frequent publicly expressed approval of the negation of the negro suffrage amendment in all the states where negroes are numerous enough to give the question importance. The governor's grandiose recommendation that the legislature should assent to the amendment is already a voice from the tomb of the dead past, and it now seems as crude in conception as it was in expression. "When this is done, and only then, will the work of reconstructing the union have been thoroughly and grandly accomplished. It is now your privilege to give the finishing touch to this fabric of true American liberty, to strike the final blow which shall sunder chains forged by the barbarism of past ages and maintained by an unjust prejudice to the present day."⁸⁶

The amendment was promptly assented to, only Senator Guy C. Barnum, of Lin-

⁸⁵The *State Journal*, the organ of the administration faction, in the advocacy of a special session—October 23, 1869—said that the obstinacy of two or three members at the close of the regular session had prevented the suspension of the rules for the passage of a penitentiary bill and insisted that the two or three jails in the state were absolutely inadequate for the proper imprisonment of convicts. Only one of them, the basement of the little court house in Omaha, "will hold a man who has the least desire to get away." The *Journal* also favored the ratification of the fifteenth amendment, the appropriation of a site for a postoffice at Omaha from land

coln county, and four members of the house—Marcus Brush, representing Saunders, Seward, and Butler counties; Jacob S. Hunt, representing Saline, Lincoln, and Kearney; Leary, of Douglas; and Charles A. Spiece, of Platte, voting against it.⁸⁷ The two other democrats of the house did not vote, so that there was a strict party division on the question. This attitude of the democratic party against negro suffrage was, at that time and for a long time after, regarded by a large majority of the people of the north as reactionary and unphilanthropic; but the test of experience at least removes this odium, and perhaps awards the opposition instead the virtue of wise foresight and courage of opinion; though both parties were alike moved in part by partisan selfishness—the republicans by the expectation of acquiring the solid negro vote, the democrats by the hope of depriving their adversaries of the coveted recruits.

The impeachment spirit was strong enough to venture a preliminary movement at this session and it was formulated in a resolution of the senate requiring the capital commissioners to report the amount they had received for the sale of Lincoln lots and the number remaining unsold and, more aggressively, in the appointment of a joint committee of the two houses to investigate their transactions. The commissioners reported that they had received \$296,268 for lots sold and that 600 were unsold. The investigating committee—Stevenson and Fulton of the senate and Church, Brewster, and Hunt of the house—found that the commissioners had sold land without

belonging to the state, and in general argued that the regular session of forty days was too short for accomplishing its legitimate business. The *Journal*—November 16—pointed out also that the 90,000 acres of agricultural college land had not been selected because the legislature had neglected to appropriate an expense fund for the purpose.

⁸⁶*Senate Journal*, 6th session, p. 10. Governor Butler said in the message that the assent of 27 of the 28 states required had been given, "not counting New York."

⁸⁷*Senate Journal*, 6th session, p. 18; *House Journal*, 6th session, p. 19.

authority of law; that seventy-five acres of land for a site for the lunatic asylum had been obtained "on very advantageous terms, . . . not a compensation for such location, but in the nature of a partial donation to the commissioners by some citizens, after the location of the asylum, to interest the commissioners with the hope of getting their influence to assist them [the citizens] in building up a little town in the neighborhood of the asylum;" that the commissioners had advanced about \$4,000 to the contractors in excess of the work done and material furnished; "that the contractor of the asylum has also contracts for building in which the governor and secretary of state [the commissioners under investigation] are interested, and such contractor has obtained funds on estimates for the asylum with the view of using the funds immediately in furtherance of the erection of the houses of the governor and secretary and in like manner has also obtained funds from said parties on estimates for their houses which applied to the work and material of the asylum;" that no deeds had yet been given for lots and land bid off at the sales of 1869 in the sum of near \$150,000, no payments having been made on these purchases and the commissioners had promised them time for making payment. And yet this consistent legislature proceeded to spread an equally thick coat of whitewash over the dismal black with which its committee had thus industriously and thickly tarred the commissioners.⁸⁸ A joint resolution which passed the senate unanimously and the house with six dissenting votes declared that the commissioners acted in good faith in the discharge of their duties; and that "in exceeding the

appropriation in the amount of land and lots sold and in increasing the size and cost of public buildings now in course of erection at Lincoln they have been governed by an honest purpose to subserve the best interests of the state."⁸⁹

The sixth session adjourned March 4th, leaving unfulfilled several of the main purposes for which the governor had called it, and so at half past eight o'clock of the evening of the same day he issued a call for the 7th session to convene at once. The objects of the session stated in the call were to pass a herd law; to ratify the Cahn and Evans salt development contract; to amend the act requiring the treasurer to keep on hand the identical funds received; to authorize county clerks and clerks of district courts to acknowledge deeds and other instruments in writing, and to legalize former acknowledgments by such officers; to authorize Pawnee county to issue bonds for the purpose of paying its indebtedness incurred in building a court house; and to authorize the secretary of state to publish the laws of the sixth and seventh sessions.⁹⁰

Governor Butler had urged the ratification of the Cahn and Evans contract in his message to the 6th session, and notwithstanding that a bill introduced for that purpose had been indefinitely postponed,⁹¹ he promptly pressed the subject upon the 7th session, and again a bill introduced in response to his recommendation was tabooed, failing to reach a second reading.⁹²

Subsequent disclosures of the governor's relation to this contract⁹³ illustrate the fatuous folly and hardihood with which he was opening the way of his political enemies toward his own complete undoing as well

⁸⁸*Senate Journal*, 6th session, p. 88.

⁸⁹*Senate Journal*, 6th session, p. 92; *House Journal*, 6th session, p. 98. Those voting no were Brewer, Brush, Chase, Fox, Griffin, and Speice—four democrats, and two republicans—Fox and Griffin from Douglas county.

⁹⁰*Senate Journal*, 6th session, p. 99. Before the 6th and 7th sessions convened, three senators—Thos. J. Majors, Isham Reavis, and Wm. F. Chapin—had resigned, and Wm. Daily, Samuel A. Fulton, and Eugene L. Reed had been chosen to fill the re-

spective vacancies. In the house Fordyce Roper succeeded Nathan Blakeley, Hiram O. Minick succeeded Geo. Crow, C. A. Leary succeeded Jno. B. Furay, Samuel Carter succeeded Jos. T. Hoile, Jonathan Edwards succeeded J. D. Smith, and L. W. Pattison succeeded Delos A. Tisdell. Barnard of Dodge county, and Evans of Dixon, Cedar, and L'eau qui Court were absent from both sessions.

⁹¹Senate file 1, *Senate Journal*, 6th session, p. 47.

⁹²*Senate Journal*, 7th session, p. 102.

⁹³See Vol. II, p. 289.

as his utter lack of a proper or safe sense of official propriety. The legislature complied with all the remainder of the recommendations of the call for the 7th session and adjourned on the day on which it was convened, after a single evening meeting.

In ordinary circumstances politicians and their petty schemes receive far more public consideration than their importance or the public good justifies; but this evil was exaggerated just at this time, when the energy of public men and of the people was required for the great work of developing the resources of the state which were still in a crude and doubtful condition. The public mind was distracted by political agitation and excitement. The short interval between the end of the special session, which had hinted at impeachment of the administration, and the regular session, which would precipitate it in good earnest, was occupied by the anti-administration forces in unbridled charges of irregularity and corruption and an unwisely bold defense by the administration's adherents. While the *Omaha Republican* had ceased kicking over the regular party traces, it merely followed instead of leading in the much needed defense of the administration. When the *Herald* and the other democratic journals charged that Governor Butler had feloniously appropriated nearly \$17,000 of the school fund—the state's five per cent share of the proceeds of the sale of public lands—the *Republican*, instead of going to the records themselves, merely answered that it had the word of the treasurer that the money had been duly deposited in the treasury, and later cited a letter written during the last winter by Edward B. Taylor, who brought the U. S. treasury draft for the money from Washington, which made a like averment.⁹⁴ The *State Journal*⁹⁵ added to the deceitful evasion the clap-trap virtual confession and avoidance, which may be frequently heard in Lincoln in the

⁹⁴*Omaha Republican*, June 10 and September 10, 1870.

⁹⁵September 2, 1870.

⁹⁶October 5, 1870.

same cause at the present day, that Butler had done more toward building up the state than any other man. This was, in a sense, true, and so was the answer that the attacks of the democratic press abounded in blackguardism. But these superficial tactics neither met the charges nor saved nor exculpated their object when the tests of trial and proof came.

A year before, the *Herald* made sweeping allegations of corruption against the governor in its tremendously positive and aggressive style,—“We distinctly and boldly charge that for thousands and thousands of dollars of the public moneys alleged to have been disbursed by him for public uses, David Butler could not, and did not last winter, nor can he now produce a single voucher.” At that time, when “Gus” Harvey, editor of the *Statesman*, challenged the bold accusers to make the charges specific so that they might be met, the *Herald* replied with just such a *non sequitur* as the favorite one of the *Journal*, namely,—that Mr. Harvey was one of “Butler's hirelings,” whose duty at Lincoln was to do dirty work for corruptionists. The fact that Mr. Harvey, who until this time had been a violent “copperhead” and abolitionist hater, was now the salaried employe and journalistic defender of the capital promoters threw some suspicion on his good faith and fitness for an arbiter in the controversy; yet his exception to the sweeping and violent character of the attacks on his benefactors was well taken. By 1870, however, the charges had become specific. For example, the *Herald*⁹⁶ alleged that Governor Butler had demanded a bonus of \$5,000 for a salt lease from a Mr. Hall, a foundryman at Omaha, and “a large amount of paid up stock” from the Omaha & Southwestern Railroad Company; and on its refusal to comply with his demand, he defrauded the company “out of large sums of money in the selection of its quota of state lands.” S. S. Caldwell, the president of the road, was named in this editorial indictment as a

witness to its truth. When the Brownville *Democrat* alleged that Mr. Beals, state superintendent of public instruction, kept back the Nemaha county portion of the school fund to speculate with, the *Journal* was unable to positively deny the charge because Mr. Brock, the deputy state treasurer, was away on important business."

A great scandal arose from a loan of \$10,000 from the school fund to A. C. Tichenor, lessee of the principal salt basin, secured by a third mortgage on the hotel in Lincoln known as the Tichenor House.

⁷⁰*Nebraska State Journal*, February 26, 1870.

⁷¹*Nebraska State Journal*, September 15, 1870. The Tichenor House, later known as the Oriental Hotel, was situated on lots 1, 2 and 3, block 121—on the corner of K and Thirteenth streets. The first mortgage of \$4,000 and the second of \$1,500 covered the front or north 100 feet of lots 1 and 2; the third, given to the state, covered the same ground and half of lot 3. Tichenor met the charge of the *Herald*, that the loan was unsafe and the transaction corrupt, by a scurrilous attack on Dr. Miller, the editor of the *Herald*. He alleged that the building cost \$35,000 and the furniture \$10,000, and that the insurance on the property, amounting to \$27,000, was assigned as further security. The *Herald* (Weekly), June 21, 1871, said: "The Tichenor House swindle gradually assumes new features of interest. Some legal proceedings were had in connection therewith at the recent session of the district court at Lincoln, and the fact was disclosed that some twenty-five mechanics liens ornamented that stately structure, all taking precedence of the state mortgage." This property was sold at sheriff's sale, September 20, 1871, for only \$12,654, to George W. Ballantine, William Starring, A. M. McElhinney, and J. N. Townley (*State Journal*, September 20, 1871). Nelson C. Brock, deputy state treasurer, testified before the senate investigation committee that Tichenor brought him a paper from Governor Butler, requesting him to make the loan if the security was good; that he gave Tichenor \$7,000—all there was of the fund in the treasury—and Tichenor gave him a check for \$1,000, which, it was understood, covered \$350 which Tichenor owed to Brock's bank as well as the value of Brock's services in obtaining the loan. Tichenor turned over two fire insurance policies, amounting to \$12,000, as additional security; but one had been cancelled because the premium had not been paid. Tichenor testified that he received only \$9,000, Brock keeping back \$1,000 for himself (*Daily State Journal*, February 1, 1871). The fact that the security for this large loan was a third mortgage, alone placed it in the list of public scandals, and the fact that it was made to a man of Tichenor's character would alone have put it on the questionable list. The worthlessness of the obligation to repay it soon became apparent. The mortgage was dated August 1, 1870, and it was to run five years, with interest at ten per cent, payable semi-annually. The first installment of interest—\$500—was paid, or withheld, in advance, and nothing more was ever paid by Tichenor. September 28, 1874, James Sweet and Nelson C. Brock executed a bond and mortgage to

This charge was specific, at least, because the loan was a matter of public record; and the fact that Tichenor was regarded as an irresponsible adventurer^m in addition to the scandalous details of the transaction, stimulated the increasing demand for impeachment. A loan of \$6,000 to John Cadman, secured by a mortgage on his farm of 220 acres, lying about two miles and a half southwest of Lincoln, was denounced as unsafe and based on political favoritism. The counter-charge that the editor of the *Herald*, the most comprehensive and aggressive

the amount of \$10,500—\$9,000 secured on lots 13, 20 and 21, block 42, city of Lincoln, and \$1,500 on s. e. ¼ sec. 12, t. 9, r. 6 e. The interest on the original loan for three years, one month and 28 days was waived by this settlement. The last payment of this new obligation was made by Messrs. Sweet and Brock August 8, 1879. On \$4,000 of the amount they paid 6 per cent instead of the original 10 per cent, a difference of \$2,041.33. They paid in all, the face of their note—\$10,500—and \$5,897.95 interest (*Bond Record*, office of state treasurer, pp. 19 and 49). The legislature allowed Stephen B. Pound \$300 as an attorney fee in this case. (*Ibid.*, 1875, p. 284.)

August 29, 1874, a stipulation for a settlement of the suit which had been brought by the state against Sweet and Brock was signed by Attorney General J. R. Webster and the defendants. By the terms of the stipulation Sweet & Brock were to give a bond to pay \$10,500—interest at ten per cent—secured by real estate mortgage, and the state was to turn over to them the original Tichenor note and mortgage, they agreeing to pay such part of any sum they might collect on this note and mortgage as should equal the amount of interest which was delinquent and due to the state on the same and keep the remainder for themselves. This stipulation required the approval of the state legislature to make it effective, which was given by an act of February 25, 1875. (*Laws of Nebraska*, 1875, p. 308.)

John Cadman's \$6,000 loan was settled at the end of eleven years. The release of his mortgage, executed by Geo. M. Bartlett, December 31, 1881, recites that the state received \$3,000 in cash and the balance in land not therein described. (*Mortgage Record* X, Lancaster county, p. 445.) The legislature had provided for delinquencies of this sort, in 1877, by a law which authorized the taking of other lands when necessary in settlement of these delinquent loans. The treasurer's report, January 1, 1873, shows that \$81,800 of the total school fund loan of \$253,699.48 was recklessly loaned on real estate security. The borrowers include N. C. Brock, deputy state treasurer, \$5,000; John Gillespie, auditor and land commissioner, \$4,000; S. D. Beals, state superintendent of public instruction, \$1,150. The remainder of the investments comprised \$71,000 in 5-20, 6 per cent U. S. bonds, and \$100,898.48 state general fund warrants. The outcome of the Tichenor loan, which yielded only four per cent, shows that honesty would have been the best policy for the state. The U. S. bonds yielded a higher and safe return.

accuser of Butler, had participated in an attempt to bribe the governor to lease all of the desirable salt springs to himself and two associates⁹⁹ was not pressed beyond the newspaper assertion, but it served to indicate to the public that doubt of the integrity, and confidence in the corruptibility of the administration were common and irrespective of parties. The criticism, or rather the denunciation, of these loans was justified by the outcome. Neither Tichenor nor his security ever yielded a cent in payment of his loan, and after the lapse of eleven years the Cadman loan was settled

⁹⁹*Nebraska State Journal*, September 15, 1870. The other two members of the alleged syndicate were Tichenor himself and Dan Parmalee, of Omaha.

¹⁰⁰The Cadman mortgage is recorded in mortgage record B, Lancaster county, p. 242; the prior mortgage in mortgage record A, p. 61, and the release in mortgage record B, p. 590. The law of 1867 provided that the school funds "shall be, by the governor, land commissioner, and treasurer of the state invested in United States or state securities, which shall bear not less than 6 per cent annual interest." By the amendment (laws of 1869, page 139) the funds might be invested "in United States, state, or some other good and sufficient securities;" thus opening wide the door to speculation and personal favoritism. According to the report of the state treasurer, January 1, 1873, the investments of the school funds were as follows:

U. S. 5—20 bonds, 6% gold,	\$ 56,000.	
U. S. 5—20 bonds, 6% currency	15,000.	
General fund state warrants, 10%	100,899.48	\$171,899.48
Real estate bond and mortgage, Jno. Cadman.....	6,000.	
A. T. & A. C. Tichenor.....	10,000.	
Esther Warner.....	6,000.	
First Christian Church Neb., City	4,000.	
Wm. F. Chapin.....	1,000.	
S. McConiga	1,000.	
C. L. Sheffer	200.	
A. P. Cogswell.....	1,250.	
Geo. B. Skinner.....	1,000.	
Geo. W. Ballantine.....	4,000.	
D. C. Jenkins.....	2,000.	
A. J. Cropsey.....	10,000.	
A. T. McCartney.....	500.	
Watson Parrish	1,000.	
F. F. Liming	2,000.	
Lyman Frost	5,000.	
J. M. Young	5,000.	
Levi Snell	3,500.	
O. P. Mason (500 endorsed)	2,000.	
N. C. Brock	2,500.	
N. C. Brock.....	2,500.	
Jno. Gillespie	4,000.	
Wm. Fulton	2,500.	
Jno. A. Hellman.....	1,500.	
Ira P. Conger	1,000.	
Royal Buck	1,200.	

by a compromise. When the *Herald* pointed out that the records showed that there was a mortgage of \$1,200 on Cadman's property, prior to the state's mortgage, the *Journal* asserted with great gusto that it had been released. The mortgage to the state was dated April 1, 1870. The attacks and exposures of the press in September, 1870, evidently forced the filing of the release of the \$1,200 first mortgage on the 17th of that month, six months after the state loan was made. It is a fair inference that the release was dated back—to March 4, 1870.¹⁰⁰

S. D. Beals	1,150.	81,800.
Total		\$253,699.48
Released during the year, Jno. Roberts	500.	
Released during the year, Sherer & May.....	5,000.	
O. P. Mason (endorsed)....	500.	

A synopsis of N. C. Brock's testimony before the investigating committee, February 1, 1871, which appears in the *Daily State Journal*, February 3, 1871, illustrates the remarkable manner in which "indulgences" were farmed out by the legal custodians of the school fund. Mr. Brock said that the firm of Sweet & Brock had obtained a loan of \$15,000 from the school fund in the fall of 1870; Lyman Frost, who lived near Lincoln, owed the firm \$4,500 on which he was paying interest at the rate of 24% annually; Brock sent for Frost and offered for a bonus of \$1,000 to transfer \$5,000 of the Sweet & Brock loan to Frost—which was done. Levi Snell also paid Sweet & Brock a bonus of \$700 for a school fund loan of \$2,500; and Elder John M. Young paid them a bonus of \$100 for a loan. The bonds and mortgages given by Sweet & Brock as security for their loan from the school fund "were deposited with James Sweet & Brock, both as bankers and state treasurer." This was indeed catching them going and coming.

Judgment for \$5,200 was obtained in a foreclosure suit against the First Christian church of Nebraska City and the property, comprising the church building and lot, was sold under execution for \$1,000 and bid in by the state. Personal judgment was obtained against the bondsmen for the balance, and they unsuccessfully appealed the case to the supreme court (Governor's Message, *House Journal*, 1875, page 52). By an act of the legislature (*Laws of 1875*, page 247) these bondsmen—Daniel Gregg, Benjamin M. Davenport, and Nathan L. Simpson—were released from liability on the bond and mortgage and the judgments obtained thereon, except the part relating to attorney fees, on condition that they convey title of the property to the state.

March 22, 1873, suit was begun in the district court of Lancaster county against John Gillespie, as auditor, and his bondsmen, R. B. Presson and Lewis A. Walker. The petition alleged that Gillespie had misappropriated \$14,091.39 of the "fugitive from justice" fund; but as the amount of the bond was \$10,000 judgment for that sum only was asked for and obtained. There were seventeen causes of ac-

But not only were these loans inadequately secured, they were made in plain violation of sound public policy which had been embodied in the statute limiting the investment of school funds to United States and state securities, until, with vicious purpose and effect it was changed in 1869 so as to permit loans of the school fund to individuals on any security whatever in the discretion of the board of politicians which controlled it. Excuses for wilful violation of a well tried and safe rule and practice are lame as a matter of course. James Sweet, state treasurer, in his report covering the period from December 1, 1868, to January 1, 1871, gave two excuses for this unsafe loaning of the school funds under a vicious permissive law, for which he confessed that he expected severe criticism. One excuse was

recited in the petition. Presson was served with summons in Gage county. The summons for Walker was returned as "not found," and the case was dismissed as to both of them. July 12, 1873, two lots in Seward belonging to Gillespie were sold on execution for \$33.50 each; and September 30, real estate in Lancaster county was sold for \$355 (*Journal B*, p. 144; *Complete Record E*, pp. 1 to 76, district court, Lancaster county).

The legislature of 1879 authorized the attorney general to cancel this judgment, citing as a reason therefor that, "said expenditures were incurred in securing to the state of Nebraska the agricultural college lands, internal improvement lands, indemnity school lands, and expenses in the sale of common school lands, the expenses of the insane asylum, and securing other material interests of the state, the state having received the benefits thereof. The proper vouchers are on file in the auditor's office in support of such expenditures and the amounts charged against the several appropriations made for such expenses." This act passed the senate by a vote of 18 to 6, and the house by 52 to 23 (*Laws of 1879*, p. 451).

September 12, 1873, foreclosure suit on the school fund loan to John Gillespie was begun in the district court of Lancaster county and judgment for \$5,042.42 was obtained. The mortgage covered lots 7 to 12 inclusive, block 153, Lincoln; and the e. $\frac{1}{2}$ of s. w. $\frac{1}{4}$ sec. 31, twp. 10 n, r. 7, east of the 6th principal meridian. John C. Cowin, who held a subsequent mortgage, was made a party defendant, and Seth Robinson, who appeared as his attorney, alleged in a motion for a new trial that Robert D. Silver and Gillespie entered into a corrupt bargain whereby Gillespie, as commissioner, was to assist in awarding the contract for the erection of the state university building to Silver in consideration of which Silver was to erect Gillespie's dwelling house free of cost to him. Silver's mortgage was for the amount of \$2,400 and covered lots 7 to 12 inclusive, and Cowin's, for \$767, covered the same property (*Complete Record I*, Lancaster county, p. 585).

that United States bonds were at that time depreciating in value; the other, that individual citizens needed money and that therefore the school money should be circulated within the state through individual loans secured by real estate mortgages. The first excuse was plausible but not legitimate; the second was vicious. The fact that Mr. Sweet personally paid off the Tichenor loan indicates his honesty of purpose but does not cover his weakness in yielding to improper pressure. The needy "people" whom he accommodated by these illegal loans included every member of the board which by law was the custodian of the school funds—the governor, the land commissioners, the superintendent of public instruction, and the treasurer; for Mr. Brock, who admittedly took a large com-

Suits for the recovery of school fund loans were prosecuted against George B. Skinner, D. C. Jenkins and A. P. Cogswell (*Governor's Message, 1875*).

March 22, 1873, a suit was begun by the state of Nebraska against William H. James, acting governor, Dwight J. McCann, and the Nebraska City National bank. The petition alleged that December 7, 1871, a warrant on account of the indemnity for the Indian depredations of 1864 in the amount of \$4,834.94, and January 15, 1872, \$1,464.10 on the same account were deposited in the bank to the personal credit of James. Judgment for \$8,067.52 was obtained against all the defendants November 11, 1874, which was affirmed in the state supreme court. Satisfaction of this judgment was entered March 6, 1879 (*App. docket, C*, p. 160; *Complete Record I*, p. 560, district court, Lancaster county).

The *Omaha Weekly Bee*, February 19, 1873, relates that defendant Dwight J. McCann stated that under the act of 1865, Governor Saunders appointed him paymaster of the second brigade—South Platte—and that as such paymaster he paid to men and for horses \$805 more than he received; that afterward Patrick O. Hawes collected \$4,800 more which was deposited in the bank in question; that Governor James checked out personally from the bank, which was under the control of McCann, the difference between \$4,373, the amount of the deposit, after repayment of another advance by McCann, subject to the governor's check, and \$1,373 claimed by McCann in payment of the \$805 which he had advanced with interest. Between them, it was said, they got away with all the money.

In his message to the legislature of 1875, Governor Furnas illustrated the perniciousness of personal loans of the school funds as follows: "There are twenty-five loans to individuals outstanding. Of this number but five have paid the interest promptly, some not at all. On the amount invested by the present state board in general fund state warrants, state certificates of indebtedness, and local school district bonds, every mill has been paid promptly."

mission on several of these loans, and inferentially on most of them, was de facto treasurer, having personal custody of the office and discharging its duties. Besides these officers of the administration, frequent and prominent in the not long list of the beneficiaries of these "popular" loans are the names of partisan, and evidently influential politicians. But the list of public losses and of treasurers in the new west who have come to tragical ends, as a result of this foolish and dangerous practice, is indeed a long one. The subsequent loss to the state of more than a half million dollars, under Mr. Bartley's treasureship, was doubtless due in the main to this benevo-

¹⁰¹Shortly before his death, St. A. D. Balcombe said to the writer that this was the deliberate determination of many of the anti-Butler leaders, and presumably he himself was one of them. Whether this was an ingenious after-thought or not, its cold-blooded ingenuity fits well the men, the circumstances, and the final outcome.

Ebenezer E. Cunningham in the following letter to the editor, dated at San Francisco, January 6, 1905, throws additional light on this most turbulent period of the state's history.

"I enclose a scrap of paper which has remained in my keeping for thirty-four years. It is in the well known handwriting of the late Judge E. S. Dundy, and was the first move made in proceedings which ended in the impeachment and removal from office of the state of Nebraska's first governor. As its history has never been told and may prove of interest I will relate it.

"Throughout the summer of 1870, and prior to the meeting of the republican state convention, charges of fraud and speculation were made daily, by the Omaha *Herald*, and other democratic papers, against Governor David Butler and his associates in the board of commissioners, in connection with loaning school funds and the sale of Lincoln lots, and contracts for erecting public buildings at the new state capital. These charges were believed by many citizens and by not a few republicans, and of the number who feared the charges might prove true, were Judge Dundy and the writer.

"Judge Dundy and myself, with others, were chosen as delegates to represent Richardson county at the republican state convention of 1870, which met in the new capitol building at Lincoln. Governor Butler was a candidate before the convention for renomination, and his principal competitor was Colonel Robt. W. Furnas, of Nemaha county. At that time the people of the adjoining counties of Richardson and Nemaha were straining every nerve to secure a railroad. The Richardson county people were bitterly opposed to Furnas, believing his success would prove fatal to a railroad through Richardson county.

"When the state convention assembled, Dundy and I were the only delegates who attended, and we held the proxies of the other delegates from Richardson. We did not feel at liberty to support Furnas

lent disposition of public funds, and the culminating calamity was a natural, if not the legitimate offspring of Mr. Sweet's system.

Governor Butler had served the usual two terms so well, or so ill, that a strong faction of his party favored his nomination for a third term; but in the convention he was almost overborne by the fierce opposition, and it is probable that he succeeded by the temporary grace of some of the leaders of the opposition, who, bent on his complete political destruction, preferred to reserve or preserve him for impeachment after his election, rather than run the risk of adding to his popularity by the martyrdom of defeat.¹⁰¹ One may as well look for

on account of local interests and feeling, and we feared to see Butler renominated, therefore we cast the vote of Richardson county for Samuel Maxwell, of Cass county. After several ballots without a choice, Maxwell's strength began to fall away, some votes going to Furnas, and some to Butler. Finally Dundy and I were reduced to the extremity of choosing between the two leading candidates, and we cast Richardson's vote for Butler, nominating him. When the convention adjourned, the judge and I returned to the Tichenor House filled with gloom over the victory we had helped to win.

"At the fall election of 1870 I was reelected to the state senate, and when the legislature met, was chosen president of the senate. Butler of course was reelected governor.

"During the winter of 1870-71, I roomed with Judge Dundy, or rather we roomed together, at the old Tichenor House. After the senatorial election was over the war on Butler and his associates was renewed with ten-fold fury. One evening in our rooms at the Tichenor, there being present besides Dundy and myself, Tom B. Stevenson, a lawyer and former state senator, of Nebraska City, and S. B. Fulton, a young lawyer of Falls City, the Butler charges were discussed at length, and the four republicans present were agreed that an investigation of the charges was required, in the interest of the republican party, as well as of the state. I was the only member of the legislature present, and I requested Dundy to draw a joint resolution providing for legislative investigation. The enclosed paper, with its erasures and interlineations was the result. After it had been completed, it was copied (by either Stevenson or Fulton, my recollection is that it was by the latter), the judge very naturally desiring not to be known in the matter. A copy was placed in the hands of a member of each house, introduced, and finally adopted by both houses, with amendments I presume, and the result of the investigation was resolutions of impeachment.

"After the first copy was made, I asked Judge Dundy to allow me to take the original paper, which request was granted, and it has remained in my possession since. Now that the judge is gone I see no harm to anyone in making the facts known and giving the paper to you, that it may find a place

a cool retreat in the traditional hell as for peace in practical politics; but this anti-Butler campaign was an unusually grim illustration of the apothegm.

The republican state convention for 1870 was held at Lincoln on the 10th of August. John Taffe was nominated for member of the national house of representatives for a third and last term, on the first ballot, his principal competitor being Joseph E. Lam-

aster. After a fierce contest, David Butler was nominated for governor for the third time on the ninth ballot. His principal competitors were Robert W. Furnas and Samuel Maxwell. Furnas received sixty-five votes on the seventh ballot—within three votes of a choice. Maxwell received his highest vote—32—on the informal ballot.¹⁰² Champion S. Chase declared in the convention that there were charges against

among other scraps of early history in case you deem it of sufficient value.

"I understand Tom Stevenson is long since dead, that Fulton is out of the state and may be under the sod, and I am probably the only one living of the four who were in the room when and where this incident had its birth. It has seemed to me that there was a sort of retributive justice in the fact that the two who gave the casting votes which made Butler the republican nominee should have had something to do with the action which repaired in a measure their mistake and that of the republican party."

Concurrent resolution providing for the appointment of a committee to investigate the official acts and doings of the commission appointed by the legislature of this state (to locate the seat of government and provide for the erection of public buildings, and to sell the unsold lots and blocks on the town site of Lincoln and to locate and erect a state university and state lunatic asylum).

"Whereas, as it is currently reported throughout the state and publicly charged in certain prints of this state, that the commissioners appointed (to locate the seat) have violated the trusts reposed in them by exceeding the authority given them under the laws by which they were created, and by engaging in certain speculations and frauds.

"And whereas, we deem it but just that if these charges are false the aforesaid commission should have the opportunity of vindicating themselves before the legislature and people of this state, therefore be it resolved by the legislature of the state of Nebraska, that a committee of two on the part of the senate to be chosen by the senate and three on the part of the house to be chosen by the house, be and are hereby appointed to investigate the official acts and doings of the aforesaid commission, and that said committee have power to send for persons and papers and that they be directed to make report of their investigation to the legislature at its present session."

The *Omaha Daily Bee*, January 26, 1872, states that Edward Rosewater, founder and editor of the *Bee*, was a director of the original *Tribune* company in 1870, and then objected to hoisting the Butler ticket in the *Tribune*; but he was overruled by "certain sanctimonious persons who talked of \$500 which Butler might possibly invest in the *Tribune* concern." The *Bee* avers also that Butler was nominated by delegates from Douglas county contrary to positive instructions of that county. The *Republican and Tribune* was at this time—1872—consolidated under the lead of John I. Redick who "volunteered to act as his [Butler's] legal defender."

¹⁰²The convention was called to order at 10 o'clock A. M., August 10, by H. D. Hathaway, chairman of

the state committee. G. W. Ambrose was chosen for chairman, and C. H. Gere for secretary of the temporary organization. T. M. Marquett, H. Crossley, L. A. Stebbins, J. B. Park, and S. D. Abbott were the committee on resolutions. The permanent organization was as follows: President, G. W. Ambrose, of Douglas county; vice-presidents, J. B. Park, of Hall, A. Deyo, of Saunders; secretary, G. L. Seyboldt, of Cass. On the informal ballot for a candidate for member of Congress, John Taffe received 73 votes; Joseph E. Lamaster, 41; E. H. Rogers, 2; Lorenzo Crouse, 18; Stevenson, 1. Taffe was then declared the unanimous choice of the convention. On the informal ballot for a candidate for governor, David Butler received 51 votes; Robert W. Furnas, 44; Samuel Maxwell, 32; Champion S. Chase, 2; Kirkpatrick, 1; Alvin Saunders, 4. The result of the ninth ballot was, Butler, 72; Maxwell, 17; Furnas, 45; Chase's highest vote was 4. William H. James, of Dakota county, was nominated for secretary of state; H. A. Koenig, of Hall, for treasurer; J. M. McKenzie, of Nemaha, for superintendent of public instruction; C. H. Gould, of Burt, for state prison inspector; Joseph E. Lamaster, of Otoe, for contingent member of Congress. The informal ballot for secretary of state was, Dr. F. Renner, of Otoe county, 37; W. H. James, of Dakota, 21; H. W. Parker, of Seward, 18; Leander Gerrard, of Platte, 12; A. B. Fuller, of Saunders, 10; G. S. Seyboldt, of Cass, 31; Daniel H. Wheeler, of Cass, 4. W. H. James received a majority of the votes cast on the first ballot of the second day's session. H. A. Koenig, of Hall county, James Sweet, of Otoe, Dwight J. McCann, of Otoe, and John L. McConnell, of Lancaster, were candidates for treasurer. Koenig was nominated on the first ballot. J. M. McKenzie, of Nemaha, was nominated for superintendent of public instruction by acclamation, after the first ballot, defeating S. D. Beals, the incumbent, and six others. George H. Roberts, of Otoe, was nominated for attorney general on the first ballot against Seth Robinson, of Lancaster, and Porter, of Nemaha. The central committee was composed as follows: H. D. Hathaway, of Cass county; T. J. Majors, of Nemaha; A. Deyo, of Saunders; C. W. Seymour and H. A. Newman, of Otoe; C. Woodley, of Johnson; E. E. Cunningham, of Richardson; M. B. Hoxie, of Colfax; J. N. Hays, of Dodge; B. S. Hilton, of Washington; G. O. Williams, W. T. Clark, of Douglas; J. R. Brown, of Jefferson. The convention elected George W. Ambrose, of Douglas county, chairman of the committee.

The resolutions approved the administration of President Grant for its rigid economy and faithful collection and disbursement of revenues and "above all for consistent and unflinching adherence to the great principles of freedom and equality which

the rectitude of Butler and he doubted the propriety of nominating him. Though the opposition to Butler had now become widespread, Omaha was its headquarters.

The omission from the resolutions adopted by the convention of any reference to the state administration or state affairs was significant and in harmony with the adage that the least said about some things the better; and it was tacit approval of Mr. Chase's warning as to the impropriety of nominating Butler. The glittering-generality character of the platform was illustrative of the fact that the republican party was still resting on the prejudices and laurels of the civil war and had not yet grappled with economic principles or accepted the economic policy of Pennsylvania and other almost exclusively manu-

constitute the corner stone of the republican party;" for rapid reduction of the public debt and consequent reduction in the price of gold; heartily sympathized with the people of Germany "in their heroic efforts to preserve intact the territory which rightfully belongs to them," and prayed defeat for the French Emperor who "is endeavoring to extend a hateful despotism over the soil of an unoffending people." (This remarkable partiality illuminates and is explained by the fact that the number of French voters in the state was so small that they might be profitably offended for the sake of cajoling the relatively numerous German citizens.—Ed.)

¹⁰³The *Daily State Journal*, August 2, 1870, commenting on President Grant's special message to Congress recommending that on account of the Franco-Prussian war our law prohibiting foreign built ships from sailing under the American flag should be suspended, said: "It is well known that ship-building is a lost American art. It is well known that the high protective tariff levied upon the materials that enter into the construction of vessels, has driven this branch of industry from our shores, which proves of course, that 'protection' means, not protection of all industries impartially, but 'protection of my business.' In order that anything may be protected, it is necessary that that thing should have a lobby at Washington, and that that lobby shall be supplied with all the appliances that render a lobby efficient, the chief of all being greenbacks.

"The prohibition of ship building because of the protection of the manufactured articles used in ship-building, follows naturally from the fact that the iron lobby, and the manila and hemp lobby, and innumerable other lobbies, are able to combine and defeat the ship-builders' lobby.

"But the most serious part of the business is, that not content with sweeping away the mercantile navy yards from Maine to Mexico, these greedy, grasping, implacable lobbies are able, right in the face of the present emergency, to manipulate Congress to the shame of the nation, the disgrace of the administration, and to the emasculation of commerce. The proposition of the president, if adopted, would have

facturing states of the northeast. And so the republican organ at the capital was free to espouse the natural policy of the agricultural states by protesting against a protective tariff and ship subsidies.¹⁰³ The *Omaha Tribune*¹⁰⁴ continued to scold the *Republican* for its high protection and to assert boldly its own independent western policy: "We distinctly avow ourselves in favor of a tariff for revenue alone." The republican platform of 1860 held that, "sound policy requires such an adjustment of these imposts as to encourage the development of the industrial interests of the whole country;" and the *Tribune* insisted that the largest interest today, in which the most capital is invested, is agriculture, "which a high protective tariff would only

given us an excellent opportunity to take the same advantage of the quarrels of our neighbors that our neighbors took of our own domestic war. American ships would have again plowed every main, and penetrated every harbor upon the globe.

"The American flag would have been the safest protection and securest refuge for peaceful commerce, that shrinks from the embrace of armed and warring nations.

"But so great was the power of the lobbies and rings, so desperate was their grasp upon their ill-gotten monopolies, so utterly regardless were they of national honor and national prosperity, that they treated with contempt the request of the executive and refused to act in the emergency.

"This is being done under the cloak of Republicanism. The heresies of so-called 'protection,' the illegitimate offspring of the doctrines of Henry Clay and the Whig party, are adopted here and there by men who are in co-operation with, and claim themselves to be Republicans.

"But we enter our protest against the enormities committed by these monopolies and deny that their measures are now or ever have been endorsed by the platform of any Republican convention, whether state or national. Let the Republican party see to it that it is not ridden to death by swindling monopolies. Let not the blade that penetrates its vitals be forged either grossly of 'pig iron' or delicately of 'Bessemer steel.'

"The 'high protectionists' are powerful, they are united in a ring that is welded together by the 'cohesive power of public plunder,' and commanding millions for a corruption fund. They are determined to foist themselves upon the republican party and compel us to engage in their service.

"Let the republicans, whenever in convention assembled during the present year, see to it that this attempt be not successful. 'Tariff for revenue purposes only,' is the only utterance that a national convention has ever given upon the subject. Upon this plank let Republicans trust themselves and they are safe."

¹⁰⁴April 15, 1871.

injure." Such a system "is utterly disastrous to this grand section of the west."

The subsequent complete submission of the republican press and party in the states of the agricultural plains, and so soon after this spirited defense of their interests, shows that at this time a political party was a fetish instead of an instrument for the advantageous use of the public. This long period of party fetishism seems now to be nearing its end.

This year a third party organization was formed, composed in the main of republican dissenters and in effect chiefly an ally of the democrats. This dissenting and fusion movement progressed, though intermittently, until, twenty-four years later, it came into power in the state and held it for six years. At this time the mainspring of the movement was opposition to the maladministration of the republicans, or the Lincoln machine; and though at the period of its greatest strength the third party espoused drastic and radical principles, maladministration of its opponents still

lent it a large part of its strength. The new party adopted the same name—the people's party—by which it was known in later years until the more distinctive and technical adaptation, "populist," displaced it. The state conventions of the democratic party and the new people's party were held simultaneously at Plattsmouth on the 7th of September, and their proceedings were in substantial harmony.¹⁰⁶

The political canvass was violent even for an unsettled frontier society. The democrats, led by an able and unrestrained press, let slip its dogs of war more particularly at Governor Butler, and they were ably assisted by anti-Butler republican insurgents, including Senator Tipton, now in open rebellion and probably the cleverest campaigner in the state. Andrew J. Cropsy bearded the lion in his den and was elected state senator over his straight republican competitor, Dr. Stewart, of Pawnee county, carrying his home county of Lancaster by a vote of 742 against 393. The republicans made virulent charges of

¹⁰⁶The democratic state convention convened in the court house, at Plattsmouth, September 7th, and was called to order by S. H. Calhoun, of Otoe county, chairman of the state committee, who was chosen temporary chairman. J. M. Hinchman, of Cass county, was temporary secretary. The permanent organization was as follows: President, T. H. Robertson, of Sarpy county; vice-president, H. J. Hudson, of Platte, and A. Tuxbury, of Otoe; secretaries, J. D. Calhoun, of Nemaha, and R. T. Beal, of Douglas. The committee on resolutions, consisting of T. H. Robertson, of Sarpy, A. J. Poppleton, of Douglas, J. D. Calhoun, of Nemaha, E. H. Clarke, of Washington, and M. S. Campbell, of Otoe, reported a platform which accepted the amendments to the federal constitution "as the final settlement of the questions disposed of thereby;" demanded the lowest practicable taxation, honesty and economy in public affairs; declared against a protective tariff as being wholly repugnant to the true principles of democratic government, and denounced the corruption and dishonesty of the governor in his manipulation of school, and other state lands and property.

John H. Croxton, of Otoe county, was nominated for governor, Paren England, of Lancaster, for secretary of state; Jacob Vallery, Sr., of Cass, for treasurer; A. T. Conkling, of Burt, for superintendent of public instruction; Richard Brown, of Otoe, for state prison inspector; William H. Munger, of Dodge, for attorney general; and Geo. B. Lake, of Douglas, for member of Congress. All nominations were made by acclamation except that of Mr. Munger, who, on an informal ballot, was opposed by Jefferson H. Broady, of Jefferson, the vote resulting

65 for Munger and 21 for Broady. A. Schonheite, of Richardson, was nominated for district attorney of the first judicial district; A. Swartzlander, for the second district; and John Carrigan, of Washington, for the third district.

A state committee was chosen as follows: first senatorial district, L. Van Dusen; second district, J. D. Calhoun; third district, F. M. Devinney; fourth district, Paren England; fifth district, S. H. Calhoun, A. Tuxbury; sixth district, Basil Ramsey; seventh district, I. N. Atkinson; eighth district, E. A. Allen, J. W. Paddock; ninth district, P. G. Cooper; tenth district, Robert Kittle; eleventh district, W. H. Platte.

The people's party convention met at the same time and place. D. S. Parmalee, of Douglas county, was chosen permanent chairman, and W. H. Coleman, of Lancaster, secretary. The convention resolved to amalgamate with the labor reform party, the fusion to be known as the "Peoples Reform Party of the State of Nebraska." Delegates were present from eight counties, and also a delegation from the labor reform organization. The resolutions of the convention denounced the corruption of both of the old political parties and demanded that the school fund should be placed under the control of the several counties. Geo. B. Lake was nominated for member of Congress, and the nomination was endorsed by the democratic convention. All of the nominations of the democratic convention were endorsed except that for superintendent of public instruction, J. M. McKenzie, the republican candidate, being chosen instead.

crooked business transactions against Croxton, the democratic candidate for governor, but they naturally had little effect as an offset to the charges of official corruption urged against Butler. The chief and most specific of the accusations was that the governor had appropriated to his own use a large sum of the public school fund. In the face of unsatisfactory and often evasive denials, Mr. Croxton, accompanied by Gen. Experience Estabrook, demanded permission to examine the books of the treasurer's office, which was refused.

The administration was palpably afraid to tell the voters of the state, before whom it was on trial under direct charges that it had misappropriated the school funds, the whole truth. Its fictitious, labored, and superficial excuses for the refusal to show the books were more suspicious and hurtful than the refusal itself. It was contended first, that private citizens had no legal right to examine the records of the treasurer's office:

"Mr. Brock" — deputy treasurer — "told Mr. Croxton that it would take three weeks to do this thing, and he would not submit to any such trouble and expense, without an order from Mr. Sweet. Mr. Croxton then demanded to see certain vouchers which Mr. Brock did not happen to have in his possession, they having lately been sent away to be recorded. . . . So much for the right. Now as to the question of courtesy. Mr. Croxton and Mr. Estabrook prefaced their demand to see the books and vouchers by publishing slanderous and scandalous accusations against the character of the state treasurer, the former endorsing the platform of the democratic party, and the latter through the columns of the *Republican*, both avowing that frauds had been perpetrated upon the school fund. After having made the accusation, they come down to Lincoln and demand to sit in the capacity of judges in the case! They will see now if they were correct and will inform the people accordingly. The treasurer of this state is under heavy bonds. He is responsible for the safe keeping of the school fund. He has reported to the people

the amount of investments. His books can show no more. The records of Lancaster County will show that these investments in the way of loans on real estate are well secured. . . . That there may have been delay in filing certain mortgages for record may be true. But they are filed, and we defy the whole pack of barking curs to show where the state suffered by the delay."¹⁰⁶

The gravamen of the accusations comprised three counts: that Governor Butler had unlawfully appropriated to his own use \$16,881.26 of the public school fund; that other portions of the school fund had been unlawfully loaned on real estate security and that the security was inadequate, in some cases consisting of second and third mortgages; and that these transactions had been fraudulently concealed by withholding the conveyance papers from record. The first charge was subsequently sustained by legal proof by which Governor Butler was convicted under impeachment; the second was sustained in the cases of the loan to John Gillespie, state auditor, the Tichenor loan, and the Cadman loan; the third is virtually admitted in the foregoing quotation from the *State Journal*, and the inference is pretty plain that in the Butler case and the Cadman case papers were fraudulently dated back to conceal damaging facts. It would have been very easy, and perhaps wiser party tactics, to tell the whole truth about the devious deeds instead of concealing and evading it; to have followed this course in Butler's case would have saved him from the conviction and ruin which a puerile policy of mendacity brought about.

While Butler received a majority of only 2,478 votes over Croxton, Taffe, the republican candidate for member of the federal house of representatives, received a majority of 4,408 votes over his opponent, Judge Lake, a much stronger candidate than Croxton.¹⁰⁷ This discrepancy does not fully reflect the effectiveness of the bold and relentless attacks on Butler in, and previous to,

¹⁰⁶*Daily State Journal*, September 27, 1870.

¹⁰⁷Butler's vote was 11,126; Croxton's, 8,648; James, republican, for secretary of state, received

12,428 votes against 7,908 for Paren England. Taffe's vote was 12,375; Lake's, 7,907 (*House Journal*, 8th session, p. 71).

the campaign, and since he was peculiarly apt in turning obloquy into reactionary sympathy, belief in his guilt as charged must have been widespread. Audacity is a very effective force in a political, as well as a military campaign; but unless it is backed by rectitude and other substantial qualities it soon deteriorates into mere hardihood, and a fall follows. This last victory of Butler's was in ultimate effect his first defeat. The serious breach in his hitherto invulnerable popularity encouraged his opponents to strike the fatal blow with the weapon of impeachment at the ensuing session of the legislature.

Though older northern states were beginning to drop out of the republican ranks, a premonition of the long period of democratic control of the national house of representatives which began four years later, yet, in the dependent new community, the perquisites of power were so strong a stimulus and stay of popular support that to cry the republican shibboleth loudly, as the organs, and especially as the organ at the capital cried it, in alarming tone, insured victory in the most adverse circumstances. And so the republicans were able to carry off a crippled state victory and also to win a large majority of the members of the legislature.¹⁰⁰ The sensitive and solicitous machine at the capital was rudely jarred by the election of Cropsey as a senator, but its interests were otherwise sustained at the polls by a vote of 798 for Butler and only 318 for Croxton, and 523 in favor of a constitutional convention and only 2 against it.

In the temper and condition of the majority party at this time negative qualities in a candidate for office were most success-

¹⁰⁰According to the *Nebraska State Journal*, October 15, 1870, the senate comprised eight republicans, three democrats, and two members of the people's party; and the house, twenty-seven republicans, five democrats, and seven of the people's party.

^{100a}A man who scarcely reaches mediocrity for abilities, and who is known not to be a man of large pecuniary fortunes, he is thrice nominated for congress without the slightest effort on his own part and roll up majorities in the election greater than ever before given to any candidate against Judge Lake, who is everywhere recognized as one of our foremost lawyers and an able judge. . . We congratulate him

ful, and so in this rather perilous campaign John Taffe easily, if not triumphantly, achieved his third, though last election as member of the national house of representatives, against a man of decided ability and individuality, because he was fitted by temperament to generally please the people and not to displease the machine,—a common and a cheap equipment of successful politicians—and by lack of mental and physical vigor to slip into and glide along the grooves of machine routine. These negative virtues and character would win the politic, and in large degree also the spontaneous, plaudits of the party mouthpieces; and we must look to other sources, including the hostile party journal, for a truer, though unfriendly, and perhaps too severe, estimate. The chief democratic organ marvels at Taffe's easy success in gaining three nominations for member of Congress and large majorities at the elections.¹⁰⁰ Mr. Morton's estimate of this fluid politician was characteristically trenchant in its expression:

"Taffe has been in Congress two years. It has been his misfortune to have been too sick, most of the time, to attend to the arduous duties of his position. We sympathize with Mr. Taffe in his sore affliction of continued ill health. But we cannot afford to have the interests of Nebraska represented by a feeble man . . . by one who is both mentally and corporally always sick, always feeble . . . The brains of Mr. Taffe are not healthy brains, because they are in a very unhealthy skull. . . Therefore it is not astonishing that Mr. Taffe's brains have never evolved a bill, an act, a resolution, or even a motion, during two years, which looked to the development of the state of Nebraska. We now desire to send to Congress a sound mind in a sound body. The democracy of

upon the happy absence of those elements of character which, failing to excite opposition, render his way to popular favor and promotion so smooth and easy. . . Thousands of men in the United States have struggled in vain through the best years of a whole life for the congressional honors which he so serenely enjoys, who were as pure in every sense as Mr. Taffe, and who added to the integrity the power of commanding intellect and the polish of a scholarly culture. . . Circumstances make men more frequently than men make circumstances." (*Omaha Herald*, October 19, 1870.)

Nebraska have nominated for Congress, A. J. Poppleton, the greatest lawyer in the state and a man who has few equals in all the United States."¹¹⁰

As it was a fault and a disadvantage of certain of the republican candidates that they were too well known; it was a fault and disadvantage of their democratic opponents that they were too obscure; and the contrast was construed as a republican campaign virtue. The organ at the capital complacently disclaimed acquaintance with the democratic candidates, seriatim. . . . "We don't know who W. H. Munger is, their proposed attorney general. We are afraid we shall never know them."¹¹¹

The founding of the capital city had been an enterprise of almost desperate human daring; the task of building a suitable superstructure was almost as difficult and desperately urgent. This work of developing a town of importance and that of building the capital were mutually dependent. The city must show promise or the capital would surely slip away from its impotent embrace, and there was no promise for a city without a good prospect of holding the capital.

"Useless one without the other."

This desperate condition called for desperate expedients, and so the county of Lancaster, with merely budding development and property values, was asked to bond itself in the sum of \$375,000 as an inducement for three new railroads to build through the county and to the capital city. When early election returns indicated that the bond propositions had been defeated, gloom settled upon the city; but it was lifted when it became known that the great burden had been imposed.¹¹²

The 8th session—2d regular session—of the state legislature convened January 5,

¹¹⁰*Nebraska City News*, September 23, 1868.

¹¹¹*Daily State Journal*, September 10, 1870. Mr. Munger soon attained high reputation as a lawyer. He was appointed by President Cleveland judge of the United States district court for the district of Nebraska and holds the office at the present time—1911.

¹¹²Lancaster county had already voted bonds in the sum of \$50,000 to the Burlington & Missouri company in Nebraska. Of the \$375,000 in bonds voted

1871. Ebenezer E. Cunningham, of Richardson county, was president of the senate; John C. Myers, of Douglas county, was temporary speaker of the house; and George W. Collins, of Pawnee, was elected permanent speaker, over Elam Clark, of Washington county, by a vote of 21 to 16. Upon the organization of the house, Mr. Doom, of Otoe county, anticipated in a virtuous resolution, though less sweepingly, what Governor Folk actually did at the session of the Missouri legislature in 1905, as follows:

Resolved, That all lobby members of this legislature, who have any business to attend to at home, and all federal office-holders within the state, who are drawing salaries from the government, be granted leave of absence until the 25th day of June, 1871.

That federal officers, holding office in any other state or territory, be excused from further attendance upon this legislature.¹¹³

This was a Hitchcock broadside against Thayer's platoon of placeholders.

The showing of the state's finances in the governor's message¹¹⁴ was still unfavorable. There was a balance in the treasury, December 1, 1868, of \$48,526.92. The receipts from all sources, up to November 30, 1870, had been \$937,414.97, and the disbursements, including \$315,188.60 expended for public buildings, were \$908,055.33, leaving a balance of \$77,886.56; but current funds were wanting, and the message complained that a large amount of warrants on the treasury remained unpaid, and they had been at a discount of ten cents to fifteen cents on the dollar much of the time during the last two years. This was owing, it was said, to the difficulty in collecting taxes. The assessed valuation of property in the state had increased from thirty-two million dollars in 1868, to fifty-three million in 1870. The total amount of public lands re-

at this election, \$100,000 were for the Nemaha Valley, Lincoln and Loup Fork Company, afterward known as the Atchison & Nebraska; \$125,000 for the Omaha & Southwestern Company, and \$150,000 for the Midland Pacific Company. The Omaha & Southwestern did not build the contemplated line through the county, and the bonds were not issued.

¹¹³*House Journal*, 8th session, p. 14.

¹¹⁴*Ibid.*, p. 17.

ceived by the state was 727,960 acres. This was exclusive of the 2,643,080 acres of common school lands, of which 72,578 acres had been sold at an average price of \$8.93 an acre. Of the 500,000 acres of public improvement lands, 257,312.71 acres had been awarded to railroad companies as bonuses.¹¹⁸

During the past two years 2,382,157 acres of land had been entered—918,081 acres as homesteads and the remainder as preëmptions. The entries at the Lincoln land office were 877,129, and at the Beatrice office, 381,931; at the Dakota City office, 737,176 acres; and at the West Point office, 385,921. Thus the growth of the North Platte and that of the South Platte sections were nearly equal. The Union Pacific Railroad Company had sold 289,644.42 acres of their land grant in the state—since July 28, 1869—and the Burlington & Missouri company, 61,303.25 acres. Lincoln lots and saline lands which had been sold at auction but not taken by the bidders, to the amount of \$74,200, remained in the hands of the commissioners. This indicates either a remarkable unreliability of buyers or a very loose way of conducting the sales.

The temporary penitentiary had cost \$6,661 and was ready for occupancy in July, 1870. Convicts had been removed there from the county jails, where they had been

¹¹⁸The lands received from the United States were classed as follows:

	Acres.
University	46,080
Agricultural College.....	90,000
For the erection of a penitentiary.....	32,000
For the erection of other public buildings....	13,800
Saline lands.....	46,080
Internal improvement	500,000
Railroad companies had received lands as follows:	
	Acres.
Sioux City & Pacific, original "Air Line" grant of 75 sections.....	47,337.10
Midland Pacific, under legislative grant of 2000 acres per mile.....	20,040
Omaha and Northwestern grant.....	20,000
Omaha and Southwestern grant.....	39,929.09
Burlington and Southwestern grant.....	20,000
Burlington and Missouri River in Nebraska	50,000
Fremont, Elkhorn and Missouri Valley....	60,006.52
	257,312.71
Gage County for bridge building.....	1,000
Saline County for building bridge.....	1,000
Total	259,312.71

temporarily kept, and now numbered thirty-seven. Stout and Jamison, the contractors for the erection of the permanent buildings, employed the convicts at forty-two cents a day. A. R. Hoel, the first warden, was appointed April 1, 1870. The hospital for the insane was accepted November 8, 1870, and patients who had been kept in the asylum at Mt. Pleasant, Iowa, and in various county jails in Nebraska, numbering over thirty, were now in their new quarters. The policy urged by the message, that all the Indians be removed from the state as soon as possible, was adopted to an approximate extent; but its prediction that coal would soon be found in sufficient quantity to meet all local demands has not come true to any extent.

The salt manufacturing companies had paid a small amount of royalty into the treasury, but neither of them was in good working condition; and the governor recommended that the remainder of the saline lands should be appropriated for the development of the industry. But there was now a pretty positive suspicion that salt could not be profitably produced and that the governor was personally interested in the enterprise for which he asked public aid, and the lands were not wasted as proposed.¹¹⁹

¹¹⁹January 22, 1873, Governor Furnas gave notice to the state land commissioner that under the act of February 15, 1869, directing the governor to set apart two sections of any agricultural college or saline land for the purpose of a model farm as a part of the college of agriculture, selections had been made as follows: S. W. ¼ sec. 13 (comprising present state fair grounds); S. ½ sec. 14, (the swampy tract west of the present state fair grounds); S. ½ of S. ½, sec. 21 (south of the present lake or "Capital Beach"); S. E. ¼ sec. 34 (north of Insane Hospital); S. W. ¼ sec. 5 (northwest of West Lincoln); N. W. ¼ sec. 8 and S. E. ¼ sec. 6 (Lancaster Precinct); all in township 10, north, range 6, east. (Vol. E, p. 455. Miscellaneous records, office register of deeds, Lancaster County, Nebr.). June 25, 1874, Moses M. Culver and wife, in consideration of \$6,050 in cash and \$11,500 payable in five years, executed a bond to deed to the board of regents the S. W. ¼ sec. 17, and the S. E. ¼ sec. 18, all in township 10 north, range 7 east—the present agricultural college farm—and the deed was executed July 8, 1879. On the date of the execution of the bond, the regents sold, or traded in to Mr. Culver, for \$5,700, the N. E. ¼ of N. E. ¼ sec. 24 and the S. ½ of the S. ½ of sec 21, township 10 north, range 6 east. June 25, 1878, the

The movement for encouraging immigration had been organized under the law passed at the last special session of the legislature by the appointment of C. C. Smith, of Falls City, William Bischoff, of Nebraska City, and Fred Krug, of Omaha, as members of the board of immigration; and C. N. Karstein, of Nebraska City, was chosen as the commissioner to reside in New York city.

The election of a United States senator is usually the star play of a legislative session, but in that of 1871 this special feature was outshone by its more dramatic impeachment rival. The three principal candidates for senator were John M. Thayer, who sought reelection, Phineas W. Hitchcock, and Alvin Saunders,—all residents of Omaha. The twelve democratic members decided in caucus to vote for Hitchcock,¹¹⁷ and he owed his election to their questionable policy. Since they were too weak to conquer their greatly outnumbering enemy, they would inflict as much damage as possible by assisting one of the factions to the defeat of the "regular" candidate.

Regularity was Thayer's standing and standard virtue, and he was more objectionable to the democrats than either of the other candidates because he particularly represented, and was the willing sponsor of the national administration, whose whisky, star route, and other scandals were

regents sold to the Nebraska Exposition Association 131¾ acres of the S. W. ¼ sec. 13, township 10, north, range 6, east. After various changes of title the Exposition Association continues to hold about 100 acres of this tract for state fair grounds.

January 23, 1874, the board of regents of the university authorized the committee on the agricultural college to purchase 320 acres for a model farm.

In his report, as published in the *Daily State Journal*, January 28, 1875, Robert W. Furnas, chairman of the committee, described the newly acquired farm as follows: bought of Culver for \$17,600; improvements, twenty-five acres of young timber, three to four years old; over four miles of osage orange hedge, four to five years old; three hundred apple trees; fifty bearing peach trees; other fruit trees; a good stone house 40 ft. x 40 ft., 10 rooms; good frame barn and granary; and other outbuildings. The report stated that the only objection to the property was that it was not as near the university as desirable but it was impossible to get suitable land nearer. The report of the regents of the university, December 20, 1876, states that twenty acres of the

coming to be generally offensive, and were preparing the ground on which the democratic party was soon to win a national election by the popular vote. It was charged with truth, that Thayer's only occupation since he came to Nebraska had been office-seeking and officeholding, and this objection yielded some advantage to those candidates who had been less persistent or less prosperous in this regard. He was "always a candidate for office, never a lawyer, save in name, nor a plain or ornamental farmer; he has joined his senatorial fortunes with Stout and Kennard." After his defeat he was comfortably cared for in the office of governor of the territory of Wyoming during nearly four years. The *Herald*¹¹⁸ also made a virtue of regularity, and denounced the recreancy of the democrats who threw away a golden opportunity to procure the election of some superior democrat, presenting in its list of possibilities, Andrew J. Poppleton, James M. Woolworth, Eleazer Wakeley, George W. Doane, and James W. Savage. While this promise for the stand-pat policy does not seem to have been substantial, yet there was neither promise nor realization of any good to the minority party from its support of Hitchcock. His superior alertness and activity might be more useful to his constituency in minor matters, but he was the party servant of

original two sections was conveyed in part payment for the house erected on the farm during the autumn of 1875 at the agreed price of \$2,500. The house cost the price of \$3,895. The two sections brought in all \$25,000 (see regents' report January 11, 1879, p. 17).

At a meeting of the board of regents held in December, 1872, the committee on lands reported that the selection of 90,000 acres for the benefit of the agricultural college had been completed, the lands lying in Antelope, Cedar, Cuming, Dakota, Dixon, L'eau qui Court, Pierce, and Wayne counties. It was reported also that Stephen F. Nuckolls, the founder of Nebraska City, had sent to the university from Salt Lake City, a collection of Utah minerals (*Nebraska State Journal*, December 18, 1872).

¹¹⁷*Omaha Republican*, January 25, 1871. The *Republican* names these democrats as follows: Conger, Dillon, Duby, Grenell, Hawke, Hudson, Munn, Patterson, Quimby, Rouse, Tennant, Thomas. In another paragraph, the same paper classifies Hascall as a democrat, but he voted for Thayer.

¹¹⁸The *Omaha Herald*, January 25, 1871.

the hour and had neither the vision for wider views nor the temperament for seizing larger policies than those which were presented in the hand-to-mouth party regime. The change merely broke the painfully dull monotony of Thayer's perfunctory and mechanical conformity. Hitchcock's devotion to the system, then coming to be called Grantism, was none the less loyal, but only more lively than Thayer's."

General Thayer's military merit lay chiefly in the careful execution of superior orders, supplemented by the more superficial and yet important qualities of good personal appearance and deportment. This disposition not to reason why, which was a virtue of the soldier, was a fault of the statesman, though it was not then rated

¹⁰⁰The *Omaha Weekly Herald*, December 12, 1873, charged with bitterness that Senator Hitchcock was an Andrew Johnson man when plunder made it to his interest to "consort with Morton, T. H. Robertson, and other 'traitors' and 'copperheads', and

and resented by the public as it is at the present day. This defeat ended General Thayer's important officeholding in Nebraska during his virile years. Edward Rosewater opposed the election of Hitchcock, but his political temper was antithetical to Thayer's. Instead of bending to the success of the object of his opposition, he forecast his future career as the leader in Nebraska journalism by regarding the assault as the mere beginning of a war to the finish. He took counsel of the future instead of the past, and at the end of six years the now triumphant Hitchcock met his quietus—the first important victim of this nemesis of numberless Nebraska politicians.

changed just in time to secure his election to the senate by professing to be a democrat of republican antecedents." He led democrats to believe that he would be anti-Grant but became the most abject of Grant's tools even before he took his seat.

CHAPTER III

IMPEACHMENT OF GOVERNOR BUTLER AND AUDITOR GILLESPIE

IMPEACHMENT sentiment, which had crystallized in the minds of the members of the legislature before the session began, challenged attention as soon as the senatorial election was out of the way. On the 25th of January the house adopted a resolution offered by Rosewater, requesting the governor to communicate to the house, "at the earliest moment," the name of the agent appointed by authority of the act of the legislature to collect from the United States five per cent of the proceeds of sales of public lands made before the admission of Nebraska as a state, the amount collected and paid into the treasury, and the amount paid to the agent for his services. On the same day the governor responded with a statement that he himself had procured the auditing and payment of the claim, which up to January 1, 1869, amounted to \$16,881.26, that he "deposited the above in the state treasury" and there were no fees or commissions for the collection. On the 26th a resolution offered by Rosewater was adopted which directed the chairman of the ways and means committee, Thomas F. Hall, to proceed forthwith to the offices of the state auditor and the state treasurer and ascertain why this sum had not been credited to the state in the reports of these officers. Mr. Hall submitted to the house a written statement by the auditor — John Gillespie — that "said money has never been paid into the treasury of state, and no report has been given by the treasurer for said amount; and further that there is no entry upon the books of this office at this date showing such credit." Thereupon a committee consisting of Doom, Daily, and Jenkins was instructed to

wait on the governor and "ask for an explanation of the discrepancy between the message of the governor and the communication of the state auditor in reference to the school funds."

The reply of the governor was a plain admission of his duplicity.¹²⁹ The committee reported that the money "was supposed by the governor to be in the state treasury. But as there was no law specifically placing the proceeds of the claim in the common school fund, the governor borrowed the money for his own use." Throughout the twenty months which had elapsed since the governor had given power of attorney to Brock, deputy treasurer, to cash the treasury draft in Omaha, the anti-Butler press, of both political parties, had given the subject unceasing publicity, insisting that the money was not in the treasury, but, instead, had been diverted into Butler's hands. Under this relentless fire the auditor and the treasurer must have been peculiarly alive to the fact that the money had never passed out of Butler's hands into their own proper custody; nor could Butler himself have escaped the constant consciousness that he had taken personal certificates of deposit for it from the bank of Sweet and Brock and appropriated

¹²⁹Omaha *Republican*, June 6, 1871. "He [Gov. Butler] admitted to G. W. Ambrose, last fall, that the moneys were never in the state treasury, yet when the legislature sent him an inquiry, he unquestionably stated that he deposited them in the treasury. He asserted everywhere, on the stump, last fall, before the people, that he had secured the state by mortgages upon his lands. Yet he knew that the mortgages were illegally executed, and had not been recorded! . . . Gov. Butler has been singularly obtuse to the consequences of such a course of conduct. He has been absolutely reckless, apparently, of public inquisition. Indeed, so bold and self-confident has he appeared, that many regarded it as a proof of innocence."

their proceeds to his own use long before exposure forced him to acknowledge his guilt by executing mortgages to the state to secure the amount of his misappropriation. After this declaration, intended as an excuse and a defense, there was no need of a trial except to formally fasten the offense upon him. When custodians of public funds appropriate them to their own use they usually intend to replace them; but whatever Governor Butler's ultimate intent, he was now a self-admitted embezzler in the eye of the civil, as well as the moral law.

On the 28th Myers offered a resolution providing for the election of a committee of five members of the house to prepare articles of impeachment, which was made a special order for February 1. So far the preliminary impeachment procedure had been ominously rapid; but now the contention of its opponents that the proposed immediate presentment of the articles was "too sudden and inconsiderate," that it was "absurd and unjust to proceed upon common rumor" and that the appointment of a committee of investigation was the most that should now be done,¹²¹ seemed to carry weight, and Myers's resolution was defeated 17 to 22. Doom's resolution for the appointment of a joint committee of investigation was adopted immediately and unanimously, under suspen-

sion of the rules, and the senate concurred the next day. The senate selected Thomas and Sheldon, and the house, Elam Clark, Reed, and Grenell as members of the committee.

On the the 28th of February the committee made its report, and then Myers again moved that the governor be impeached for misdemeanors in office, and that the house elect five members to prepare articles and a committee of two to "go to the senate and at the bar thereof, in the name of the house and all the people of the state of Nebraska, impeach David Butler, governor."¹²² On the motion of Rosewater, the resolution was made a special order for the next day, when it was adopted by a vote of 33 to 6.¹²³ The report of the investigating committee, including the testimony taken by it, was referred to the impeachment managers. The vigilance of the press and of rival politicians had left nothing for the committee to do but to formally substantiate, through formal testimony, as a basis for the formal work of the manager, the grounds for impeachment which had already been discovered, explored, and exposed.¹²⁴

The decision of the house by this very large majority to proceed with the business of impeachment discredits the complaint that the press of the state was "engaged in egging on the blind and reckless attacks upon the gover-

¹²¹*Daily State Journal*, February 2, 1871.

¹²²*House Journal*, 8th session, p. 350.

¹²³*Ibid.*, p. 370. Those voting nay were Conger, Daily, Jenkins, Quimby, Rhodes, and the speaker.

¹²⁴This testimony has not been preserved except in fragments in the newspapers. February 1, Sheldon, of the investigating committee, reported to the house that N. C. Brock, deputy state treasurer, refused to testify as to the alleged fraudulent practices in the loaning of school funds, on the ground that he wanted time for preparation and to procure an attorney. The sergeant-at-arms was thereupon directed to arrest Brock, forthwith, and keep him in close custody, and that officer then brought him before the senate, where he was arraigned for contempt. It was then ordered that Brock be brought before the senate "this afternoon at four o'clock" unless he would now declare his willingness to testify. In the afternoon Gerrard reported that Brock had answered such questions as the committee had asked, and he was thereupon discharged from custody. The *Daily State Journal* of February 3 says that Brock's testimony was substantially as follows: "That James Sweet & Brock received a loan of \$15,000 from the school fund, at a meeting of the board of commissioners last fall, that Mr. Lyman Frost owed J. Sweet & Brock the sum of \$4,500, on

which he was paying interest at the rate of 24% per annum, that Brock, knowing that Mr. Frost desired to loan money of the state to pay off this indebtedness, sent for Mr. Frost, and for a consideration of \$1,000 offered to cancel \$5,000 of the \$15,000 loan to J. Sweet & Brock and, by consent of the board, have it transferred to Mr. Frost. That Mr. Frost agreed to the proposition and the transfer was made. Also, that Levi Snell paid Jas. Sweet & Brock \$700 for a loan of \$2,500, that J. M. Young paid to the same parties \$100 for a loan of \$5,000. That the bonds and mortgages given by James Sweet & Brock for their loans were deposited with James Sweet & Brock, *both as bankers and state Treasurer.*"

If this account covered Brock's testimony, he was not questioned about the loan of \$16,881.26 to Butler. Butler as governor and Sweet as treasurer were the legal custodians of the school fund, and Brock, as deputy, represented Sweet. It was counted a matter of no consequence that prudence resting upon experience and general provision of law prohibited loans of this kind; and the naïve admission of these trustees of the school fund that they habitually exacted handsome bonuses for the violation of their trust, suggests that even life insurance trustees of the present day have discovered no improved methods of recreancy.

nor by a portion of the legislature." ¹²⁵ The governor had two positive defenders among the newspapers of the state, both of them published at the capital, and they were both intensely aggressive and unmindful of the facts which were sure to be judicially established. The Butler faction availed itself of whatever advantage there might be in democratic support by inducing the *Statesman* to come to its aid, and on the 28th of February this ostensible democratic organ at the capital was expanded into a daily for the purpose of manufacturing public opinion against impeachment. ¹²⁶ The *Republican* pointed to the fact that it had defended Butler against the accusations of the democratic press during the late political canvass, "upon what we had every reason to believe reliable information derived from those who ought to have known what was true and what false. But since the election, developments have come to light which are damaging to the governor's wisdom, if nothing more, in the management of the people's affairs. Hence we shall not attempt any further discussion at present. The people's immediate representatives, nearly all of whom are new members, who have not been allied with any of the former sectional, political or personal strife in the state, hence prepared to act fearlessly and promptly for the best interests of the whole state without fear, favor or reward, are soon to assemble at Lincoln. . . . Again, the legislature in its political complexion is largely republican." ¹²⁷

The anti-Butler attack of the republican Omaha *Tribune* was as relentless as that of the democratic *Herald*, but its weapons were the small arms then in vogue, while the *Herald* anticipated the Gatling gun. For once the Omaha press had a common purpose. The pro-Butler organs exhausted every defensive device, from denial which amounted to bravado, to the most artful evasion. Those within the

Lincoln zone were constantly reminded that Butler was the foster father of the capital. In answer to the ante-election charges on which he was afterward impeached, it was asked, "Who doubts that the defeat of David Butler will bring down the value of property in our town?" ¹²⁸ Again: "The legislature impeached Governor Butler because he borrowed \$17,000 of it (the school fund) on landed security and expended it in building a house upon the outskirts of Lincoln that made two or three hundred state lots in that section sell for \$20,000 to \$25,000 more than they would otherwise have brought." ¹²⁹ Lending this plea its basic assumption that the money was in fact borrowed, the only title by which it could be claimed, its speciousness lacks even the Machiavellian virtue of brilliant plausibility. It is only turgid immorality. There was, on occasion, even a soft answer to turn away the wrath of the Omaha press. "When Estabrook said to Myers that 'we can't convict Butler but we must kill the d——d town,' he represented the 'people of Omaha' about as much as the 'school fund' he howls so much about represents the taxes he pays into the state treasury. We beg leave to state that we never mistook the *Republican* or the *Herald* or Estabrook, or Rosewater, or Myers, for 'the people of Omaha.'" ¹³⁰

On the day that the resolution to impeach the governor was adopted, a joint resolution, offered by Rosewater, which instructed the auditor and the treasurer to demand of the governor the immediate payment of the school fund, "illegally held by him," into the treasury, was laid upon the table, on motion of Galey, a partisan of Butler. Rosewater's bold tactics were opposed by Butler's enemies because compliance would greatly weaken, if it would not emasculate their case against him; and by his friends, presumably because he was not yet ready for compliance. Two months later, when

ers instead of being one of his malignant assailants and an echo of the *Herald's* attacks."

¹²⁵*Daily State Journal*, February 18, 1871.

¹²⁶Omaha *Herald*, March 8, 1871. The *Republican* of January 11, 1871, arraigned "the democratic organ at the state capital" for its recreancy: "We leave it to explain to its own friends the cause of the sudden change that has come over the spirit of its dream, and that places it in the list of Gov. Butler's defend-

¹²⁷Omaha *Republican*, January 4, 1871.

¹²⁸*Daily State Journal*, October 10, 1870.

¹²⁹*Ibid.*, August 8, 1871.

¹³⁰*Ibid.*, April 12, 1871.



David Butler

it was too late, the governor proposed to put it back.

Immediately after the adoption of the resolutions to impeach the governor, Messrs. Sommerlad and Quimby, a committee appointed for that purpose, presented the following notification to the senate:

MR. PRESIDENT: In obedience to the order of the House of Representatives we appear before you in the name of the House of Representatives and all the people of the state of Nebraska, we do impeach David Butler, Governor of the State of Nebraska, of misdemeanors in office, and we further inform the Senate that the House of Representatives will without delay exhibit particular articles of impeachment against him and make good the same, and in their name we demand that the Senate take order for the appearance of the said David Butler to answer said impeachment.

On the same day a committee of the house — Hudson, Overton, and Quimby — requested the opinion of the supreme court upon the question, "Does the impeachment of the governor by the house of representatives suspend him from office during the trial?" Two of the judges — George B. Lake and Lorenzo Crouse — decided that it was proper for the court "to extend such aid as this informal expression may give." Their opinion was, "that all the functions of the governor are suspended, and devolve upon the secretary of state from the time of his impeachment by the house of representatives and during the trial thereof." Judge Oliver P. Mason characteristically refused to respond, holding that a sense of judicial propriety forbade the expression of an opinion, since "the question may arise between parties who may become individually interested in its determination, and the court then be compelled to authoritatively determine the question." In his opinion the constitution and the laws had removed the principal question, with all its incidents, from the jurisdiction of the court, and it "should avoid complicating the judicial department of the state in this matter until the question is presented in such form that its opinion may be authoritatively expressed."

¹³¹*Daily State Journal*, March 3, 1871.

After receiving the report of the two judges, a committee consisting of Rosewater and Duby notified the secretary of state that the house recognized him as acting governor. That officer then made formal demand upon Governor Butler for all bills and acts of the house remaining in his hands. After considering the demand until twelve o'clock the next day, the governor abdicated his office, and it was assumed by the secretary of state. The partisans of Butler violently complained of the interjection of this opinion by the court on the ground that it was not sound in itself, and also that the interference was prohibited by the constitution, which provided that no judge of the supreme court or of a district court should "give advice in relation to any case pending, or about to be brought in any of the courts of this state." The two judges were probably right in their contention that as to the main question, "the language of the constitution is direct, positive and unambiguous," but as to the abstract right or the propriety of offering their opinion at all, there is as little doubt. There was abstract force in the protest of the opposition that "the fact that an excited and revolutionary spirit for the moment prevails in Lincoln, should have induced our judiciary to act with the extremest caution;"¹³¹ but it did not touch the real case. It was ordained by an efficient power, mainly of the North Platte and focused in Omaha, that Butler should be politically crippled — and in particular for the senatorial race. The dissenting Justice Mason was not of Omaha or the North Platte. His associates were. In human experience, infallible authority has always been arbitrarily assumed or conceded by those who have been subjected to it, through mere expediency or sheer ignorance or cowardice. By its five to four decisions of the most important questions submitted to it, a more august court than this of early Nebraska, has shown that its infallibility is only the power of numbers, in turn governed by the force of conditions. But there were many dangers in the way of Butler's final and complete undoing, a chief of which was the law's

delay. Once he was shorn of the power of office this danger would become innocuous. Then the delay which would be convenient, and only dangerous to the final design of his pursuers, would be disastrous to him. Once out of office, a way would be easily and surely found to snap the extra-judicial thread by which he was suspended, so that he should surely fall outside — and for good.

The managers prepared eleven articles of impeachment against Butler. The first alleged that, in accordance with the authority of a joint resolution of the legislature of Nebraska, in the spring of 1869, the defendant had collected from the federal government \$16,881.26, being five per cent of the proceeds of the sale of public lands within the territory of Nebraska, and instead of paying over said sum to the state treasurer, as directed by said joint resolution, he "was guilty of unlawfully and corruptly neglecting to discharge his duty in regard to said money and of appropriating the same to his own use and benefit." The second article alleged that the respondent, as one of the commissioners authorized by law to procure the construction of a building for the state university, in the month of August, 1869, had compelled M. J. McBird, the architect of the building, to pay him the sum of \$1,750 out of the proceeds of a warrant for \$3,750 due McBird on his contract, the respondent refusing to consent to the issue of the warrant until he had received said sum of \$1,750; also that the respondent had consented to allow McBird's claim of \$1,828.26 for additional services as architect, only on condition that McBird would allow him a half of that sum, and that accordingly two warrants were issued each for \$914.13 one of which McBird endorsed and delivered to respondent. The third article alleged that on the 18th of February, 1869, the defendant had falsely and corruptly represented to John Gillespie, then auditor of the state, that the sum of \$2,000 was due Champion S. Chase for services as attorney general of the state, and induced the auditor to issue two warrants upon the treasurer, each for the sum of \$1,000 and that the defendant corruptly

appropriated one of the warrants to his own use. The fourth article alleged that in the year 1869 the defendant corruptly entered into a contract with one Joseph Ward to construct a state lunatic asylum for a consideration of \$88,000 in excess of the amount appropriated for that purpose; that in the spring of 1870, before the foundation of the building was completed and which, by the contract, was to be built for the sum of \$18,500, the defendant approved the estimates of Ward and paid him \$45,000. The fifth article alleged that on the 18th of August, 1869, the defendant became a party to a contract whereby D. J. Silver & Son were to erect a building for the state university for a consideration greatly in excess of the amount appropriated for that purpose. Article six alleged that in the month of January, 1871, the defendant falsely declared to the state legislature that he deposited the proceeds of the sale of public lands, amounting to \$16,881.26, in the state treasury. The seventh article alleged that defendant, acting in conjunction with the land commissioner and treasurer, had loaned school funds improvidently, recklessly, and without any authority of law. The eighth article alleged that in the year 1869 defendant appropriated to his own use the sum of \$648.43, received from Thomas L. Griffey, treasurer of the board of immigration. The ninth article charged that in the year 1870 the defendant unlawfully executed and delivered patents for seventy-five sections of land situated in the counties of Burt, Cuming, and Dodge, to the Sioux City & Pacific Railroad Company, these lands having been granted by an act of the legislature to the Northern Nebraska Air Line Company. Article ten charged that defendant at divers times sold to divers persons lots, and other parcels of land, belonging to the state of Nebraska, and appropriated a portion of the purchase money to his own use and benefit. Article eleven charged that defendant, a commissioner for the sale of lots in the town site of Lincoln, in the month of April, 1870, sold lots 7, 8, 9, 10, 11, and 12 in block 151, to Andrew J. Cropsey, at private

sale, for \$2,400 and appropriated a portion of said sum to his own use and benefit.

The answer of the respondent alleged that according to his information and belief, Brock, deputy state treasurer, deposited the school money he had brought from Omaha in the state treasury; that the respondent afterward borrowed it, agreeing to give real estate security for the same, but the state treasurer neglected to prepare the mortgages, and "after the lapse of considerable time" the respondent caused them to be prepared; that they covered about 3,000 acres of unincumbered land, were dated May 25, 1869, and were delivered to the state about January 1, 1871. The respondent attempted to evade the third article by alleging that at the time he obtained from the auditor the two warrants for \$1,000 each in favor of Champion S. Chase, the state was indebted to Chase in the sum of about \$1,500 and the respondent believed Chase would continue in the service of the state as attorney general; and that when he delivered one of the warrants to Chase he stated to him that he was going to Washington to enter saline lands for the state, and as no appropriation had been made to cover the expense of such entry he would use the other warrant for that purpose; but he found that it was unnecessary to use the warrant in Washington, and afterward returned it to the treasury, where it was cancelled. He had soon afterward appointed Seth Robinson attorney general in place of Chase, and the balance due the latter was paid with another warrant. The answer comprised, in effect, a general denial of all the articles, with somewhat elaborate explanation in addition. There was a further answer to the second, fourth, fifth, seventh, tenth, and eleventh articles

in the nature of pleas in abatement; the pleas alleging that the acts charged were not done by the respondent as governor, as alleged, but as one of the three commissioners under authority of the act of February 15, 1869; that by a joint resolution approved March 4, 1870, the legislature, after a complete investigation, had fully endorsed, approved, ratified, and confirmed all the acts of the commissioners, and that the respondent should not be held to answer for the acts charged, as they were done prior to his present term of office.

The answer to the first article was a bold admission of technical guilt, and it suggested the main reliance of the defense, namely: that the breaches of law in question were afterward mended by making good the misappropriated funds, so that the state was not the loser.

The senate began its first session as a court of impeachment on the 14th of March, at three o'clock in the afternoon, when the governor and his counsel, and the managers on the part of the accusers, the house of representatives, appeared and took the seats assigned them in the chamber. The court, which under the impeachment procedure combined the functions of both judge and jury, comprised the full senate of thirteen members. Of these, nine were republicans and four democrats, and since the house, which found the indictment and pushed the prosecution, was composed of thirty-one republican and eight democratic members, the governor's own party was wholly responsible for his impeachment and conviction.¹³²

Experience Estabrook and Eleazer Wakeley, of Omaha, were the active counsel on behalf of the state. Mr. Roberts, the attorney general, was *ex officio* counsel, but he took no part in

¹³²The *Omaha Republican*—January 25, 1871—sketches the senators as follows: Ebenezer E. Cunningham, president, republican, from Richardson county, age, 39 years, occupation, farmer, and editor of the *Falls City Journal*; David Brown, republican, Nebraska City, age about 32, farmer, trader, and insurance agent; Andrew J. Cropsey, republican, Lincoln, age about 50, a Methodist preacher, real estate dealer, and a money maker; Leander Gerrard, republican, Columbus, 32 years old, was member of the territorial legislature of 1858 and of the first republican convention held in Nebraska; Robert Hawke, Nebraska City, came from Missouri, democrat, merchant trader, tall,

sharp-nosed, about 50 years old; Isaac S. Hascall, Omaha, democrat, 35 years old; Benjamin F. Hilton, Blair, came here from Iowa about a year before, until recently proprietor and editor of the *Blair Register*, age 53 years; Frederic Metz, Omaha, republican, brewer; Lawson Sheldon, Cass county, came there from Mt. Pleasant, Iowa, farmer, opposed voting of bonds by Cass county to aid Burlington & Missouri Railroad Company; Edward W. Thomas, Brownville, democrat, lawyer, 45 years old; George P. Tucker, Helena, Johnson county, republican, farmer; Abel W. Tennant, Fremont, democrat, kept eating house on Union Pacific line; Andrew R. Kennedy, Sary county, republican, farmer, 40 years old.

the proceedings, and Judge Wakeley appeared only during the last two days of the trial. Turner M. Marquett, of Plattsmouth, and Clinton Briggs and John I. Redick, of Omaha, conducted the defense. While they were not in the same class as Burke, Fox, Sheridan, and Grey, whose skill and eloquence distinguished the great impeachment trial of Warren Hastings, which was studied and copiously cited in its Nebraska antitype, yet they were representative lawyers of the state, and each was strong in some important quality.

Mr. Briggs and Mr. Marquett argued the exceptions to the sufficiency of the charges. Mr. Briggs in the opening argument contended strongly that the governor could not be tried for offenses during the term of office which had expired. His contention turned upon interpretation of the provision of the constitution which created the remedy of impeachment. "The governor, secretary of state, auditor, treasurer, and judges of the supreme and district courts shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this state. . . ." Mr. Briggs insisted that within this provision there could be only three forms of sentence: removal from office, or removal and disqualification, or acquittal. The governor was not then in the office he held when the offenses charged were committed, therefore he could not be removed; he could only be acquitted. The constitution had left the question open, but rather favoring the contention of the respondent. The court might therefore decide according to its inclination. But the court also found a Wisconsin case in point — that of Judge Levi Hubbell — which fortified its inclination, while the defense could find no counter decision. It is not uncommon in judicial contests that both sides are right — or wrong, and the decision is merely a settlement of the contention. Mr. Briggs also contended that the offenses charged in the second, fourth, fifth, sixth, seventh, tenth, and eleventh articles were alleged to have been committed by the

respondent as commissioner for the sale of lots in Lincoln and for the location and erection of buildings for the state university and state lunatic asylum, and that, therefore, he could not be tried for them as governor. Here again the respondent's ground was perhaps the firmer, but there was plenty of room for the inclination of the court. Yet, though the court accepted evidence on these articles, they were not needed, for the first alone fulfilled its purpose.

Messrs. Porter and Doom of the board of managers spoke briefly for the prosecution. Mr. Doom argued that it must be proper to impeach the governor after the term of office during which the offense was committed had expired, because otherwise he could not be reached by impeachment at all. For example, the governor's term began at the same time that the legislature convened — in January, 1869. At this session the legislature authorized a commission consisting of the governor, the auditor, and the secretary of state, to cause the erection of an asylum for the insane and a building for a state university, but limiting the cost of each building to \$50,000. Immediately after the close of the forty days session of the legislature the governor entered into contracts involving an expenditure greatly in excess of these limitations. The attorney general held that the legislature could not even investigate the offenses of the commissioners, because they were not included in the call for the session. By the time the next legislature convened the governor was out of office, and under the theory of the defense the governor was absolutely immune from the punishment prescribed by the constitution.

Mr. Marquett argued, more ingeniously than convincingly, that the reelection of Governor Butler in the face of these charges at the late election was proof of his innocence, that the people were the highest tribunal and they had finally decided the question. He also emphasized the contention of Mr. Briggs that the governor could not be held for acts done as commissioner of public lands. The legislature created the office, and it could procure the re-

removal of its incumbents and provide for their punishment for malfeasance through the ordinary courts. Where there was a complete remedy by ordinary procedure the extraordinary method of impeachment was improper.

Mr. Estabrook, following Mr. Marquett, argued against the technical defense of his opponents with much force and skill, relying largely upon the Wisconsin case of Judge Hubbell and the English practice, which the defense held had been made inapplicable by the specific provisions of the state constitution. Mr. Estabrook's strongest contention was that even if the respondent was already out of the office in which offenses charged had been committed, through the expiration of his term, and so could not be removed, yet the impeachment court was still competent under the constitution to try him for these offenses, and punish him by a sentence of disqualification for holding office thereafter. He also contended that, "this same man, David Butler, is still in the office which he has held for five or six years. He is still in office, from which you can remove him." Mr. Redick's closing argument for this part of the case was chiefly personal diatribe; but when he spoke on the merits of the case, he was even more technical than his associates had been. Pointing out that the constitution specifically prescribed the duties of the governor, while it gave power to the legislature to prescribe those of the secretary, auditor, and treasurer, he therefore concluded that in undertaking to constitute him one of the land commissioners the legislature had exceeded its authority, and all his acts as such commissioner were null.

At the close of the argument, in the afternoon of the third day of the trial, the senate unanimously overruled the exception that the respondent should not be held for offenses committed before the beginning of his present term of office. The question whether all of the remaining exceptions should be overruled was decided in the affirmative by a vote of eight to five. This dissenting vote was not decisive or

indicative of the final decision as to the respondent's guilt; for of the five who sustained the exceptions, only two — Hilton and Tucker — voted not guilty on every article. Of the other three, Gerrard voted guilty on the first article — on which the respondent was convicted — Tenant voted guilty on the third and eleventh articles, and Cunningham resigned his seat before the close of the trial.

At the beginning of the fourth day of the trial, it appeared that two of the twenty-five witnesses for whom subpoenas had been issued — Robert D. Silver and M. J. McBird — had not been found, and thereupon the managers applied for a continuance of the trial for sixty days. In his affidavit sustaining the application for the continuance, manager Myers alleged that McBird, a resident of Council Bluffs, Iowa, "came willingly before the joint investigating committee of the legislative assembly" and gave his testimony in substance as set forth in the first and second specifications of article two; and which he expected to prove by the witness. He expected to prove by Silver the allegations of the third specification of article two. The prosecutors more than hinted that McBird had been "bought to run away." Mr. Estabrook, pleading for the continuance, said: "We will show that this witness has been slept with, as a witness says, significantly, 'stayed with' . . . We expect to prove by this witness, and by this witness alone, one of the blackest and most damning of the charges, and we shall claim that because of the extraordinary efforts that have been made to get rid of this important witness." McBird did not return to testify at the impeachment trial. Therefore his accusation, formulated in article two, that Commissioner Butler demanded and received from him gratuities of \$1,750 and \$914.13, as an inducement for the allowance by the commissioner of two claims of McBird for services as architect of the university building, rest upon his testimony given before the investigating committee.¹³³ Manager Myers, in pleading for the contin-

lished McBird's testimony before the investigation committee in which he swore that he had to divide his 2½% commission for services as architect of the

¹³³The *Daily State Journal*, February 27, 1871, calls attention to the fact that all of the Omaha papers—the *Herald*, the *Republican*, and the *Tribune*, pub-

uance, asserted that W. H. B. Stout, the contractor for building the penitentiary, was sent to Council Bluffs to induce McBird to leave the place so that he could not be persuaded by the messengers of the prosecution to come to Lincoln and testify. The application for a continuance was denied by a vote of ten to three.

On the morning of the fifth day, Manager Myers made the opening statement of the case for the prosecution. While he made some telling points, his address on the whole fell below the importance and dignity of the occasion. Francis Bacon and Warren Hastings, whom the counsel on either side had already overworked, he pushed to exhaustion, and his show of learning to the point of pedantry. Still, his quotation, at considerable length, from Bacon's confession aptly illustrated his contention that Butler was possessed by the vice of venality. "It is true, we believe, that for years there has been a settled plan on the part of David Butler to demand money from every man who has been employed in doing work for the state public buildings." In support of this characterization Mr. Myers quoted from the statement of Silver who "had a claim to the amount of \$13,000 or \$14,000, and he was unable to get that money from the grasp of Butler unless he would come down with a consideration."

Silver's statement was the basis of the third specification, as follows: "In his private office, David Butler asked R. D. Silver if he was not going 'to do something for him;' he thought he ought to give him \$10,000; and refused to settle the accounts of Silver until Silver acquiesced in the demand thus made." A third party had said to Silver: "You have promised to give the governor \$10,000 of what remains in the treasury as a bonus by virtue of previous agreement; what would you give me?" As to this Myers said: "It would seem there were other parties interested in these demands upon Silver; and as an agreement had state university building with the governor and secretary of state before they would pay him. This testimony was the basis of the specifications of article two. The respondent's answer denied the allegations of this article.

been made to pay the governor that amount, the other party demanded \$3,000 as his share of the fund, showing that there was a conspiracy of individuals in the town of Lincoln, not only to rob the treasury, but the people who had claims upon the treasury upon other contracts, and that no man, who complied with his contract as he was bound to do, could get a dollar of his just dues until he relinquished a portion of it to the officials." As to Butler, "Everything he has touched within the past three years of his political existence seems to be tarnished with that same hankering after money. He could not make a contract with an individual for a book, for a pen, for a building, or for a single stone or pebble, unless he had a share of it. He would have taken the beautiful Koh-i-noor that is admired by the world, and in order that he might satisfy himself would have broken it to pieces that he might have a piece of it. He would have destroyed the temple in order that he might have the gratification of seeing it destroyed if he could lay hold of a share of the ruins." Mr. Myers asserted that the very drastic act of the legislature of 1869 for the protection of the public funds and the punishment of those who improperly laid hands upon them, the like of which "does not appear upon the records of any other state in this union," was passed in view of these extraordinary facts. But the prosecutors did not intend "to pursue the governor to the extent contemplated in this act of the legislature. We have no desire to do more than remove him from office."

The taking of testimony was begun on the fifth day — March 18 — and James Sweet, state treasurer, was the first witness. He testified that the state furnished him, as treasurer, with neither a room nor a safe. At first he kept the public funds in an old-fashioned "Bacon" fire-proof safe, "but afterward the legislature provided by bill, and I purchased a 'Herring & Co.' burglar-proof safe at a cost of \$1,000. I had a bank office and as good a fire-proof safe as there was in the city at that time." When he was in Lincoln, which was less than a quarter of the time, he kept the

funds of the bank and the state funds in separate compartments in this safe. The first time that his attention was called to the fact that the school fund had been appropriated by Butler, was during the session of the last legislature (March, 1870). The treasurer testified that Butler never deposited the money derived from the five per cent on the sale of public lands with him personally or put them in his possession to his knowledge. When he made his report to the legislature he had made a thorough examination of the treasurer's books and found no entry of the alleged deposit. Some time after the adjournment of the last legislature (March 4, 1870) Butler invited him into the executive office where he told him that Gillespie, the auditor, would not approve the securities that he offered for the school money; that he offered to mortgage his lands in Pawnee county, worth \$30,000, "but Gillespie kept persisting that he should pay the money into the treasury, and he (Butler) stated he could not do it now, for he had loaned some several thousand dollars of it to some friend, and had to take land in Pawnee county for it; and he asked me to see Gillespie, and see if it could not be fixed up." Sweet's first conversation with Butler upon the subject of making this fund a loan was after the adjournment of the legislature.

Mr. Sweet testified that Butler cashed two warrants of \$1,000 each at the state treasury which he had obtained as the balance due Champion S. Chase for services as attorney general, and which he intended to pay to Chase at Omaha on his way to Washington. In February, 1870, a year after he had obtained the \$2,000, Butler paid back to the state treasurer \$1,000, and the warrant on which it was paid was cancelled. Butler's explanation of taking this money and keeping it about a year was that he drew it in the first place by mistake, and afterward found that it was more than Chase was entitled to. Sweet testified that when this \$1,000 was paid back he entered it as "conscience money;" and on being

pressed to explain he said, "Well, sir, I did not propose to bring forward any person's name."

Although Sweet was a member of the board in control of the school fund, he testified that he knew nothing about the loan to A. C. Tichenor until the fall of 1870, when he was examined at the meeting of the state central committee in Omaha. He denied that he had suggested to Butler in June, 1869, that the school money was lying idle in his bank and that he (Butler) might as well borrow it and pay interest on it. At the meeting of the state central committee, Sweet declared, "Butler took me out and told me that the central committee was going to put him through and cut his political head right off, and he told me to make this all right before the people, so that they would be satisfied; and if I stated anything that is not correct it was a political dodge, and I did it to save Governor Butler, and nothing else." He testified further, that during the session of the legislature last winter he had told Jarvis S. Church that he believed the money was deposited in the treasury; but "Mr. Brock kept the books, and I could not tell to a certainty, unless I looked." In the interview in Omaha, Butler told Sweet that he had executed a mortgage and left it with Brock, "and desired me to instruct Brock, through Mr. Gere, to forward that mortgage to Pawnee county to be recorded."

On cross-examination Sweet testified as to the Chase warrant: "It was endorsed 'C. S. Chase' and 'D. Butler,' by procuration."

Nelson C. Brock, deputy state treasurer, member of the banking firm of James Sweet & Brock, in whose bank the school money in question was deposited, and nephew of Sweet, testified that he brought the money in a carpet-sack from Omaha, about May 22, 1869, that he deposited it in the bank of James Sweet & Brock, which was also the treasurer's office, that the first entry in reference to this money made on the books of the bank was in the form of three certificates of deposit in favor of

David Butler, dated May 22, 1869,¹³⁴ and each for \$5,000; that \$1,486.66 was credited to Butler's account; that Brock charged himself with \$33.75 as expense incurred in bringing the money from Omaha. The balance — \$360.85 — appears to have been appropriated by Brock in payment of a note held by his bank against Butler, though it was not clearly accounted for. Mr. Sweet testified that he did not even know that this school fund money had been received until the fact was made public through the investigation of the legislature at the special session of 1870.¹³⁵

There is inherent evidence in the remarkable testimony of Nelson Brock and John L. McConnell that it needs to be supported by circumstances. Sweet had a very unbusiness-like confidence in his nephew and partner. He admitted at the trial that he never examined the books of the bank at Lincoln, or of the treasurer's office, except to find out how his personal account stood, until the scandal forced the legislative investigation; and so it had been easy for Brock, who wanted to use the school money for banking or speculative purposes, to hide the fact that he had it from his uncle, who, though more scrupulous, had less business acumen than Brock and might have insisted on depositing it in the treasury — its proper place. Even when reports constituting a public scandal disclosed that Brock had been in possession of the money for eight months, though his thrifty nephew and deputy was drawing a snug rate of interest on it as private banker through its private loan to Butler, Sweet believed that it had been in the treasury, in fact or constructively, from the first.

¹³⁴These certificates are still in existence in the hands of Nelson C. Brock. The three first issued were in the following form:

"Lincoln, Neb., May 22d, 1869.
"Deposited by David Butler in favor of himself, 60 days' notice, interest at 7 per cent, \$5,000."

The second set were in the following form:

"Lincoln, May 25th, 1869, deposited by David Butler, in favor of himself, \$5,000. No. 2271. Interest, 7 per cent after ninety days."

The reason assigned by Mr. Brock for recalling the first three and issuing the others instead, was to save interest. The second series were dated three days after the first and did not begin to draw interest till 30 days later.

Brock testified that he allowed Butler to overdraw his account based on the certificates and then took them up and cancelled them toward balancing the account; also that his statement to the republican state committee in September, 1870 — during the political campaign — that the school money had been deposited in the state treasury "was a lie made for Governor Butler's sake. It was to help elect Governor Butler. It was at his suggestion, to make the democrats understand that the money was paid in so that he could be elected." To the question whether "this \$17,000, or any part of it, was deposited in that department in which you deposited the state money," Brock answered, "No, it never was." He also testified that it was at Butler's suggestion that he made the false statement that the money was deposited in the treasury, and that Butler requested that the certificates of deposit be used to balance his account.

Seth Robinson, who was attorney general in 1869 and 1870, testified that the first mortgage given by Butler was drawn in 1870 and he thought it was antedated, and that he drew the mortgages which took the place of the first one in December, 1870. These were also antedated to May, 1869. He insisted also that Brock knew the money belonged to the school fund; which goes to sustain the theory that he kept from Sweet the fact that he had obtained it, so that he could loan it for the profit of the bank. In the discussion of the question of the admissibility of the mortgages in evidence to show that the money had been properly loaned, Mr. Estabrook contended with great force that the statute which provided for the loaning of school funds did not cover the

¹³⁵Mr. Brock says (1907) he does not think that Sweet knew that he had received the school money in question until the scandal about it appeared in the newspapers. He [Brock] was managing the bank, and was using the school money for its benefit like any other deposit. Mr. Brock alleges also that Kellogg, the governor's private secretary, brought the mortgages intended to secure the alleged loan to his office and tried to persuade him, as deputy treasurer, to accept them; but he refused to do so as there was no authority, so far as the state was concerned, for loaning the money or entering into any contract for its security.

funds in question at all, and that therefore they should have been deposited in the treasury according to the direction of the resolution of the legislature, which authorized the governor to collect them, and that they could not legally be otherwise disposed of until further authority should be given by the legislature. In the same discussion, Manager Doom pointed out that the governor had acknowledged that he received the money about May 25, 1869, that up to the time the mortgages were given in the latter part of 1870, there was no security whatever for the misappropriated or loaned money, and that the mortgages had not been recognized by the state officers through their endorsement, as the law directed.

George W. Ambrose, chairman of the republican central committee in the campaign of 1870, testified that on the 10th of September he addressed a letter to Governor Butler, asking for a detailed statement of the disposition of the five per cent school fund, and in response the governor sent him a statement of the manner in which the school funds were loaned, but which threw no light on what had been done with the particular part of it in question.¹³⁶ Butler attended a meeting of the central committee at Omaha on the 16th, when he stated to the committee that he had borrowed the money and given a mortgage to secure the loan, which was recorded in Pawnee county. But the next day Butler told Ambrose that the mortgage was not executed until he had received a dispatch from him requesting attendance at the meeting of the committee on the 16th, and that after its execution on the 14th the mortgage was deposited with the state treasurer. A few days later Ambrose questioned Brock closely about the disposition of the money in question, and

was told by him that his statement lately made to Ambrose did not include the so-called five per cent fund, of which there was no record in the treasurer's office, and he could not even tell its amount. Afterwards, on the same day, Brock told Ambrose that he was willing to certify that the money was in the state treasury, and gave him a statement to that effect; but Ambrose refused to use this statement because he knew it to be false. Two weeks later, when Ambrose told Butler what he had discovered about the matter, the latter said: "The fact about it is, George, it never was there (in the treasury). It was insisted that there was no law in relation to its being loaned. The deputy treasurer (Brock) brought it from Omaha, and I borrowed it and used it." Ambrose testified further that during this conversation, Butler said to him that if he would stand by him (Butler) during the campaign, after the election everything should be fixed up to the satisfaction of everybody. Ambrose caused the first mortgage executed by Butler to be published in the newspapers for political effect. By Butler's admission, the mortgage was not executed until September 14, 1870. It was not only dated May 25, 1869, but Nelson C. Brock, notary public, certified that the deed was acknowledged before him on that day.

The third specification of the second article charged that the governor had caused Robert D. Silver to bribe him as an inducement for letting the contract for a building for the state university to Silver. The side agreement between Butler and Silver is indeed unique among "state papers," and it needed no explanation or supplement in support of the charge.¹³⁷ But Silver testified that, "It was upon the contingency that I got the contract,

¹³⁶Thomas P. Kennard, secretary of state and member of the board which had custody of the school fund, states (1906) that Governor Butler improperly used the money in question to pay for building his house. This house is now owned by the Country Club of Lincoln.

¹³⁷Following is this remarkable compact, which was introduced in evidence:

"Articles of agreement made and entered into this 21st day of June, A. D., 1869, between D. J. Silver and Robert D. Silver, of the firm of D. J. Silver and Son, of the city of Logansport, county of Cass, and

State of Indiana, of the first part, and David Butler, Governor of the State of Nebraska, of the town of Lincoln, county of Lancaster, and State as aforesaid, of the second part, witnesseth:

"That the party of the first part did, on this, the 21st day of June, A. D., 1869, loan to the party of the second part five thousand dollars, lawful money of the United States, for which the party of the second part gave to the party of the first part his note of like amount and bearing even date herewith, payable four months after date, viz: Should the contract for building the State University and Agricul-

that I lent this money to the governor. He told me he could manage and get it for me;" also that it was agreed that the note was to be cancelled, that about a year after the note was given Butler asked Silver to surrender it to him without payment, and that he had never paid it. Silver also testified that Butler told him that he "ought to do something for Secretary Kennard."

In the face of the act of the legislature limiting the cost of the university building to \$100,000, the contract was let for \$152,000. While the appropriation for the lunatic asylum was \$50,000, the contract price was \$137,000, including \$18,000 for the basement. John Gillespie, state auditor, testified that up to September, 1869, Joseph Ward drew \$47,000 on the contract for the basement. In the meantime, Ward agreed to build the superstructure, and for the entire building received \$137,355. He drew the money in advance of his work, notwithstanding that he never gave bonds to

tural College Building, located at Lincoln, Nebraska, according to plans and specifications furnished by M. J. McBird, architect, of Logansport, Indiana, be awarded to the party of the first part, at the estimated cost, viz: one hundred and fifty thousand dollars, then, and in that case, and in consideration of said award, the party of the first part is to surrender to the party of the second part the aforementioned note; and the party of the first part further agrees to pay to the party of the second part five thousand dollars additional, in consideration of the contract being awarded as aforementioned, this payment to be made as the work progresses. Should necessity compel the awarding of the said contract at less prices, not going below one hundred and twenty-five thousand dollars, the aforementioned note is to be surrendered and the five thousand dollars is to be paid proportionately, thus: for each five thousand dollars added to the contract price over one hundred and twenty-five thousand dollars, the party of the first part will pay to the party of the second part one thousand dollars; otherwise, the aforementioned note is to remain in full force and virtue in law, bearing interest at the rate of ten per cent. per annum.

"In witness whereof, we, the parties, have hereunto set our hands and seals, this 21st day of June, A. D. 1869.

(Seal)

"D. J. SILVER & SON.

(Seal)

"DAVID BUTLER."

The following is a copy of the note:

"\$5,000.

"Chicago, June 21, 1869.

"Four months after date I promise to pay to the order of Messrs. D. J. Silver & Son, payable at the Union National Bank, Chicago, Five Thousand Dollars, value received, without any relief whatever

the state for the performance of either of the contracts.

The charge in Article 7, that \$10,000 belonging to the school fund was loaned to Anson C. Tichenor, on "wholly inadequate and insufficient security," and without the assent of the auditor or the treasurer, who, with the governor, constituted the commission for loaning the school funds, was supported by those officers. Sweet, the treasurer, testified that he knew nothing about this loan until he learned at the meeting of the republican central committee in September, 1870, that it had been made several months before. Gillespie, the auditor, testified that he gave Tichenor a form of an application for the loan, but worded an endorsement on the back of it "in such a way that he could not get the money."¹³⁸ He had never assented to the loan, and first learned that it had been made through a statement in the *Omaha Herald*. It appears from the testimony of Brock, deputy state treasurer, that the from valuation or appraisement laws, with interest at the rate of 10 per cent. per annum.

"DAVID BUTLER."

¹³⁸Following is the form of application which the auditor gave to Tichenor:

"OFFICE STATE AUDITOR.

"Lincoln, July 21st, 1870.

"Hon. Jas. Sweet, Treas.

"Dear Sir:

"You will please loan to A. C. & A. F. Tichenor as an investment, school funds to the amount of ten thousand (\$10,000) dollars, when the outstanding indebtedness will have been provided for, and the school funds in your hands will justify the same.

.....
Governor.

.....
Treasurer.

"(Signed)

JOHN GILLESPIE,
Auditor."

The loan was actually made on Butler's sole order which was as follows:

"Lincoln, Neb., July 30, 1870.

"To James Sweet, Esq., Treasurer of the State of Nebraska:

"Sir:—You will loan, on good approved security, to Amanda F. and Anson C. Tichenor, of Lincoln, Nebraska, ten thousand dollars, (\$10,000) for the term of five (5) years, out of the first permanent school land funds received by you, as an investment for the State School Fund, at an annual interest of ten (10) per cent., said interest to be paid semi-annually in advance; the security to be approved by me.

"(Signed)

DAVID BUTLER."

transaction was arranged between him and Butler. Brock admitted in his testimony that he exacted from Tichenor a bonus — or “soap” as it was more expressively called — of \$650 for his services in procuring the loan. Seth Robinson, attorney general at the time the loan was made, testified that he told the governor that he thought “the security was rather shaky,” especially as the insurance on the building had been cancelled. The opinion of the attorney general on the title to the property showed that there were two prior mortgages on it, aggregating \$5,500. The building was not completed at this time.

The charge in Article 9, that Governor Butler unlawfully issued patents for seventy-five sections of land to the Sioux City & Pacific Railroad Company, which claimed them on the ground that it had succeeded to the rights of the Northern Nebraska Air Line Company by consolidation with it, was supported by the testimony of John Gillespie, state auditor, C. C. Crowell, and William F. Goodwell. The auditor testified that John I. Blair, representing the Sioux City & Pacific company, presented a list of lands he had selected to the commissioners, and requested that patents be issued for them, but the witness objected to granting this select class of lands, on the ground that it would be unjust to other railroad companies and localities. He contended that the lands available for such purposes should be graded according to

their situation and value, and that the company in question should be awarded its share on the plan of averages. He refused to approve Blair's list of lands, but afterward found that Butler had procured the issue of patents for them without his knowledge or approval. Crowell and Goodwell testified that the “plug road,” between De Soto and Blair, which the company had been obliged to construct to fill out the entire line from De Soto to Fremont in accordance with the terms of the original grant, was very poorly built, and trains could not run over it with safety. March 10th, in reply to an inquiry of the house, the attorney general — George H. Roberts — gave the opinion that the pretended assignment of the Air Line grant to the Sioux City & Pacific company's branch of the Union Pacific railroad was void and the state should take immediate action to recover the lands.¹³⁹

In support of the allegations of the fourth specification of Article 2, Thomas F. Hall stated that in July, 1869, C. C. Crowell and himself applied to Governor Butler for a lease of a tract of saline lands, and that the governor demanded from them a bonus of \$5,000 for the lease of these state lands. The testimony of Crowell tended to corroborate Hall's. The testimony of Auditor Gillespie on this specification throws light on the story of Governor Butler's part in the development of the salt springs.¹⁴⁰ “The governor asked me not to

¹³⁹*House Journal*, 1871, p. 501.

¹⁴⁰See pp. 42, 47, this volume, and p. 289, Vol. II. November 14, 1878, a judgment was rendered in the supreme court of the state of New York in favor of Isaac Cahn against David Butler for the sum of \$6,191.54. The suit was begun March 4, 1877, and was based upon a promissory note made by the defendant in favor of the plaintiff. Summons was served upon the defendant, Butler, at the St. Nicholas Hotel in New York City. In his answer to the complaint the defendant told the story of the transactions which led to the making of the note. Soon after the passage of the act of February 15, 1869, which authorized the governor to lease the saline lands held by the state, he leased to John M. Evans and Peter S. Allen the west half of the southwest quarter of section 14; the southeast quarter, and the east half of the southwest quarter of section 15; the east half of the northwest quarter of section 22; and the west half of the northwest quarter of section 23; all in township 10, range 6, east of the 6th principal meridian. The lessees agreed to sink wells and supply machinery for, and to engage in the manufacture of salt. On the failure of Allen to comply with

the conditions of the lease, early in the spring of 1869, Cahn and Butler entered into a partnership agreement whereby Butler was to procure the assignment of Allen's interest in the lease to Cahn, who was to hold it for the equal benefit of himself and Butler; and Butler was to “use his influence as governor to procure the enactment of a law donating and granting to the said plaintiff and said Evans two sections of land.” Cahn and Evans were to furnish the money necessary to successfully carry on the salt manufacturing enterprise, but Butler agreed to reimburse Cahn to the amount of half of his contribution and would share with him half the profits, “including any land grants or other donations which should be made by the state to said plaintiff.” Accordingly Butler procured the assignment of Allen's interest in the lease to Cahn, and on the first of August following, Butler, as governor, executed a new lease of the lands described, to Cahn and Evans, and the latter assigned his interest in it to Cahn for Butler's use and benefit. In the fall of 1870, after having sunk the well to the depth of 600 feet, under the contract which provided that it should be sunk 800 feet, the flowing brine not reaching the required strength of

oppose the appropriation asked for in his message (to the legislature). He stated that he wanted that appropriation made to Evans & Cahn, for he expected to make some money out of it. He stated that he was hard up, and behind some \$30,000, but if that was made, he would be able to make some money out of it."

The charges in Article 11 were supported by Andrew J. Cropsey, who testified that he gave Governor Butler \$2,400 for the south half of block 151, that he took his title from the state, that the stubs of the sale book showed that the original price was \$1,000 and this was the amount of the consideration recited in the deed to the witness. It appears that the lots were bid off by Butler at the auction sales in June, 1869, and he sold them to Cropsey in April, 1870. There was no evidence that Butler had paid anything for these lots, and the inference was that he held them thus nominally for the purpose of speculation and that he wrongfully appropriated to his own use the difference between \$1,000, the record price of the lots, and \$2,400, the sum which they actually brought. The testimony of Thomas P. Kennard, showing the manner of conducting the original sales of lots of the town site of Lincoln, is probably the best illustration extant of the meaning of the phrase, "without rhyme or reason." He could not tell from the records of the sales, or at all, how many lots Governor Butler bid off, when he bid them off, or how much, or when he paid for them, in particular or in general. For example, Commissioner Kennard described the simulated auction sale of block 151 to the governor as follows: "The manner of the sale was that we had sold block 153, where

50 degrees, the work was abandoned. The lessees had not made any other improvements on the lands, and "said salt manufacturing enterprise proved a great financial failure." On the 8th of May, 1871, Cahn called on Butler and reminded him that he had not procured the donation of lands from the state according to promise and demanded that he should pay to Cahn half of the amount the latter had expended in the enterprise, whereupon Butler gave to Cahn his note for \$3,411. At the end of a year he renewed this note, increased by the accrued interest. This renewed note was the subject of the suit. The specific defense set up in the answer was that there was no other consideration for the note than that

the auditor's house and mine is; turning from that we had a large carriage in which the governor, myself, auctioneer, and perhaps one or two other parties were, we drove from there to this block, and as we were going the governor asked what the block sold for that the auditor and I had bid off. I said about \$2,000. He said he would give \$2,000 for that block, as he wanted to put his house on it. I merely stated to the auctioneer to cry his bid for the block. It was done and bid off."

Mr. Estabrook: "Did the auctioneer call the attention of the crowd?"

Mr. Kennard: "Perhaps not so much."

Mr. Estabrook: "Do you say it was not the direct purpose to allow Governor Butler that bid, regardless of competition?"

Mr. Kennard: "Well, I do say it was rather the expectation to let Governor Butler buy the block."

William W. Holmes, a shrewd real estate agent, testified that no part of block 151 was offered at public sale.

Mr. Kennard stated, also, that he thought Butler bid off fifty or sixty lots at these sales, all in the same way as he bid off block 151; that there was no public record of his purchases or payments; that there was a private record between the governor, the auditor, and himself, which was not now available; that in general Kennard "acted as a kind of collector. They paid money over to me from time to time as it was needed." He didn't know that it was the duty of either one of the commissioners to make entries of payments. The duty of depositing the money which the other commissioners happened to

set forth in the agreement between Butler and Cahn; that "the said agreement, in pursuance with which said promissory note was given, was against public policy, and was fraudulent and void, and that there was no consideration for said promissory note, and that said note was void." In a suit previously (1876) brought on the same note in the circuit court of the United States for the district of Nebraska, Judge Dillon promptly sustained a similar defense interposed by Mr. Erastus E. Brown, Governor Butler's attorney, but Butler neglected to plead this adjudication in the New York suit, though he was instructed to do so by Mr. Brown.

pay over to him, said Commissioner Kennard, "I took upon myself." The voluntary receiver for trustees of a very important public trust, in his words, "covering two years of time and several millions of dollars," ingenuously waived and disclaimed all need of ordinary business precaution, forms, or checks and balances — such as bookkeeping, vouchers, and the immemorial rule founded upon an instinctive moral principle, that a trustee shall not be a purchaser at a sale of trust property. By his naïve confession, "the arrangement between . . . the commissioners was a private arrangement;" for, "we were all under bonds of \$60,000 for the faithful performance of our duties!" Clearly, these formidable bonds of the trustees were of no discoverable use under their "private arrangement" which precluded any test, except by hearsay and innuendo, of the "faithful performance of our duties." It is quite true that the task of the commissioners was unique and extraordinary; but even the little leakage of their "private arrangement" disclosed that it is equally true that they performed their task in an equally unique and extraordinary manner.

The tenth day of the trial, March 24th, was devoted to the arguments of Mr. Estabrook for the state and Mr. Redick for the respondent. The main responsibility for summing up for the prosecution, as in conducting it to this point, rested on Mr. Estabrook, because Mr. Wakeley, associate counsel, had been unable to appear in the case on account of other engagements. Both of these counsel had come to Nebraska from Wisconsin, where they had considerable professional and political experience. Mr. Wakeley, as a senator, had participated in the impeachment trial of Judge Hubbell in 1853, and Mr. Estabrook, who was attorney general in 1852, was doubtless familiar with that important case. It is probable that their knowledge of the procedure in that trial had something to do with their retention in the Butler case. Estabrook's much more than ordinary mental ability, well reinforced by imagination and sentiment, qualified him to comprehend and feel the turpi-

tude of the almost comical crookedness of the ways of the promoters of the capital speculation. As a lawyer, Mr. Redick was then unripe, and his principal contribution to the procedure was considerable skill in the examination of witnesses and showing off before the jury, in very true frontier, but otherwise rather questionable style. Judge Wakeley possessed the temperament and judgment through whose later development he became an almost ideal judge and a safe counselor. Mr. Marquett was a skilful practitioner, and afterward won and kept a place in the front rank of the bar of the state. Two of the managers, Doom and Porter, took part in the argument of the case, and they analyzed and presented the evidence with clearness and force. Mr. Myers, at the head of the board of managers, was alert, resourceful, and persistent, and was probably more efficient than anyone else in promoting the impeachment and in pushing the trial to a successful issue.

Mr. Estabrook pointed out that in most impeachment cases but a single offense had been charged; "but in this case an investigation has been had by a committee composed of members of this body, and grouping together all the transactions of the state officers for the last two years, it was ascertained that some offenses had been committed in nearly every department in which the governor has been called upon to act." The prosecution had been compelled to abandon some of the charges because "in many instances, witnesses who went with great alacrity before that investigating committee, when called upon to come before this court have mysteriously disappeared." Mr. Estabrook opposed the contention of the defense that the offenses charged were not committed with evil intent, but in the exuberance of the governor's rollicking good nature. "Whether the maladministration of this respondent results from evil intent, habitual neglect of duty and disregard of law, from drunkenness, from lunacy, from idiocy, or other incapacity, the detriment to the public is the same."

The technical but somewhat important con-

tention of the defense that inasmuch as Brock, who was deputy state treasurer, had deposited the school money in the bank of James Sweet and Brock, that being the place of deposit of the state funds, he had deposited it in the state treasury, within the purview of the law, was met by Mr. Estabrook with the citation of the very specific statutory direction for entering such deposits: "It shall be the duty of the said treasurer, at the time of receiving any public funds belonging to this state, to make out a full statement and description of each note, bond or bill so received, giving the date, denomination, and character of the money, bonds or notes so received, and on the last day of each month such description and statement shall be sworn to by such treasurer and filed by him in the office of the said auditor." As an additional precaution the secretary of state was required to examine the funds in the treasury monthly to test their identity with those described by the treasurer.

It was not pretended that there had been any attempt to comply with this law in the disposition of the five per cent school fund. The auditor never had a report of this fund from the treasurer. Moreover, Mr. Estabrook showed that the certificates of deposit were endorsed simply "David Butler," and the mortgages given to secure these funds which the governor had personally appropriated, were, by his own direction, "made to bear the same date, indicating clearly that it was then his intention to appropriate the fund and not to deposit it." It would have been more discreet to have dated the mortgages honestly according to the time they were given, about eighteen months after the money was received and by somebody misappropriated; for the deception and trickery of the whole transaction would inevitably be exposed by the lack of any record of it in the auditor's or the treasurer's office. The assertion of Mr. Estabrook that, "Nobody contends that this was any fund that could be touched as a loan, but that the same money should now rest in the treasury of the United States or of the state of Nebraska, and that you gentlemen, now sit-

ting as the general assembly of the state, jointly with the house, are the proper persons to say what shall be done with that public fund," was supported by the enactment of a statute at the next session of the legislature specifically providing for its investment.¹⁴¹ To Mr. Marquett's plea, of easy morality, that the respondent had been exonerated or whitewashed by the investigation of the legislature, and afterward endorsed by reelection as governor, Mr. Estabrook retorted: "I then went immediately to my room and spent a whole night in examining Chitty and Story on bills and notes, in order to find out what would be your liability if you should now, by your action, become his third endorsers. Let him again go into the governor's chair, and let another \$17,000 come into the state treasury and under his control, he would again use it, and would be a fool if he did not. And if any one should question the propriety of it he would say, 'Sir, my action has been endorsed by three good endorsers.' I pity the school fund, and God help the Commonwealth if this shall be the verdict of the impeachment trial." The quotation here by the prosecutor of the respondent's answer to the inquiry of the house, made only a few weeks before the impeachment proceedings were begun, that he had deposited the school money in the treasury, fastened upon him the most reckless falsification in addition to the offense of misusing trust funds.

To Mr. Estabrook's argument that the money had not been deposited in the treasury, Mr. Marquett retorted that the only way the governor could make a deposit if he had the money, was to give it to the treasurer, which had been done, and the respondent was not here to answer for the sins of Sweet and Brock.

Manager Doom argued that the evidence showed that "from the very day, or a few

¹⁴¹Attorney General Roberts reported to the house of representatives in 1871, that loans from the school fund secured by real estate mortgages were legal, but that there was no authority to loan the so-called 5% fund of \$16,881.26, though a mortgage properly executed to secure such a loan could be enforced. (*Pub. Docs. of Nebr.*, 1871, pp. 210-11.)

days after the money reached Lincoln, it was in the full possession and control of David Butler. That is clearly proven by the fact that those pretended mortgages are dated on the 25th of May, 1869, only two to five days after Brock returned with the money."

Mr. Doom continued to argue with great force as follows :

"The question recurs — did Sweet or Brock derive any benefit from this money not being in the State Treasury? Far from it; on the contrary, they were losers to a large amount, for it is in evidence before you, that they used the state funds in their banking business. If they had once placed this money on the treasurer's books, Governor Butler, nor any one else but themselves could have used it until drawn out of the treasury according to law. It is needless for me to take up your time to show the advantages to them of having near \$17,000 to use in their business, free of interest. But all the evidence goes to show that instead of Sweet and Brock using this money David Butler used and controlled it for his own private benefit. The books of Sweet and Brock, as exhibited and shown by McConnell, their witness, prove that the money was placed to David Butler's credit, by issuing to him certificates of deposit for \$15,000, and placing the balance to his account. Those books also show, by the acknowledgment of the same witness, that Governor Butler checked upon this money at his pleasure, drawing it all out in a short time, so much so as not to entitle him to any interest. McConnell also tells you, although unwillingly, that David Butler's account was overdrawn something over \$16,000, in May, 1870, when he left the bank. He retained the certificates of deposits until September 12, 1870, when they were returned to Sweet and Brock, with David Butler's name in his own handwriting endorsed upon them. You cannot doubt the evidence of those certificates, although the counsel has endeavored to create a doubt in your mind about their issue at the time as stated on their face. You examined the stubs from whence they were taken; there they stand in regular order — date and number — just as related by Brock. . . . You are told that Governor Butler borrowed this money. Who did he borrow it from? The law makes the governor, auditor, and treasurer a board of commissioners to loan. Have they produced any certified record of the proceedings of that board, or of either member of it? None at all. The respondent

tells you somewhere — either in his answer or in a stump speech — that Mr. Sweet loaned it to him. Mr. Sweet tells you positively that he did not loan it. If this had been a straightforward transaction, why was not application made to Mr. Gillespie (the auditor and land commissioner), whose office was in the same building with Governor Butler? . . . Not a particle of evidence is produced that any of the board ever heard of or agreed to this loan, unless it be apparent that David Butler kindly consented to loan this school fund — to David Butler. . . . Governor Butler alleges that he borrowed this money, acknowledges that he received it in May, 1869, and had the full use and possession from that time, and says that he secured the state. He offers, in support of that theory, nineteen mortgages. Those mortgages are dated May 25th, 1869, were acknowledged December 28th, 1870, and recorded January 7th and February 1st, 1871. Now, senators, put the most favorable construction you can upon those mortgages, you are forced to admit that for the period of eighteen months the state was without a particle of security. More than this, in all the offices and departments of the state government there was not a scratch of a pen to indicate that David Butler had received one cent from the state, or owed it anything. Those mortgages, so far as this impeachment is concerned, are a fraud. They are in reality the most damning evidence which could be brought against Governor Butler, for they show on their face that they were manufactured on the 28th day of December, 1870, and up to the hour when they were introduced in evidence here, they had never been in the possession of any officer appointed by law to be the custodian of the state securities. Governor Butler kept them himself. And I verily believe that had it not been for the spirit manifested by this legislature, those mortgages would never have seen the light of day. I was amused (I mention it here to show how artful our friends the counsel for respondent are) when enquiry was made for the bonds, which should accompany the mortgages. They spoke of getting them from the state treasurer. Mr. Koenig, the treasurer, tells you that he never saw those bonds until put into his hands here on the witness stand. . . . The counsel for the respondent have at various times, and in various ways (but not by straightforward testimony) referred to a mortgage prior to those now in evidence before you. The inference sought to be conveyed is that the prior mortgage is the balsam to heal all the wounds inflicted upon the violated laws. Where is the

mortgage? Why has it not been produced in evidence; or why has not some witness been able to testify something definite? None of all the secretaries, editors, attorney generals or adjutant generals know anything of this valuable document, except the saintly Gere. Now what are the facts about that mortgage? Simply this: that when in the fall of 1870, a storm was gathering over David's devoted head, it had been rumored that he had collected the five per cent. fund. The election was drawing near, and he sends for Brock, in September, 1870, and wants to secure the state. Then fixes up this famous mortgage and wants Brock to perjure himself by antedating the acknowledgment, which Brock refuses to do. Gere tells you on cross examination, that Butler told him in September, 1870, that Sweet had promised to draw the mortgage about a month before. Thus you see that Gere (their witness) confirms Brock and Sweet, and you discover that the first intimation anybody had of this court plaster, was not earlier than in August, 1870. Just here permit me to call your attention to a fact which establishes one of our specifications. The witnesses for the defense, 'know-nothings' as they are, disclose this fact: that this precious prior mortgage was only for \$15,000; all admit that. The governor acknowledges that in May, 1869, he received \$16,881.26. Now senators, it is for you to enquire what became of the balance, \$1,881.26."

Mr. Marquett contended that Sweet and Brock denied that the school money had been deposited in the treasury because in that case they would be held responsible for it by the state. It had certainly been more advantageous to them to deal with Butler, personally. The most emphatic portions of the arguments of Messrs. Redick and Marquett were beside the real issue and intended to evade it. Mr. Redick said, as floridly as fancifully:

"Why, Governor Butler has built up a city here of three thousand inhabitants, which is an ornament to the state and a lasting monument to the memory of David Butler. Senators, after the Butler race has passed away; after ages of time have gone by; after the graves of all the Butlers have lost every trace or mark by which they were known; aye, after this generation has passed away, those who live after us will ask who was the originator of this grand capital scheme? who was it that said away out on this broad and beautiful

prairie, a hundred miles from anywhere, in the year 1867, the capital of Nebraska should be located? Senators, David Butler's name is today a part and parcel of the history of the country; and whether he is impeached or no, his name will be respected and honored by generations yet to come."

This sort of a plea was urged, though with great ability and eloquence, to condone, or cover, the excesses of Warren Hastings in India. It has always been used in defense of successful public piracy.

Mr. Marquett made the same sort of a plea, and with more pertinency but with palpable weakness urged the exoneration of the late election:

"If Governor Butler is to be convicted, disgraced, let it not be done here; here, in this house that has been reared by his energy; here, where he has put thousands in your coffers; here, where he has done so much to build a city and people a country; here, where upon every hand monuments rise to speak eloquently in his praise. . . The facts upon which they rely for conviction were all known to the people of the state, canvassed by them before they went to the polls and reelected David Butler as their governor; and the man who stands up here today to reverse, by appeals to prejudice, the sacred decree of the people, defies the genius of our institutions and tramples in the dust that liberty of which we so proudly boast."

Mr. Wakeley did not present his argument orally but submitted it in writing. In form, force, and incisiveness, it greatly excelled all of the other closing arguments.

On the completion of the argument, March 27th—the twelfth day of the trial—the respondent asked for a continuance "for thirty or sixty days," on the ground that he had just ascertained that the power of attorney he had given to Nelson C. Brock was signed by the respondent in his official capacity; that when Brock went to the First National bank of Omaha, he stated that he was deputy state treasurer, and had called to collect the money due the state; that the power of attorney was sent to Washington with the draft; that he had just learned that he could prove by C. H. Gere that Brock told Gere that he gave the

governor a voucher for the money so deposited in the treasury by affiant, that he received the voucher but was then unable to find it; that he believed that he was a competent witness in his own behalf, and, if permitted, he would testify that the certificates of deposit introduced in evidence were made out without his knowledge and were not delivered to him "for three or four months after the time they bear date, and not until after the time he had agreed to borrow the money from the state by the consent of James Sweet;" that he told Brock, that the money he was to collect under the power of attorney belonged to the state and directed him to deposit it in the treasury; that he had just learned that he could prove that the first mortgage on the Pawnee county lands was sent by the state treasurer to the clerk of that county for registration and that he believed the mortgage could be found; that all delays in the execution of the second lot of mortgages were owing to the dilatory habits of the state treasurer; that he could disprove the statement of Brock that he paid a note of affiant's with a part of the money obtained in Omaha; that he could prove by Sweet that he first suggested that affiant ought to borrow the money in question as early as July or August, 1869.

Senator Thomas attacked the affidavit for frivolity: if the senate should adjourn for sixty days "the whole thing became a perfect farce." It was mere trifling and would not be tolerated by any court in the land. Senator Sheldon recalled the fact that the defense opposed the motion by the managers at the beginning of the trial for a continuance and, when the testimony was in, even wanted to submit the case without argument; though they took two days in discussing it. If any senator believed the respondent was not guilty, "let him take the responsibility and say, 'no.'" Senator Hascall contended that the motion was not for a continuance but for a new trial, but he failed to see where the newly discovered testimony existed. Senator Cunningham made a speech of the spread-eagle sort in favor of continuance, and Brown and Cropsey also

avored the motion. Senator Kennedy said that if the new evidence should clear up the school fund charge there was enough to convict the respondent on the others. Nevertheless, on motion of Senator Tucker, the court agreed, without division, to adjourn until May 30, 1871.

When the court convened at the end of the sixty days, it was informed by Acting Governor James that Senator Cunningham had resigned his office, whereupon the senate proceeded to elect a president in Cunningham's place. Sheldon was chosen on the nineteenth ballot, but refused to serve, and on the twenty-first ballot Hascall was elected. On the 31st the respondent made a formal proposal to deposit the school money he had "borrowed," which was referred to a committee of the house consisting of Doom, Daily, Goodin, Reed, and Cannon, who reported the same day in favor of receiving the money. The following day Rosewater introduced a resolution as a substitute for the committee's report, providing that upon the payment into the state treasury of the sum of \$16,881.26, which David Butler wrongfully and unlawfully appropriated to his own use, with legal interest, the treasurer should issue a receipt to the said David Butler for the sum paid by him, which, when recorded in the counties of Lancaster and Pawnee should be a cancellation of the pretended mortgages he had caused to be put on record in those counties in the years 1870 and 1871. This substitute was rejected by a vote of 21 to 8, and the committee's report was adopted by a vote of 24 to 5¹⁴² and sent to the senate the next day; but owing to the conviction of the governor in the meantime, no further action was taken on this resolution.

The trivial trickery of the affidavit in support of the continuance was shown in the failure even to attempt to produce any of the promised new evidence. The Brock power of attorney was not produced for the alleged reason that Butler thought Redick was going to get it from Washington, while Redick thought Butler was to get it. There was no

¹⁴²*House Journal*, 1871, pp. 580-582.

offer to make Butler a witness, or to recall Gere to testify that Brock told him that he had sent Butler a voucher acknowledging the deposit of the school money in the treasury which Butler would swear he received but had lost; or to recall Sweet to testify that he had advised Butler, as early as July, or August, 1869, to borrow the money.

The defense insisted that the trial could not properly go on in the absence of Senator Linch, the successor of Cunningham, and that Senator Brown had been disqualified to sit as a juror any longer, because it was said that he had recently been appointed postmaster of Nebraska City. After wrangling until the afternoon of the second day of the reconvened session, in a manner ill-befitting the dignity and importance of the case, the senate overruled the respondent's motion to adjourn until the next day — June 1st—"because Senator Linch is absent from his seat, but who is expected to arrive tomorrow morning," and "because the respondent desires time until tomorrow morning to produce evidence to show that he has paid into the state treasury the sum of money due on the bonds and mortgages mentioned in the answer filed by the respondent herein." Judge Wakeley insisted that such evidence would be wholly irrelevant to the present case, and only two senators, Hilton and Tucker, sustained the motion. On the other hand, the prosecutors took advantage of the reopening of the case to examine several new witnesses, including George W. Ambrose and Robert D. Silver. The fact that Silver's very damaging and sensational testimony against Butler also disclosed that his own moral standards were not strictly upright, probably accounts for his hesitancy to tell his scandalous story.

The case was submitted to the senate on the first of June, and on that day the respondent was found guilty on the first article, which charged the misappropriation of the school money. Nine senators, namely: Brown, Crop-

¹⁴³When Senator Sheldon's name was called he arose and said: "I desire to explain my vote, as I understand that order only removes from office, and if it pass that will be the extent of the judgment. If the governor is a suitable person to hold office hereafter I do not see why we should remove him at

sey, Gerrard, Hascall, Hawke, Metz, Kennedy, Sheldon, and Thomas, voted guilty, and three — Hilton, Tennant, and Tucker — not guilty. Thus the senators voting for conviction were one more than two-thirds of those who participated in the trial, but they were only the two-thirds of all the senators required by the constitution. The next day votes were taken on the remaining ten articles. On the second article five senators — Cropsey, Hascall, Metz, Sheldon, and Thomas voted guilty, and Brown, Gerrard, Hawke, Hilton, Kennedy, Tucker, and Tennant not guilty. On the third article Brown, Hawke, Metz, Kennedy, and Tennant voted guilty and Cropsey, Gerrard, Hilton, Sheldon, Thomas, Tucker, and Hascall, not guilty. On the fourth article all but Kennedy voted not guilty; on the fifth article all voted not guilty; on the sixth, five voted guilty and seven not guilty; on the seventh, Cropsey, Kennedy, and Sheldon voted guilty and all the others not guilty; on the eighth, ninth, and tenth, all voted not guilty; on the eleventh, six senators — Metz, Kennedy, Sheldon, Thomas, Tennant, and Hascall — voted guilty, and the other six, not guilty.

The president of the senate then announced the vote on each of the articles, concluding that, "It appears that there is a constitutional majority of votes finding David Butler, governor of the state of Nebraska, guilty on article one. It therefore becomes my duty to declare that David Butler stands convicted of, and upon article one, exhibited by the house of representatives of the state of Nebraska against him." Senator Gerrard then moved the order of the court removing the respondent from the office of governor, which was adopted by a vote of eleven to one. Senator Sheldon refused to sustain this judgment because it was inconsistent to remove Butler from this office, and not bar him from holding office in the future.¹⁴³

the present time, and for that reason I shall vote nay."

Following is the form of judgment offered by Senator Gerrard and adopted by the court:

"In the matter of the Impeachment of David Butler, Governor of the State of Nebraska.

Thereupon the senate, sitting as a court of impeachment, adjourned without day. Before the vote was taken on the second article, Gerard moved that further proceedings be indefinitely postponed, but only two other senators, Brown and Cropsey, sustained the motion. This decision signified that there was no concerted intention to find the respondent guilty on one article only and let it go at that. The vote on the several articles showed also that there was neither sectional nor party division in the attitude of the senators. These facts substantially remove foundation from the contemporary charges and still existent popular impression that the trial and judgment were in the main inspired by, or rested upon partisan or personal malice. The record of the trial furnishes no reason for questioning the presumption that the judgment was sincere and just. Furthermore, in view of the generally corrupt condition of political administration at the time, it can not be doubted that condemnation of the most conspicuous offender was salutary and necessary.

In those elder days it was a custom among politicians to unrestrainedly tell not only the whole truth, about any questionable qualities or acts of their opponents, but a good deal of scandalous untruth as well. Though this reprehensible and needless mutual exposure and positive slander of political antagonists is now happily much less common than formerly, yet with the spirit of relaxation has come the disingenuous, if not cowardly, habit of mutual disclaimer and disavowal of the mutual slanders after each contest is ended. Our forbears in question were more consistent and therefore more manly than this. Besides, the

"And now, on this 2d day of June, A. D., 1871, this case coming on to be heard before the Senate of the State of Nebraska, sitting as a Court of Impeachment for the trial of the same, and the evidence and arguments having been heard, as well upon the part of the Respondent as upon the part of the State, upon the articles of impeachment exhibited by the House of Representatives against the said David Butler, Governor of the State of Nebraska, the said articles having been submitted severally for the consideration of the Court, and two-thirds of the Senators having concurred in the conviction of said David Butler, Governor of the State of Nebraska, of misdemeanors in his said office, as charged in

impeachment trial had judicially exposed and proved the intolerable corruption of the Lincoln ring which governed, or, rather, so scandalously misgoverned, the state. Though impelled by mixed motives of self-preservation, patriotism, or factional rivalry and hatred, the press of the state — which in the main supported the impeachment — uncovered all the rottenness which the impeachment trial confirmed; so that meaner motives than the defense and promotion of the public good were obscured by the result. Thus the original accusers, whose relentless journalistic bombardment had forced the impeachment, could well afford to stand resolutely by their victorious guns after their judicial justification. They had no legitimate apologies to offer, and they dissembled none.

The republican journals were of course under the cloud of presumptive party disloyalty, a much more serious offense then than now; but though sectional and other selfish purposes had been accomplished by their rebellion, they saw no necessity for retraction. The premier party organ had most to answer for, but it boldly justified its course:

"It has been said that Governor Butler's services in helping to create the city of Lincoln on the virgin prairie within a period of three years, and the erection of large public buildings without taxing the people, should excuse his slight deviations from official rectitude. That he has been energetic and enterprising, is doubtless true; but when we look at the character of the public buildings — the want of care in the selection of the material — the wretched architecture, (if we except the university) — and the enormous sums expended — we fail to see the cause for gratitude towards Gov. Butler and his self-sacrificing partners in those enterprises.

article 1st of said articles of impeachment: it is therefore ordered and adjudged by the Senate of the State of Nebraska, so sitting as a court of impeachment, for the trial of David Butler, Governor of the State of Nebraska, that the said David Butler is guilty of misdemeanors in office as charged in said article 1st, and it is further ordered and decreed that the said David Butler, Governor aforesaid, be, and is hereby removed from the office of Governor of the State of Nebraska, which he now holds. And it is further ordered, that a copy of this judgment and order, duly certified by the President of the Senate of the State of Nebraska, shall be filed with the Secretary of said State of Nebraska."

"But David Butler is no longer governor of Nebraska, and his disgraceful fall should be a warning to all other officials in this young commonwealth. The time has come to inaugurate a new era. We have had enough of peculating and speculating in official positions. Fortunately, a constitutional convention is soon to sit, which can arm the people with the power of selecting new agents to manage their affairs. Let them make a clean sweep, and start anew, on a higher plane of official responsibility."¹⁴⁴

After the close of the struggle for the senatorship in which its preferred candidate and patron, John M. Thayer, was defeated, the *Omaha Tribune*, having no legitimate journalistic reason for further existence, fell to preaching political purity with a wealth of platitude which its peculiar editorial talent supplied. But the extraordinary pressure of the impeachment conflict drove an occasional point into the monotonous involution of the *Tribune's* discourse. The surprising and disconcerting adjournment of the trial for sixty days, which "quenched the impending verdict," convinced the *Tribune* that the trial had "ended in a farce."

"Nobody supposes that David Butler will ever again be brought before that august tribunal which has been so manipulated as to stand in history as only a plaything in the hands of abler men. One of the Douglas delegation (Hascall) at the last hour, by some strange power, changed his course, and Douglas county will remember that. . . Although no judicial verdict has been rendered the evidence is before those whom his misconduct has wronged, and guided by it they have involuntarily and almost unanimously — if we may judge by what we hear of popular sentiment throughout the state — rendered a verdict of guilty."¹⁴⁵

When this pessimistic prescience had been discredited by the resumption of the trial and a verdict, the *Tribune* justified the result though in timid, halting verbosity, contrasting with the bold, unequivocal approval of its associates in the impeachment enterprise:

¹⁴⁴*Omaha Republican*, June 7, 1871.

¹⁴⁵*Omaha Tribune*, April 1, 1871. Although Crossey, Gerrard, and Hascall voted for the adjournment, they all voted guilty on the first article.

¹⁴⁶*Ibid.*, June 10, 1871.

"We doubt if the history of states furnishes a parallel to that of Nebraska. Hardly four years a state, she has passed through experiences — ending in the impeachment and conviction of her governor — and an era of almost unequaled political corruption seems about to be summarily closed by the will of the people. . . Those very institutions which are usually the pride and glory of a commonwealth, stand tottering — because of their miserable construction — into ruins, the very mementoes of dishonesty; corruption taking form and perishing speedily. . . Of David Butler in this his hour of misfortune and political death, an hour which must entail disgrace upon the children to whom he might have left a name, in honor and respect second to few in the nation, we have not a single harsh or unkind word to say. In his nature were many of the elements of genuine greatness — a personal magnetism which few who came in contact with him could resist, a large administrative ability and a singular generosity. That he has done much for the state of Nebraska, nobody can deny; and we confidently believe that the responsibilities of his official position alone, make him more culpable than several of his associates."¹⁴⁶

The *State Journal* assumed that attitude of rigid standpatism which characterized its course and that of its party in the state until the consequent outbreak of populism shook it and Roosevelt's iconoclasm shattered it. But the excessive and unwonted violence of the *Journal's* discourse betrays a self-consciousness of its injustice and untruth:

"In the evening the excitement on the streets, about the hearthstones and in the crowded hotels was intense. Notwithstanding the preliminary votes pointed most conclusively to the fact that nine senators were bound to vote guilty on the first article, the citizens of Lincoln could hardly credit their ears when the result was announced. A few are jubilant, but profound sorrow is the general feeling expressed by the bulk of the people of Lancaster County. . .

"In state craft, according to Talleyrand, a blunder is worse than a crime. The mongrel crew that have, after a parturition of three months' hard labor, brought forth impeachment may well stop a moment to contemplate their child. . . There is not a political renegade or shyster in the state that is not happy. There is not a public plunderer or a dishonest contractor extant that is not feeling

the thrills of all the ecstasy of which his organization is capable. There is not a perjured villain outside the penitentiary that does not feel his soul exalted and his spinal column braced up for future achievement. There is not a sneaking defamer, a black-hearted assassin of character, a devil in human shape who prowls about to seek 'confidential conversations' with his fellow men . . . that does not feel a degree of professional pride in the decision of the high court rendered yesterday. It is the transient triumph of slimy treachery, of cunning villainy, of crawling conspiracy over that vaunted energy, faithfulness and manly perseverance that are held out to the youth of the land as the viaducts to honor and fortune. The elements of the coalition by which this thing has been achieved are already crumbling into dust. The people of the state are rapidly waking up from their temporary lethargy and are preparing to take the matter in their own hands."¹⁴⁷

Rebuking the *Republican* and the Nebraska City *Chronicle* for their cant about the "moral lesson" and the retributive justice of the conviction, the *Journal* defiantly advised them to save their wind for another kind of retribution. "A boomerang is a queer weapon that one don't fully understand till one has had practical knowledge of the same."¹⁴⁸ The fact that all three of Butler's counsel were railroad attorneys — Briggs of the Omaha & Southwestern, Redick of the Omaha & Northwestern, and Marquett of the Burlington — had not escaped the notice of the newspapers; and that

¹⁴⁷*Daily State Journal*, June 2, 1871.

¹⁴⁸*Ibid.*, June 3, 1871.

¹⁴⁹*Nebraska Advertiser*, June 1, 1871.

¹⁵⁰*Omaha Herald*, June 7, 1871. On the eve of Governor Butler's conviction, May 31, 1871, the *Herald* published a copy of a contract between him and F. A. White, president of the Midland Pacific Railroad Company, in which he agrees to use his influence toward obtaining a grant of land through the federal Congress to aid in building the road named from Lincoln to Denver. The price of the governor's influence was fixed at one fifth of the first 25,000 acres and an equal amount of 5,000 acres for each of four additional lots of 25,000 acres which might be obtained. This was not, of course, a corrupt contract; but if it is the duty of public officers to stand up to moral standards and keep themselves unspotted before the world, then it was at least a most reprehensible bargain.

The *Herald* of the same date sums up a part of the case against Butler thus: "He has contracted a hundred and fifty or sixty thousand dollars of the people's school money into the pockets of a horde of irresponsible thieves and adventurers, and into

there was reciprocity in this arrangement on the part of the first two companies, is suggested by the evasive plea that, "We firmly believe that had it not been for him, not a shovel full of dirt would have been moved on either of them."¹⁴⁹

While the republican protestants stood firmly on consistency, the democratic press, which had forced the republicans to make some show of condemning the corruption of their administration, positively commended or rejoiced over its final victory. The attack of the principal democratic organ had been a general, perennial and terrific cannonade, which, though often indiscriminate and without accurate aim, against such numerous, conspicuous and vulnerable targets, could not fail to be tremendously effective; and it did not relent when victory came, but rather insisted that it had not been adequate. "The boldest and most bungling of all of our official highwaymen has at last received a portion of his just deserts."¹⁵⁰ If the opponents of the corrupt capital regency made a virtue of consistency, its particular organ made a vice of loyalty. It refused to see that its plea in abatement that personal and factional jealousy and spite had largely animated the movement against its powerful patron had been obscured by the larger question of justice and the general welfare which had been pressed to the front through sworn disclosures and judicial proofs.

such a small aggregate that men of business judgment and character would not buy it up in its present form of investment at fifty cents on the dollar. He has contracted rich landed legacies, received by the state on its admission to the union, into such narrow dimensions as that they are scarcely visible to the naked eye of the people from whom they were stolen. In forcing the sale of these lands through fraud and for purposes of speculation and theft, for the erection of worthless universities, tumble-down capitols and asylums, costly penitentiaries, for which there was no immediate need, and for the building of private mansions at no expense to their ostensible owners, this illustrious contractor has displayed a degree of energy in destroying our best possessions which will be a lasting monument to his own infamy and a royal record of the ruin of state interests."

On the same date the *Herald*, avers that, "Something less or more than twenty witnesses were bribed, persuaded, or frightened to flee the state and country to avoid giving testimony that would have rendered the conviction of the culprit both certain and speedy."

The story in the records of the impeachment trial, and especially as it is reënforced and illumined by the contemporary discussion of the press, needs no interpretation. The wonder — and the injustice also — is that the hand of justice fell upon only one culprit. That some politicians, and even others less likely to be led by selfish motives, continued to defend Butler after his fall, serves for little more than to illustrate the well known fact that he possessed many attractive, and some strong and estimable qualities. That he was undeniably reckless, not only of official propriety but of official integrity, was inevitable, because he was undeniably lacking in moral sensibility or discrimination, if not, at this time, a stranger to them. Such moral sense as he possessed was suspended or set aside by his sense of the opportunity, as well as the great difficulty and responsibility involved in establishing the new capital. If we are to judge by the excuses that are made for Butler and his associates, they justified themselves by professing to believe that dishonesty and chicanery were necessary to overcome their colossal difficulties, while in fact the very opposite is true. Strong and fit men would have understood that honesty was the best policy in the execution of this great public trust. Moreover, the public belief that dishonesty had been their policy all but undid their accomplishment. For ten years the work stood over a volcano of public resentment and distrust.

At this time all the people felt strongly the need of all available help for procuring railroads, and a considerable faction of them felt the same need for carrying out the capital removal scheme; so there was general appreciation of Butler's powerful though unscrupulous services in both of those difficult, if not desperate enterprises. The persistent efforts to formally exonerate him from the impeachment judgment were partly inspired by a lingering desire of his partisans to discredit his enemies and to vindicate themselves, but

¹⁵¹*Senate Journal*, 1875, p. 82. The records of the office of the commissioner of public lands and buildings show that the exact amount of the land deeded is 3,392.16 acres; that it has all been sold at prices

largely by a spirit of magnanimity, however unwisely exercised.

By the act of March 3, 1873, the legislature authorized a commission composed of the governor, the secretary of state, and the treasurer to liquidate and settle all claims of the state against David Butler by taking from him a warranty deed for lands in lieu and release of all mortgages against him; but neither his residence nor any of his lands in Lancaster county should be included in the deed. On the fourth of April following, this commission reported that it had taken a deed for 3,400 acres of land lying in Gage, Jefferson, and Pawnee counties which it had appraised at \$7 an acre, or an aggregate of \$23,800. The amount of Butler's indebtedness was ascertained by adding to \$16,881.26, which the impeachment court found he had misappropriated, interest on that sum for four years at the annual rate of ten per cent, in amount, \$6,752.48, making a total sum of \$23,633.74.¹⁵¹ The deed was dated May 24, 1873, and the consideration expressed in it was the release of all mortgages held by the state against the grantor.

This unequivocal, and probably complete restitution encouraged the discredited Butler faction to seek to repair its reputation and prestige by the device of expunging the record of the governor's impeachment. Such a movement could depend upon finding abettors in that always numerous citizenship which habitually and spontaneously relents whenever public justice is administered. This class of chronic pardon petitioners is moved partly by maudlin sentiment, and partly by misguided tender-heartedness or magnanimity. Accordingly, at the legislative session of 1875 a joint resolution (S. F. 119) was introduced to expunge from the journals and archives of the state all proceedings relative to the trial, impeachment, and removal from office of David Butler. The resolution passed the senate by the narrow margin of 7 to 6,¹⁵⁰ and the house

ranging from \$5, to \$14.50 an acre and aggregating \$27,635.12; and that the last sale was made July 1, 1897, at \$14.50.

¹⁵⁰*Senate Journal*, 1875, p. 358. Those voting aye

by 19 to 15. The speaker of the house ruled against the contention of the minority that a two-thirds vote was required to carry the resolution, on the ground that it "did not pertain to any matter of law," but after the discussion of an appeal from the decision by Thurston, of Douglas county, the speaker reversed his ruling "on the ground of precedent." On an appeal by Hastings, of Lancaster county, this ruling was sustained by a vote of 25 to 8, and a motion to reconsider was lost by 20 to 14 — a majority of less than two-thirds.¹⁶¹

At the session of 1877 the following expunging resolution passed the senate by a vote of 20 to 9, and the house by a vote of 47 to

were Rufus H. Abbott, of Pawnee county; Guy C. Barton, of Lincoln; Carolus C. Burr, of Lancaster; J. B. Fisher, of Nemaha; T. C. Hoyt, of Richardson; Jos. E. Lamaster, of Otoe; Jacob S. Spaun, of Douglas. Those voting no were Alexander Bear, of Madison; Samuel M. Chapman, of Cass; Waldo Lyon, of Burt; H. D. Perky, of Saunders; Charles B. Rustin, of Douglas; and President Nathan K. Griggs, of Gage. The principal participants in the debate were, Church Howe, John M. Thurston and James C. Crawford, against, and Alfred G. Hastings, William Olinger, and W. F. Wright for the resolutions.

¹⁶¹*House Journal*, 1875, pp. 529, 530, and 554. Alfred G. Hastings, of Lancaster county, George H. Hastings, of Saline, F. J. Hendershot, of Thayer, J. B. McDowell, of Gage, D. C. McKillip, of Seward, William Olinger, of Burt, J. C. Seeley, of Dodge, and W. F. Wright, of Pawnee, voted to overrule the speaker's final decision. Mr. B. H. Barrows, of Omaha, appears to have made the most notable speech against the resolutions. To the principal, and specious, plea of humanitarianism, and particularly as the record affected Butler's family, he replied that in this country the sins of the father are not visited upon the children. "The question is not, 'Who is your father, but who are you?' Upon what principles of law, then, is it proposed to justify the action of the legislature in expunging the record made by the senate of the state sitting, not as a senate, merely, but in its other and higher capacity as a high court of impeachment? Courts, when they review or modify a judgment, do so upon an error or technicality. There certainly can be no fresh evidence added in this case which can set aside the verdict reached. On the contrary, the act of 1873 which allowed David Butler to turn over to the state certain lands in lieu of \$16,000 embezzled, was not even a simple act of restitution, for the lands could not be sold at their assessed (appraised?) value, and there has never been a dollar of interest from them passed to the credit of the school fund from whence the defalcation was made. Is the admonition to be robbed of its significance? Is it the province of the legislature to open a second pool of Bethesda and wash the sins of all political lepers who may plunge therein? In the future are there to be no rewards for official honesty and no punishment of official rascality? If the high court of impeachment had passed a sentence of political os-

20: "RESOLVED, That the records of the impeachment and removal from office of David Butler, late governor, be, and the same are hereby expunged from the journals of the senate and the house of representatives of the eighth session of the legislature of Nebraska."¹⁶² The division upon the question shows both a partisan and a sectional bias. Of the 21 republican senators voting, 17 were for, and 4 against the resolution; while 3 democratic senators voted for, and 5 against it. In the house, 39 republicans voted aye, and 10 no; and 8 democrats voted aye and 10 no. Of the 20 senators who voted for the resolution, 15 were from the South Platte, and 5 from the

tracism and denied him the right to hold any office of honor or profit in the state, this might be an occasion for sympathy or tears. But it was not so decreed. He was not barred from atoning for the past; and how, then, may the expunging of this record benefit the family? The past, irrevocable and relentless, holds in its keeping the record, and it is inscribed upon the minds and hearts of the people. Shall you gather together the records of that trial and, burning them in your public square, hope that from those ashes a reputation, spotless, luminous and pure, will arise? Sir, this is the fatal mistake. The fulfilment of the sentence of a human law, when its justice is acknowledged by the culprit himself, cannot be obliterated by human enactment. God alone can blot out the record.

"It should stand as a warning. It cannot be blotted out, however we may expunge, expurgate or destroy. From the tribunal of the great public voice there can be no appeal in a case like this. If we of today err in judgment, there is left for those who make this demand the remote but just verdict of an impartial posterity, and this is their recompense. There must needs be a Nemesis of some sort that will avenge the infringement of that law which says, 'Thou shalt not steal.' And if that awful goddess ever had a mission to perform, it surely lies in cleansing the slums of American politics today. There is an impurity in the moral atmosphere which a thousand expunging resolutions cannot make pure. And in the dawning years of prosperity in this young and gracious state, if we can set a precedent that will be a terror to evil doers the dictates of the higher law and purer humanity demand that it should stand forever so recorded."—*Omaha Republican*, (Weekly) February 27, 1875.

Edward L. Sayre, now (1912) a resident of Omaha, relates that he was deputy clerk of Pawnee county when the first set of mortgages was brought to the clerk's office in 1870. He discovered that they were not acknowledged and so could not be recorded. The clerk thereupon hid the mortgages and conveniently left the town for the day. When the democratic emissaries arrived, bent on investigation, Sayre could only tell them that the mortgages had been brought to the office for record, but he did not know where they were.

¹⁶²*House Journal*, 1877, p. 488; *Senate Journal*, p. 761; *Laws of 1877*, p. 257.

North Platte, while all but one of those voting against it were from the North Platte. Thirty-two members of the house from the South Platte and 15 from the North Platte voted aye, and 6 from the South Platte and 14 from the North Platte voted no.

The members from Douglas county were all democrats, and only one of them — William Neville of the house — voted aye. George W. Ambrose, senator from that county, who as chairman of the republican state committee in 1870 had found it difficult to defend Butler, the candidate of his party for governor, against the charges which were subsequently formulated into the articles of impeachment, "explained" his vote as follows: "It is said that he is old and that the record preys upon his mind and feelings. It may be that the fires of his youth may have burned out and left nothing but the ashes remaining, but I cannot allow that fact to control my judgment, which compels me to believe in the verdict of the high court as correct, and as a standing warning to all officials in the future to obey the law and thereby receive the plaudits of a grateful people, instead of their anathemas. And therefore I vote no." It was of course impossible to obliterate the physical record of the impeachment or expunge it from public memory. The only effect of the resolution was to remove in some degree the moral restraint against public corruption, which continued to thrive until it was somewhat checked by the populist revolution of the '90s and more effectually by the general civic awakening of 1906.

At the session of 1889 a bill (H. R. 178) was introduced to appropriate \$50,000 for the ostensible purpose of reimbursing Butler for his expense in defending himself in the im-

¹⁶²*House Journal*, 1889, p. 1610.

Ex-Governor Butler in a speech to the house in favor of the passage of the bill said that Sweet, the state treasurer, had urged him to borrow the \$16,000 and use it to build a residence, and that even Edward Rosewater had advised him to ask the legislature for reimbursement. The state had received \$23,000 for lands already sold which he had turned over, and there were 700 acres left worth \$25 an acre. The cost of the impeachment trial to him was approximately \$40,000. Mr. Cady said the expunging

peachment trial. A proposed amendment, providing that 840 acres of land in Pawnee county should be donated to him instead of money, was defeated by a vote of 31 to 58, and an amendment to donate \$7,500, the appraised value of the land, was defeated 37 to 48. Mr. Cady, of Howard county, stoutly opposed the measure, and on his motion it was indefinitely postponed.¹⁶³ It is perhaps gratuitous to say that Mr. Cady was clearly right. The court to which the constitution gave special jurisdiction, after a thorough trial, found that Governor Butler had unlawfully appropriated \$16,881.26 of the public funds to his own use, and that verdict stood. No new facts or circumstances had been discovered affecting the verdict or judgment of the high court of impeachment. The state had accepted the lands offered by Butler in exchange for its claim against him, and it assumed the risk of realizing full reimbursement out of the sale of the lands. The attempt to expunge the record of the impeachment already stood as an apology for a public crime as the court had found, and to have bestowed a public gratuity upon the convicted offender would have been a still worse travesty upon public justice. If there had been many more Cadys in the places of the free and easy apologists for free and easy public morals in the legislatures of 1877 and 1889, their Catonian stand for something of ideal honesty and justice might have saved the state a vast deal of bad repute and a vast amount of misappropriated public revenue.

The sobriquet, "Honest John," which had been bestowed upon Auditor Gillespie by the anti-Butler, or reform faction as a sort of objective contrast, and accepted and used by Butler's partisans as a derisive epithet, was a dangerous distinction — partially because it

resolutions were only an expression of sympathy, while this was a practical measure and should be so treated. Wilcox said that, including interest, Butler was still indebted to the state. Baker thought it unfair to charge 10% interest with the money, and thousands and thousands of dollars besides, lying idle in the treasury. Olmstead thought \$30,000 was justly due Butler in the excess value of the lands he had deeded to the state—(*Daily State Journal*, March 8, 1889).

was singular. He was selected for this honor because he used his official knowledge to expose Butler's derelictions. But while this reform attitude and aid served, in the eyes of the opponents of the Lincoln cabal, as a badge of virtue, its peculiar prominence of course drew the fire of Butler's defenders; and, immediately after the legislature decided to impeach the governor, Galey, of Lancaster county, offered a resolution providing for the appointment of a committee to investigate the letting of the contract for state printing in 1868. Evidence was adduced showing that when Mr. Balcombe put in the bid of the *Omaha Republican* he held the bid of Miller and Richardson of the *Herald* open in his hand.¹⁶⁴ The committee, composed of Galey, Roberts, and Dillon, lost no time and reported the next day — March 2d — whereupon, by a vote of 26 to 12, the house decided to impeach the auditor. All of the twelve opposing members had voted for the impeachment of the governor; the six who had voted against impeaching the governor all voted to impeach the auditor; while twenty voted impartially for impeaching both. But the impartial twenty doubtless voted for the preliminary procedure in full consciousness that they were not thereby bound to press the trial of the auditor. This action was vigorously opposed by many of the anti-Butler leaders. Myers contended that if the auditor did give the bid of his competitors to Balcombe, the offense was not a high crime or misdemeanor, and Majors took the same ground. Though the latter voted for the impeachment as a matter of discretion, it was so managed that he was placed at the head of the committee of prosecutors,¹⁶⁵ where he might be an efficient friend in need. On the same day a committee composed of Roberts and Patterson formally impeached the auditor before the senate; on the 7th the senate re-

ferred the matter to a select committee consisting of Brown, Gerrard, and Hilton; on the 8th the committee reported in favor of taking proper order thereon, and the report was adopted; on the 9th Rhodes and Overton, of the house, notified the senate that it was ready to present articles of impeachment and the senate notified the managers that it was ready to receive them, whereupon the whole house appeared and, after the adoption of a resolution offered by Brown, that the senate will now consider the articles, they were read by Galey, counsel for the managers.

The committee, consisting of Majors, Goodin, Galey, Conger, and Quimby, had presented seven articles. The first article charged that on the 18th of February, 1869, the auditor delivered to Governor Butler two warrants of \$1,000 each, ostensibly to pay Champion S. Chase for services as attorney general, when only \$1,000 was due him, the other \$1,000 having been appropriated by the governor to his private use. The second article charged that he had delivered warrants amounting to \$48,000 to Joseph Ward for building the foundation of the insane asylum when the total contract price for this work was only \$18,500; the third that while he knew that the governor had failed to deposit in the treasury the sum of \$16,881.26, yet he took no steps to have it so deposited or to inform the legislature of the delinquency and made no reference to it in his official report; the fourth, that he had approved the loan of \$15,000 for three years to Sweet & Brock and allowed them to keep the securities for the loan without even being recorded, they in turn having loaned this money at more than the legal rate of ten per cent, thus practicing fraud upon the citizens who borrowed it at second hand; the fifth, that on the 7th of December, 1868, he opened the bids of Miller & Richardson on

step of its progress, but even in the selection of the prosecutors, succeeded by an ingenious combination, in placing a member at the head of the list who was strenuous in his opposition to the prosecution, though he finally voted with the majority." The articles were adopted by the House, March 9th, and the next day Majors declined to act as a manager, and Rhodes was chosen in his place (*House Journal*, 8th session, p. 497).

¹⁶⁴Testimony of C. H. Gere of the *State Journal*, according to the *Omaha Republican* of March 8, 1871.

¹⁶⁵*Daily State Journal*, March 3, 1871. "The men who have shown the greatest anxiety to bring the governor before the bar of the senate, charged with high crimes and misdemeanors, . . . not only fought the resolution to impeach the auditor through every

state printing and showed them to St. A. D. Balcombe, who was a subsequent bidder; the sixth, that in the summer of 1869 he became interested in a part of section 10, township 9, range 6, for a nominal consideration and that the remainder of the purchase price was paid by owners of land situated nearby to induce him to vote, as one of the commissioners, for locating the insane asylum in the immediate vicinity of said land; the seventh, that in the spring of 1870, Butler, Kennard and himself, as commissioners of public buildings, made a contract with J. W. Pearman to furnish trees to plant in the capitol grounds, when they were in fact furnished for the individual use and benefit of the commissioners, and that the auditor had reported in 1871 that the amount paid for the trees — \$1,082.10 — had been drawn out of the state treasury by a warrant therefor for trees for the "Capitol Grounds," when in fact no such warrant was ever issued and no such money was ever paid by the state treasurer for said trees, but they were furnished by Pearman for the individual benefit of the commissioners, and the statement in the auditor's report that said sum had been received and deposited in the treasury and a warrant issued for that sum against the sales of the capital lots was false; and thereby a fraud was practiced by making it appear that said sum of \$1,082.10 coming out of the state capitol lots had been deposited with the treasurer and said warrant was drawn against it.

On the 10th a summons for Gillespie, returnable on the 13th, was issued, and on that day he appeared before the senate with his counsel, Caleb J. Dilworth and Experience Estabrook. The request of the latter to be allowed until the 16th to prepare an answer to the articles was granted, and it was filed accordingly. On the 18th, John F. Kinney, counsel for the managers, filed a replication denying the allegations of the answer. On the 25th, consideration of the case was resumed,

but it resulted only in adjournment until the 28th, when Tucker's motion to adjourn until May 31, 1871, was adopted. On that day, the nine senators present adjourned until June 1; then the eleven present adjourned until the 3d, when ten senators voted for, and one — Sheldon — against, Hilton's motion to begin the trial on the 7th. But, the governor having been done for in the meantime, it now became evident that his opponents would block the trial of the auditor, and by the easy means of preventing a quorum. On the 7th there was no quorum for business, and Tucker's three successive motions, that the trial be continued from day to day and the sergeant-at-arms be sent after the absent senators, for adjournment until the next day, and for adjournment from day to day until all members be present, were defeated. On the last motion, Brown, Hilton, Tennant, and Tucker voted aye, and Cropsey, Hascall, Sheldon, and Thomas, nay. Counsel for the managers here suggested that, inasmuch as there were only eight senators present, the trial be postponed until there should be a full senate. Tucker's motion repeated, to adjourn until the next day, was supported only by Hilton, Tennant and Tucker; Cropsey's, to adjourn until August 1, was supported only by Brown; that of Thomas, to comply with the request of the managers, was lost by the vote of four to four; the order submitted by the managers for adjournment until the second Tuesday of the 9th session of the legislature was lost by the same vote; the renewed motion, to send the sergeant-at-arms for absentees and adjourn from day to day until all were present, was lost by a like vote; and finally a motion by Thomas to adjourn until the second Tuesday in January, 1872, was carried — Brown, Cropsey, Hascall, Sheldon, and Thomas voting aye and Tucker, no. Both houses finally agreed to adjourn at five o'clock in the afternoon until the day above designated.

CHAPTER IV

ANARCHY IN THE LEGISLATURE — SESSIONS OF 1871-72 — THE LUNATIC ASYLUM BURNED — CONSTITUTIONAL CONVENTION OF 1871

THE BUTLER faction in pressing the impeachment of Gillespie was only playing a game of tit for tat; and its organ, the *State Journal*, made the most of its opportunity to take the right side of a technical question of the controversy:

"The two houses, in the absence of a quorum, having failed to do the only thing they had a constitutional right to do, viz: to adjourn from day to day and dispatch the sergeant-at-arms after absentees, are dead as a doornail and can no more meet on the '2d Tuesday in January, 1872,' or any other time, of their own motion, than a cow can jump over the moon. They cannot adjourn over twenty-four hours unless a Sunday intervenes, when they can make it forty-eight."¹⁶⁶

Nevertheless, the excommunicated legislature, or, rather, a part of it, did reconvene on Tuesday, January 9, 1872. There were eight senators present at the opening of the session, and three of those who had been elected to fill vacancies were admitted. Only twenty-three members were present when the house was called to order.¹⁶⁷ Each house could muster a quorum for ordinary business, but it was easy for the senate to fall short of the two-thirds necessary to go on with the trial of the auditor.

¹⁶⁶*Daily State Journal*, June 8, 1871. The *Journal* commented further on the situation as follows:

"Thomas, who has been notoriously the counsel-in-chief of the prosecution of the governor, now changed his rôle, and became the chief obstructor of the prosecution of the auditor. . . . The resignation of Senator Cunningham and the nonappearance of his successor, the late resignation of Senator Gerard, and the absence without leave of Senators Hawke, Metz, and Kennedy, left that body without a constitutional majority as a court of impeachment." June 9th, the *Journal* quoted a statement of the *Omaha Tribune* that little interest was felt in the Gillespie trial and that perhaps "we have had enough of impeachment for the present." The proceedings

Corrupt and despotic procedure, incident to the attempt to remove the capital, demoralized and divided the fourth territorial legislature. Sectional animosity arising out of the actual removal which largely justified itself by exposure of the rottenness of the successful capital cabal, together with unbridled, though rather small-bore, political ambitions, produced a like state of anarchy at this adjourned session of 1872. The Butler faction, approximately localized in the South Platte section, longing for a more comprehensive state constitution — and with particular regard to more offices and larger salaries — and unwilling to follow again the slow course of regular procedure, was bent on the remarkable scheme of reviving by legislative enactment the constitutional convention which had surely become extinct by its own act of adjournment without day.

On the second day of the session a bill authorizing the convention to reconvene passed the senate by a vote of 8 to 2, and on the following day it passed the house, 21 to 9. The next day — January 12 — the senate concurred in an amendment by the house; on the 15th Acting Governor James vetoed the bill; on the

of the legislature in the impeachment of the auditor are recorded in the journals of the two houses for the eighth session—1871.

¹⁶⁷The journals of this session have been lost and the records of the proceedings are only imperfectly presented in the newspapers. Eight senators were present when the legislature convened, Tuesday, Jan. 9; Thomas Linch, of the 1st district, George B. Scofield, of the 3d district, and Othman A. Abbott, of the 11th district, were sworn in, and Napoleon B. Larsh, of the 3d district, on the 3d day. Linch succeeded Cunningham; Scofield, Brown; Abbott, Gerard; and Larsh (former superintendent of the insane asylum), Hawke.

17th the senate passed it over the veto by a bare constitutional majority — 8 to 4 — but on the 19th the house failed in its attempt by a vote of 12 to 21. The veto message set forth that in section 1, under the title "Amendments" the constitution provided that a majority of the two houses of the legislature might call a convention to revise or change that instrument whenever they should deem it necessary, and thereupon the proposal of the joint resolution in favor of holding a convention passed February 15, 1869, was adopted by a meager vote at the general election in October of that year; that by authority of the act of March 27, 1871, delegates to the convention were elected and convened June 13, 1871, and after fifty-eight days labor "ceased to exist" as a body by an adjournment, *sine die*, and were resolved back to the body of the people. The constitution prepared by this convention was rejected at an election held according to a provision in the instrument itself. "To convene a convention and designate the persons from the body of our citizens who are to constitute its members without any expression of a desire on the part of the people for a convention, or without allowing the people at large any voice as to who shall represent their views in the formation of a fundamental law, it is believed, is in plain violation of the letter and spirit of the constitution." The veto raised the question as to how many times this expedient of reconvening the convention might be repeated if it were legal and proper to recall it once.

Lincoln and Omaha strangely stood together for this strange bill. Of the seven members of both houses present from Douglas and Lancaster counties, all but one — Reed of Douglas — voted to override the veto. In the upper house the sectional division prevailed, only one senator — Hascall — from the North Platte voting against the veto, and only one — Sheldon — from the South Platte voting for it. Of the twelve members of the house who voted to override the veto, five were from the North Platte, and of the twenty-one who voted to sustain it, seven were from the North Platte.

In clearly defined disputes between the Lincoln and the anti-Lincoln factions the senate was evenly divided — six to six — so that it is not surprising that this somewhat mixed question won two extra votes, notwithstanding that it was in the main a measure of the Lincoln cabal. The house was less distinctly factional than the senate, and perhaps its complete about-face attitude may be attributed, in part, to its willingness to be convinced, by reflection and debate, of the unconstitutionality of the scheme which it at first supported.¹⁶⁸

Section 1 of Article 9 of the constitution, which the short-cut device of the legislature would have avoided, provided that if a majority of both houses of the legislature should deem it necessary to call a convention to revise or change the constitution, they should recommend to the electors to vote for or against a convention at the next election of members of the legislature, and if a majority of the electors should vote for a convention, then the legislature, at its next session, should provide for calling it. The population at that time was very unstable, and, since no method had been prescribed for filling vacancies, it is probable that many districts would have been without representation at the proposed second sitting of the convention which must have occurred nearly a year after the delegates had been elected. Inasmuch as the method of procedure in question is incorporated in substance in the present constitution, according to the contention of the revivalists of 1872, of whom the *State Journal* was evangelist, the convention of 1875 is a perpetual body whose powers are merely dormant and capable of being re-inspired into action at the call of any legislature. That venerable body, thus reassembled by the omnipotent legislative fiat, might well recur

¹⁶⁸The senators who voted to override the veto were Cropsey, Hascall, Hilton, Linch, Larsh, Scofield, Tennant, and Tucker; those voting no were Abbott, Metz, Sheldon, and Thomas. Members of the house who voted to override the veto were, Ahmanson, Beall, Galey, Goodin, Hall, Jenkins, Maddox, Rhodes, Riordan, Roberts, Rosewater, Schock; those opposed were, Briggs, Cannon, Collins, E. Clark, J. Clark, Conger, Covell, Daily, Dillon, Duby, Grenell, Hudson, Majors, Munn, Overton, Patterson, Porter, Reed, Rouse, Shook, Wolcott.

to the apostrophe of St. Paul (or Alexander Pope): "O, grave, where is thy victory!" Mr. Estabrook's contention that this was "the next legislature" which had power to call the convention and therefore had power to recall it, was merely ingenious and scarcely to be taken seriously.

The notorious salt subsidy bill,¹⁶⁰ was repeatedly pushed out of the regular routine by Mr. Galey, of Lancaster county, but always lacked a constitutional majority, that is, a majority of the total membership. On the third day of the session the vote was 17 for and 12 against; the next day, after amendment, it was supported by 19 and opposed by 10; on the 13th of January it was again referred to the committee, and the last vote, on the 15th, was 18 for and 10 against; but on the 16th it finally passed by a vote of 20 to 11, barely a constitutional majority. There were enough senators opposed to going on with the trial of Gillespie to block further procedure. They favored adjournment for that reason, and probably for the further reason that they were opposed to the salt subsidy bill.¹⁷⁰

On the 19th a conference committee of the two houses reported a resolution to adjourn *sine die* on the 24th, at 11 o'clock p. m. The house adopted the report the same day, but a motion in the senate to concur under suspension of the rules was defeated, and in the regular order the question lay over one day. The senate remained in fruitless session all night, but on the morning of the 20th, during a call of the house, Sheldon moved to adjourn until December 31st. Thereupon Scofield raised the point of order that no business could be transacted while the call was pending, which the president overruled. On the question, "Shall the decision of the chair stand as the judgment of the house?" there was an even di-

vision, Abbott, Cropsey, Metz, Sheldon, Thomas, and President Hascall voting aye, and Hilton, Linch, Larsh, Scofield, Tennant, and Tucker, no, which, it was asserted, of course defeated the affirmative side of the question according to the rules of the senate and all other legislative bodies.¹⁷¹ But political assemblies, especially when under factional incitement, seldom hesitate to live up to the venerable maxim that where there's a will, there's a way; and with Hascall in the chair that was an easy task — as easy as it had been in former not more or less halcyon days, with Hanscom presiding on the floor. On the same day, the acting governor, with good reason, construing this contrary action as a constitutional "case of disagreement between the two houses in respect to the time of adjournment," interposed the following message:

State of Nebraska, Ex. Chamber,
January 20, 1872.

To the Honorable the Speaker of the House of Representatives:

WHEREAS, The House of Representatives adopted a resolution to adjourn *sine die* on the 24th inst., in which the senate failed to concur and adopted a resolution to adjourn until the 31st day of December, 1872: And whereas, no reasonable hope is entertained that the longer continuance in session of this legislature will result in the adoption of any measures which have for their object the public good,

Now, Therefore, I, William H. James, Acting Governor of the State of Nebraska, under and by virtue of the authority vested in me by the Constitution, do hereby declare this legislature adjourned without day.

William H. James.¹⁷²

Having declared the senate adjourned, Hascall dropped out, and on the evening of the 20th, Hilton was elected president *pro tem*. On Monday, the 22d, the senate, ignoring the action of the acting governor, took up the con-

void, according to the standing rule of the senate (Jefferson's Manual), which says that neither house can adjourn for more than three days except by consent of the other."

¹⁷²According to the account by the *Daily State Journal*, Jan 21, 1872. By the same authority, the governor's prorogation message was sent to the house on Saturday, the 20th, just as it was putting a motion to adjourn till Monday the 22d, so the message was not considered.

¹⁶⁰For a description of this bill see Vol. II, page 289.

¹⁷⁰The *State Journal* asserted that senators favored adjournment on the pretext of thereby defeating the salt bill.

¹⁷¹*Daily State Journal*, Jan. 21, 1872. The true view appears to be that the appellant had the affirmative and as his appeal was not sustained by a majority the decision of the chair stood. But "Mr. Hascall knew that his adjournment was null and

ference report in regular order and adopted it. With the exception of Kennedy, of Douglas, only the old guard of the Butler faction — Hilton, Linch, Larsh, Scofield, Tucker, and Tennant — were present. In attempting to prorogue the legislature without day, the acting governor exceeded his constitutional authority, which was as follows: "In case of disagreement between the two houses, in respect to the time of adjournment, he [the governor] shall have power to adjourn the legislature to such time as he may think proper, but not beyond the regular meetings thereof."¹⁷³

On the 22d the rump remnant of the senate also agreed to a preamble and joint resolution, declaring the office of governor vacant, and that the two houses should fill the vacancy on the 24th. When the house met at two o'clock in the afternoon of the 22d, its journal was missing, but it was found in the auditor's

¹⁷³In its obstinate partisanship the *State Journal* would not see the resolution to adjourn to Dec. 31st, upon which the acting governor based his interposition, and it therefore erroneously contended that inasmuch as the concurrent resolution to adjourn was still pending in the senate, there had been no disagreement. Jan. 23d, the *Journal* stated that Judge O. P. Mason had said publicly that the action of the acting governor was void because there had been no disagreement between the two houses and because he did not specify a day before the next regular session to which the legislature was to be adjourned. Judge Mason declared at the same time that the attempt of the senate to adjourn until Dec. 31st was invalid.

¹⁷⁴*Daily State Journal*, Jan. 23, 1872.

¹⁷⁵The *Statesman*, quoted in the *Tribune-Republican*, Jan. 25, 1872, gave the following account of the sessions of the 23d: "The few remaining members of the bobtail house of representatives met at 2 o'clock this afternoon. The lobby and galleries were well filled, and a broad appreciation of the ridiculous situation was manifest on every face. A few minutes after 2 o'clock, the hammer of Speaker Collins gently descended on his much-pounded desk, and a prayer was said by the chaplain. Clerk Webster mumbled over the roll, and the following answered freely to their names: Beall, Conger, Covell, Daily, Goodin, Maddox, Rhodes, Roberts, Rouse, Schock, Speaker. The minutes were lisped out in the milk-and-water accents of the *pro tem* clerk, and were duly affirmed. Jenkins was carried in and modestly took a back seat, and increased the number of patriots to twelve and raised the drooping spirits of the other eleven in exact proportion to his personal appearance. A pause now ensued, and silence like that inspired by the presence of Death fell over the House. Daily, who is afraid of ghosts, moved a call of the House. It was ordered and the sergeant-at-arms dispatched after absentees. The relief was but

office with the governor's adjournment message, which had not been regularly received, "attached by some other hand than that of the clerk who made up the journal;"¹⁷⁴ and it was forthwith expunged from the record." The attempted sessions of the 23d were a farce,¹⁷⁵ and the meetings of both houses on the 24th expired of imbecility. And again a Nebraska legislature ended in disgraceful anarchistic confusion, showing that the morale of the community had not much improved in the fifteen years since the Florence fiasco. There was this slight improvement, however, that Hascall's and Hilton's parliamentary violence had been substituted for Hanscom's physical force.¹⁷⁶ But there was a measure of physical interference, which in the mid-winter season was scarcely a mild sort. On the 23d, the acting governor illustrated the efficiency of the vaunted "checks and balances" of our consti-

mentary, and the House seemed about to expire of its own monotony. In a few minutes further proceedings under the call were dispensed with and the faithful few 'folded their tents, and silently stole away.' The absence of Porter and Riordan leaves this nondescript body without head or brains, and it gropes away like a blind hog rooting for potatoes in a brick-yard."

SENATE

"The salty six met at 10 A. M. and adjourned to 11:30 A. M. They met at that time and adjourned to 3 P. M., and nobody was there to see what they did."

According to the *Tribune-Republican* of Jan. 26, 1872, Senators "Larsh and Scofield of Otoe, Linch of Richardson, Tennant of St. Louis, (elected from Dodge county) and Tucker of Johnson," were present on the 24th. Hilton did not appear. Beall, Covell, Conger, Daily, Galey, Goodin, Maddox, Porter, Roberts, Reed, Rouse, Schock, and the speaker — 13 members of the house — were present. Cannon, Patterson, Overton, and Munn were brought from their homes at midnight, but refused to act. The session died out at 11 P. M. — the time agreed upon for final adjournment — with no quorum in either house. Before dispersing, the rump senate voted to expel Hascall.

¹⁷⁶For account of the Florence break-up see Vol. I., p. 322. The legislature found its authority for choosing a successor to Governor Butler in article 2, sec. 31, of the constitution as follows: "The legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy where no provision is made for that purpose in this constitution;" and in article 3, sec. 16: "In case of the impeachment of the governor, his removal, death, resignation, or absence from the state the powers and duties of the office shall devolve on the secretary of state, until such disability shall cease or the vacancy be filled."

tutions by shutting off the coal supply from the legislative chambers.¹⁷⁷

The day following the dissolution of the legislature the *Tribune-Republican* gave way to lamentation, presumably sincere: "We doubt indeed if a state ever, in the earlier days of its history, was cursed with fouler deeds of fouler men. . . . The saline land bill was the offspring of men whose past career shows that they are ready to subordinate all public interest to their own selfish purposes;" but by the next day the normal impulse of the organ had revived, and in its leader on the late legislature, under the ecstatic title of, "Saved!" it was declared that "the republican party has maintained and strengthened its reputation for integrity. . . . It is, too, a grand victory for the republican party." Verily, nothing but the subservient ingenuity of the party organ of those elder political days could see salvation in such a situation! The fact that the intervening thirty-five years have witnessed the passing of the party organs, until none of this besotted sort do, or could, survive, and the more pronounced the partisanship of the survivors, the less their influence, is a sure and promising sign of social progress.

Nevertheless, it is probable that the bitter accusations of the revivalist organ explained the motive for the opposition of many members to its pet measure: "Political retribution cannot fail in time to overtake the parties who have thus lent themselves to the schemes of the corporations and wire-pullers who have conspired successfully to swindle the state of her money and the people of their rights."¹⁷⁸ But the mills of the political gods have been wont to grind so very slowly in Nebraska that to have masticated this particular grist of cormorants they must needs have continued their grinding beyond the optimistic reformer's restricted time into never-ending eternity. The most persistent and consistent political boss in time of prosperity, whenever he — or

it — gets whipped, utters his plaint in notes of most virtuous reform. Thus it was said that, "The public moneys have been squandered, the constitution and laws set at defiance, justice made a farce, and the most sacred prerogatives of the two bodies a mockery." The plight of the state was bewailed because of "the record of those representatives who have covered her with shame and confusion." That the presence of "so many irresponsible and worthless men in the law-making body,"¹⁷⁹ was attributed to the fact that they were chosen with reference to the senatorial election, is of special interest, just now, when the people are very generally and very busily engaged in taking the function of electing United States senators from the legislatures and exercising it themselves.

The *Omaha Herald*, advancing under the spur of great adversity to a position now commonly occupied by candid and intelligent people, insisted that parties were powerless to correct abuses and called for a general movement without regard to party. "Is there a democratic party in Otoe [county] whose power is not broken by Butler bribes and insane asylum contracts? Who elected Larsh? Does the Douglas delegation, outside of Senator Metz and Representative Reed, represent the republican party of Douglas" (county)?¹⁸⁰ And the *Chronicle*, of opposite partisan proclivity, called a public meeting at Nebraska City, "for the purpose of uniting all parties in the interest of and future prosperity of Nebraska City and Otoe county."¹⁸¹

The most important of the few enactments of the session of 1871 was a law providing for a constitutional convention which should meet on the second Tuesday in June of that year. The law provided that fifty-two delegates to the convention, one from each senate and representative district, should be chosen on the first Tuesday of May, and that the delegates and the secretaries of the convention should receive \$3 a day and the same mileage that was allowed members of the legislature. A herd law was enacted which held owners of cattle, horses, mules, sheep, and swine responsible

¹⁷⁷*Omaha Weekly Herald*, Jan. 31, 1872.

¹⁷⁸*Daily State Journal*, Jan. 20, 1872.

¹⁷⁹*Daily State Journal*, Jan. 26, 1872.

¹⁸⁰*Omaha Weekly Herald*, Jan. 24, 1872.

¹⁸¹*Omaha Weekly Herald*, Jan. 31, 1872.

for all damage done by them upon cultivated lands; but Dakota, Dixon, Cedar, and L'eau Qui Court counties were exempted from its jurisdiction. The same law, substantially, has been in force ever since. An act was passed requiring cities, towns, and villages to cause shade trees to be planted along streets, the expense to be provided by a tax upon the lots on which the trees should be planted. This act illustrates the strong tree-planting spirit which prevailed in Nebraska in earlier days. It remains in the statutes to this day, though it seems to have been forgotten. Other acts provided for the erection of an asylum for the insane, to replace the first one which was destroyed by fire, at a cost not exceeding \$70,000, appointing William E. Hill, D. W. Scott, and Samuel Maxwell commissioners to carry out the law and providing that they should not settle claims for insurance of the old building for less than \$72,000;¹⁸² creating a board of immigration; amending the law governing the grants of public land to railroads so as to require ten miles of road to be built prior to December 10, 1871, and that there should be no further donations after the lapse of five years from February 15, 1869; accepting the act of Congress of April 28, 1870, making the center of the main channel of the Missouri river from a point north of the west line of section 24, township 29 north, range 8 east of the sixth principal meridian, to a point west of the most northerly portion of fractional section 17, township 29, range 9 east, the boundary between Nebraska and Dakota.

In a memorial which recited that Nebraska had never received more than the 500,000 acres of public lands, given on admission as a state, while not less than one million acres had been given to foreign corporations and an equal amount for the endowment of agricultural colleges, Congress was asked to grant lands to aid in the construction of a railroad from Lin-

¹⁸²After receiving bids the commissioners, finding that the appropriation was not enough for the erection of the entire building as planned, entered into a contract with D. J. Silver & Son for constructing the main building and north wing at a cost of \$58,408.06. Carroll county, Missouri, sandstone was substituted for limestone for ashlar and trimmings. The building was begun in the fall of 1871 and fin-

coln to Denver, and another from Brownville to Denver; also in aid of the Omaha and Northwestern, and the Fremont, Elkhorn and Missouri Valley lines. Because, owing to the great depression in business, preemptors of lands could not pay for them, Congress was asked to extend the time of payment to three years from the time of filing. Congress was petitioned also to grant 90,000 acres of land for the endowment of an agricultural college—30,000 acres for each senator and representative—under the act of July 2, 1862; to reimburse citizens of the state for losses on account of Indian depredations during the last eight years; and for the removal of the national capital to the great basin of the Missouri Valley, "a subject now claiming public attention." A joint resolution was passed recommending that preferences be given to old soldiers in filling appointive offices. The Omaha & Southwestern Railroad company was authorized to build a bridge across the Platte river and to receive 20,000 acres of public lands as a bonus therefor, and also to extend its line into, or through Cass, Otoe, Nemaha, and Richardson counties; but the act declared that the St. Louis & Nebraska Trunk company had priority as to right of way through those counties. Twenty sections of land granted to the state for the erection of public buildings was added to the penitentiary lands, and the time for building the prison was extended to five years from the passage of the first act.

At the adjourned session of 1872 only fourteen acts, none of much importance, were passed. By one of these, Guy A. Brown was appointed a commissioner to revise and compile the laws of the state, a work in which he continued for many years until his death; an act appropriated, annually, \$3,000 to the state board of agriculture, and \$2,000 to the state horticultural society, "for the sole purpose of

ished Nov. 21, 1872. An act of the legislature Feb. 20, 1873, authorized the governor to set apart the northwest $\frac{1}{4}$ sec. 3, township 9 north, range 6 east—154.5 acres—for the sole and exclusive use and benefit of the State Insane Asylum, being "the quarter section of state land on which the present insane buildings are now erected."

advancing, developing, and making known the agricultural and horticultural capacities of the state;" and another appropriated \$4,500 out of the insane asylum fund to be used for the erection of a temporary hospital in place of that recently destroyed by fire. In one of the three memorials to Congress, "in view of the present depression in business and the low prices of all farm products throughout the state of Nebraska, and the extreme difficulty to obtain money even at the most exorbitant rates of interest . . . and, whereas, nearly one million acres of excellent land within the limits of our state have been given to railroad companies and foreign corporations who are wealthy and amply able to bear their share of the burden of taxes and expenses necessarily incurred for governing purposes," the state's representatives in Congress were "requested to use all necessary means to secure the early enactment of a law requiring railroad companies or other corporations who may be entitled to any land by reason of their having built a railroad or part of a line of railroad, which has been accepted by the proper commissioner, to take out, immediately after such acceptance, patents or titles for the said land, so that they may become liable to taxation for state and county purposes." ¹⁸³

This was the first faint firing of the skirmish between the people and the railroads which was kept up intermittently but increasingly for some thirty years until it somewhat suddenly developed into the general and very aggressive popular attack of the present day. Since "prosperity," even in a very superficial sense or aspect, has always been insidiously sounded to subdue the spirit of revolt and reform, it is wholesome to revert to the long and disastrous period of industrial depression whose beginning is attested and bemoaned, even by interested and unwilling witnesses, in the memorial quoted from, and which so inconsistently obtruded itself into that heyday of party dominance and protective legislation which for many years have been, and still are, acclaimed

as the constant spring and elixir of industrial bounteousness.

The paucity of legislation at the sessions of 1871-2 must have been pleasing in the sight of that well settled popular sentiment that, such as it is, the less law-making the better, notwithstanding the disappointment of the forty-nine counties, which, it was said, were left knocking for admission into the regular state organization.¹⁸⁴ An act authorizing the mayor and council of cities of the first class (Omaha) to license and regulate the keeping of toll bridges affected an ancient franchise — that of the Council Bluffs & Nebraska Ferry Company, granted in 1855 — so it was vetoed by Governor Butler on the ground that, together with the authority granted by Congress to the Union Pacific Railroad Company to keep a toll bridge within limits exclusively granted to the older corporation, it would make its charter utterly worthless. Hascall's motion that the senate refuse to receive the veto message was declared out of order by the presiding officer; but on appeal the decision was overruled, but with the understanding that the question should be held in abeyance pending consideration of the resolution calling upon the secretary of state to assume the governor's office.

Thomas F. Hall, chairman of the ways and means committee, which had been directed by the house to investigate the condition of the state treasury, on the fifth of June reported the resources of the treasury as follows: tax levy of 1870, general fund, \$122,500; general fund 1870, delinquent, \$60,500; levy of 1870, sinking fund, \$26,800; sinking fund delinquent, \$18,000. The report estimated that there would be a shortage of \$100,000 in collections of these nominal resources. There were \$9,000 uninvested in the permanent school fund; \$73,000 invested in United States, and Union Pacific bonds; and \$73,000 due the state from insurance companies. The liabilities of the state were as follows: general fund, \$200,000; interest on bonds and floating indebtedness, \$25,000; outstanding warrants, general fund, \$130,000; building fund, \$40,000; territorial bonds belonging to school fund, \$36,300;

¹⁸³*Laws* of eighth (adjourned) session, 1872.

¹⁸⁴*Daily State Journal*, Jan. 23, 1872.

loan of university fund (to pay impeachment expenses), \$16,000; total \$447,300, leaving a balance of indebtedness, \$219,500. The warrants were 15 per cent below par value.¹⁸⁵

By the state treasurer's report it appears that the amount received into the treasury from January 21, 1869, to January 11, 1871, was \$893,268.66.¹⁸⁶ This report was largely a statement of grievances. Owing to the financial depression, farmers were scarcely able to realize prices for their crops exceeding the cost of production, consequently nearly all the taxes of 1869 and a large part of the levies of former years remained uncollected. "Besides this, wealthy railroad corporations, operating lines of railroad within the borders of the state, and, doubtless, fully able at any time to meet the demands upon them for taxes assessed, are delinquents, proposing, as is supposed, by the power of their wealth and influence, to override the just demands due the state for the protection afforded by law to their rights and privileges, thereby casting the whole burden of the state government upon the less powerful."¹⁸⁷

This was advanced and bold language for Nebraska which, owing to its still peculiarly dependent condition, was beyond the zone of the granger railroad agitation then disturbing Iowa, Illinois, and Wisconsin, but whose influence probably reached, in some degree, across the Missouri river. Other grievances of the treasurer were of a more personal nature. When the constitution was framed, he said, it was urged that a salary of \$400, without fees or perquisites, would be enough for the treasurer because persons whose business it was to deal in exchanges of money would hold the office, and they would gain ample reward by the safe use of the funds. The present treasurer and his predecessor had accepted the of-

fice on this assumption; but at the very threshold of his own term, on the strength of vile misrepresentations made by two or three members, the legislature passed an act "to require the treasurer to keep constantly on hand the identical funds received by him as such treasurer until the same should be paid out on warrants on such treasurer." Until this law was repealed more than a year after its passage, it threatened to close the door of the treasury against every just demand, and deprived the treasurer of his principal emoluments.

It is not likely that "Honest John" Gillespie mourned with deep or delicate solicitude the fact that his inexorable partners of the anti-Butler cabal stood in the way of a judicial investigation of the charges against his official stewardship. The evidence at the governor's trial shows that the auditor issued the warrant in question in the first article of his own impeachment very carelessly at least; and that he was guilty of collusion in the corrupt proceedings charged in article 2; and the evidence adduced before the investigating committee tended to sustain the charges of the fourth, fifth, sixth, and seventh articles. In the second of our two celebrated state trials, which occurred not long after, Robert W. Furnas said in palliation of an admitted public offense: "You are aware that was the way things were done in those days." Picking out for slaughter Butler, the most dangerous rival of the other politicians, ambitious for power and place, rhymed with the political spirit of the time. But John Gillespie was in this respect harmless, and where the popular assumption was that

"All is oblique;

There's nothing level in our cursed natures but direct villainy,"

there would have been neither rhyme nor rea-

Royalty on Salt Manufacture.....	53.93
Total.....	\$893,268.66

The state building fund had been overdrawn \$100, and there was \$2.23 left in the penitentiary fund. The treasurer complained of the bad faith of the act of Jan. 18, 1869, by which all money in the sinking fund and all that should be received on its account from taxes of 1868 was transferred to the general fund, leaving no means to meet the principal or interest of the territorial bonds.

¹⁸⁷*Ibid.*, p. 649.

¹⁸⁵*House Journal*, 1871, p. 614.

¹⁸⁶*Ibid.*, p. 647. The items were as follows:

Received for General fund.....	\$108,543.86
Received for Sinking fund.....	51,840.58
Received for School land fund.....	146,660.01
Received for Temporary fund.....	192,764.18
Received for State Building fund.....	316,123.60
Received for Judiciary fund.....	26,436.74
Received for University fund.....	26,436.74
Received for Penitentiary fund.....	41,632.76

son in so needless a sacrifice to abstract justice.

The year 1871 in Nebraska was one of gloomy poverty — morally and economically. Its only resource, agriculture, was as yet doubtful and undeveloped. Prices of products which, owing to imperfect transportation to long distant markets, were normally low, were pressed by the impending industrial panic down to an unprofitable scale. As we have seen, official speculation and factional strife had demoralized and almost destroyed social order. This very bad condition was illustrated and made worse by the incendiary burning of the insane asylum on the 17th of April. On the fifth of June an investigating committee of the house — Myers, Maddox, and Galey — reported that the fire was first discovered at 3 o'clock in the morning, "under the mansard roof of the wing, near the northeast corner of the fourth story" of the building, which, with all the furniture and one inmate, was destroyed. "Your committee can discover no clue leading to the discovery of the perpetrators of the crime, the facts elicited showing conclusively that it was the work of some person or persons unknown."¹⁸⁸ There was a general contemporary belief that the origin of the fire was incendiary, and a dual motive was assigned for the destruction of the building by fire. It would save the state administration from further obloquy by forestalling the expected collapse of the walls on account of bad construction, and the considerable sum thereby procured from the insurance companies would tend to placate public hostility. Gossip freely pronounced the names of the commissioners of the crime, and the bold innuendo of the press pointed toward them. It was more than hinted that politicians of the Butler cabal knew "where the turpentine balls were soaked that set fire to the old insane asylum." It was said that death at St. Louis "through the more than suspected crime of murder, less than a year ago, closed the lips of the only witness

¹⁸⁸*House Journal*, 1871, p. 606.

¹⁸⁹*Omaha Daily Herald*, January 8 and January 26, 1875. The person whose death is alluded to was derisively called "the sickly detective, Mrs. Smythe."

¹⁹⁰*Omaha Weekly Bee*, March 5, 1873.

who could have told the true story of the tragedy of arson and murder."¹⁸⁹ It was characterized as "the crime of arson and murder."¹⁹⁰ One inmate perished in the fire.¹⁹¹ Ten convicts escaped from the penitentiary during the night of the conflagration, and it was charged, though without proof or probability, that they were let loose to assist in kindling it. The leading republican, but anti-administration, organ summed up the case as follows:

"The lunatic asylum ought to have been a substantial public building and an honor to the state. By law the expense was limited to \$50,000, but the state officers took the responsibility of increasing it, until the amount actually paid was about \$150,000. The main building was 72x90 feet, and five stories high, with a four story wing running northward, 42x80, making a total frontage of 170 feet. A brick structure of this size, and costing so much money, should have been something for every Nebraskan to be proud of. But this asylum did not excite emotions of that sort, being so badly put together that visitors were fearful it would fall while under its roof. . . . The builder of this matchless specimen of architecture was one Joseph Ward. An attempt was made to burn it several months ago, by placing combustibles in the roof, but failed. . . . Of the grand delivery of penitentiary convicts, we have too few facts to justify comment. But ten convicted criminals are certainly at large. . . . What a history the capital has furnished of late. The state officers charged with speculating and speculating — Impeachments, queerly handled — Burning of a Lunatic Asylum and Lunatics — and winding up with the quiet departure of one-third of the convicts in the Penitentiary. Surely it is about time for a constitutional Convention that will build the state anew, and let it start again with a clear record."¹⁹²

Robert D. Silver, who constructed the first building for the state university, was quoted as declaring, shortly before the asylum fire, that both edifices were bound to fall down on account of improper construction. The university building already required a new foun-

¹⁹¹His name was Keeler. He was chained at the time of the fire, but according to the *State Journal*, Nov. 23, 1871, he had been liberated, for his bones were found sixty feet away from the shackles whose rivets were cut.

¹⁹²*Omaha Weekly Republican*, April 19, 1871.

dition. The capitol was included in a like crumbling plight.¹⁹³ There was some attempt to excuse the defect in the walls of the asylum on the ground that the untried brown sandstone from the nearby quarries on Cardwell's Branch, which was used for the ashlar course, proved too soft to stand the pressure of a high wall. But this kind of stone had already been rejected from the foundation of the capitol; besides, the inner wall, if honestly built, would have sustained the defective facing.¹⁹⁴

Even after an interval of four years for deliberation there was no moderation in the accusations of the anti-Lincoln press. It was asserted that the old asylum was built of "indigenous hardened dirt, called sandstone. The rotten pile was crumbling upon its foundations and tottering to its fall."¹⁹⁵ A committee of the legislature, headed by William Daily, had examined the building and reported it all right; but the editor of the *Herald* also examined it at the same time. He found that the janitor refused to stay in the south wing, "and told us that it had been falling for two weeks. This was evident to the most unpracticed eye. . . . The building was set on fire and burned down to cover the frauds committed in the erection of it, and several innocent people were burned or buried in the ruins."¹⁹⁶ The local administration organ contended with

rather suspicious alacrity, that the fire was started by a mischievously inclined inmate, but the investigating committee of the legislature refused to favor this theory. When the same organ triumphantly alleged that the walls of the asylum, including the much condemned south wall, stood the test of the fire so well as to confound their libellers, the anti-Lincoln organs pointed out that the insurance companies offered to replace the building which cost \$150,000, rather than pay the \$95,000 for which it was insured. It is worthy of remark that no libel suits grew out of the reckless innuendo of the hostile press touching the personality of the incendiaries. But a committee of the house — Overton, Rhodes, and Rouse — had precluded such an inference from a mere autopsy, by a diagnosis made a short time before the untimely collapse of the invalid. The committee found "the ashlar bulging out from the main wall of the basement story" and badly cracked near the windows; and it thought that this sandstone facing, which was six inches thick, had not been properly bound to the main, or inner wall, and that the separation was due to the settling of the inner wall which was composed of thinner stone than the ashlar. The main wall had sprung out an inch and a quarter in the center room of the second story. Heavy transverse iron rods had been inserted to support the walls, and the

¹⁹³Omaha *Herald*, April 12, 1871. The *Herald* also quotes the opinions of Elam Clark and E. N. Grenell, members of the legislature, as to the dangerous condition of the asylum.

¹⁹⁴Judge Samuel J. Tuttle, of Lincoln, relates that shortly before the contract for the construction of the university building was awarded, he went with Robert D. Silver, at his request, one Sunday morning to the much vaunted brownstone quarry on Cardwell's Branch, where Silver tested the stone by placing as large a block as he could conveniently handle, upon a smaller piece, whereupon the latter readily crumbled. Silver declared that this stone was unfit for the basement of the university building, but bidders were required to specify its use. Silver said that he wished very much to obtain the contract and asked Tuttle what he ought to do about it, and he was advised that he ought to refuse to enter into a contract to put this worthless stone into the important building in question. Silver, however, disregarded this honest and public-spirited advice, took the contract, built the house upon this foundation of sand, and soon after, when the structure seemed about to fall according to Scripture, the rotten wall was replaced with durable

stone at an expense of about \$8,000. Walter J. Lamb, of Lincoln, bought this brown facing stone from the asylum walls and used it in the walls of a dwelling-house which still stands on L street opposite the First Congregational church. The stone became very hard under the great heat of the fire. In a suit brought by the state against Silver in April, 1874, claiming damages to the amount of \$102,000 by reason of the faulty construction of the university building, the defendant obtained judgment on a counterclaim for about \$6,000. Walter J. Lamb and Eleazer Wakeley, of Omaha, were Silver's attorneys in this action. It seems that the sandstone facing was not properly bound to the inner walls of either of these buildings; but the general construction of the asylum at least was bad. Joseph Ward, the lowest bidder, took the contract at \$18,055 for the basement and \$119,300 for the superstructure. The *State Journal* gave the total cost of the building as \$137,000 — according to these bids; but the Omaha *Republican* points out that extras ordered by the architect amounted to \$15,000, making the total cost more than \$150,000.

¹⁹⁵Omaha *Herald*, (weekly) February 26, 1875.

¹⁹⁶*Ibid.*

committee recommended that still more of them should be used for the purpose. The committee attributed the weakness of the walls to their too rapid construction.¹⁹⁷ The state settled with the insurance companies for a total payment of \$72,000.¹⁹⁸

The chief care of the compilers of the constitution of 1866 was to make it a password to statehood; and so they craftily contrived that it should resemble the territorial organic act as closely as practicable. The judicial system for the state was the exact counterpart of that of the territory; there was no change in the number of the members of the legislative houses; the number of executive officers was not increased and their salaries were kept down nearly to the old beggarly level; and against the emotional sentiment for negro enfranchisement with which the republican party was possessed, its devotees in Nebraska opposed the ancient and reactionary restriction to white suffrage. This concession was calculated to weaken or subdue the opposition of the democrats who lacked the stimulus of prospective senatorships and high federal offices which temporarily stifled the principles and stultified the philanthropic professions of the expectant republicans.¹⁹⁹ But by 1869 the partisan emoluments of the change to statehood had been seized and the dominant Butler faction felt that its new capital, which was an outgrowth of admission, was now established, so that it might safely proceed to enlarge its powers, privileges, and emoluments through a new constitution of broader scope. The malcontents insisted that the state was "hampered by the want of courts, by the need of proper

grades in the judiciary and by the picayunishness and general meanness that breathes throughout our organic law."²⁰⁰ Every fourth year two general elections were necessary because the constitution fixed the time of the state election earlier than that of the national election; the supreme court, *en banc*, "sit on their own decisions;"²⁰¹ the code "is a conglomerated patchwork, it is neither the Ohio nor the New York code, which are radically different from foundation to turret, but is a compromise between the two with a lot of loose rubbish culled from all the rest of the states thrown in."²⁰²

The spirit of greedy and narrow partisanship, which has always been a blight upon the administration of public affairs and public morality in the state and of incalculable financial cost to the people, was manifested in the insistence of the Lincoln faction that delegates to the constitutional convention must be chosen upon a partisan basis. The independent, judicial spirit is especially appropriate and desirable in the making of written constitutions, which are practically almost unalterable; but the Lincoln organ knocked against the non-partisan plan of choosing delegates in Douglas and Nemaha counties, with instinctive vigor. "One of the thinnest ideas extant in political circles and party newspapers at the present writing, is that party lines should be disregarded in the selection of members of the constitutional convention. . . We haven't heard from the mongrel convention called by Calhoun (J. D.) and Majors (S. B.) in Nemaha county. We trust that the faithful republicans of that county will knock into 'pi' this

actual loss of the state has been secured" (*Daily State Journal*, Sept. 18, 1871).

¹⁹⁹In a communication to the *Omaha Weekly Herald*, July 23, 1875, Experience Estabrook said that the constitution of 1866 was compiled by a committee of nine appointed by the legislature of that year. This committee, he said, "assembled from time to time at my office in the court house, and I was permitted to participate freely in its deliberations." It was decided to make the whole instrument as near as possible like the organic act—to meet objections to change to statehood. Hence the same sized legislature and low salaries were determined upon.

²⁰⁰*Nebraska State Journal*, June 26, 1869.

²⁰¹*Daily State Journal*, August 22, 1870.

²⁰²*Ibid.*, December 19, 1870.

¹⁹⁷*House Journal*, 1871, p. 443. On the 7th of November, 1870, a similar attempt was made to burn the asylum. The fire was started in about the same part of the building and broke out in the afternoon. A "bucket brigade" of employes and nearby settlers worked several hours to put out the fire (*Daily State Journal*, Nov. 8, 1870).

¹⁹⁸D. W. Scott, secretary of the commission to settle for asylum insurance, reported as follows: "Without the plans and specifications of the building destroyed by fire it was impossible in so short a time to have as full and careful estimates as was desirable; but from the general information and facts obtained from the best sources at hand, I felt warranted in accepting the above named amount (\$72,000), and am confident that every dollar of the

mush-brained movement of their central committee. . . . The fusion ticket nominated by G. L. Miller and St. A. D. Balcombe does not seem to give the Omahas much satisfaction."²⁰³ Nevertheless the fusion arrangement was carried out, and of the eight delegates from Omaha three were straight democrats, and they suggested another — Geo. B. Lake — who was chosen by the republicans.²⁰⁴ In Otoe county the independent movement fell through, and four of the five delegates from the county were elected as democrats.²⁰⁵ But the total number of democratic members was only a "baker's dozen," though in ability and influence they were reckoned in higher ratio.

The convention met in the hall of the house of representatives, in Lincoln, at two o'clock in the afternoon, June 13th, and was called to order by S. M. Kirkpatrick, of Cass county, on whose motion Dwight J. McCann, of Otoe county, was chosen for temporary president. L. E. Cropsey, of Lancaster county, was

²⁰³*Daily State Journal*, April 27, 1871.

²⁰⁴The democrats were, James E. Boyd, Eleazer Wakeley, and James M. Woolworth. The republicans were, Experience Estabrook, Isaac S. Hascall, George B. Lake, J. C. Myers, and Silas S. Strickland. Charles F. Manderson, of Omaha, represented the "float" district which comprised the counties of Douglas, Sarpy, Cass, Washington, and Dodge. While the Butler impeachment trial was just then in suspense, yet the uncompromising Omaha spirit was shown in the choice as delegates of the two members of the legislature from Douglas county who were actively engaged in it and the two lawyers of Omaha who were conducting the prosecution.

²⁰⁵They were J. C. Campbell, J. W. Eaton, B. S. Newsom, Gilbert B. Scofield. Dwight J. McCann was the republican member. But the total number of democratic members was only thirteen. Besides those from Douglas and Otoe counties, the democrat, were E. N. Grenell, of Sarpy, Beach I. Hinman, of Lincoln, C. A. Speice, of Platte, R. F. Stevenson, of Cuming, E. W. Thomas, of Nemaha, Victor Vifquain, of Saline.

²⁰⁶The membership was as follows: Othman A. Abbott, Hall county; M. Ballard, Washington county; James E. Boyd, Douglas county; John C. Campbell, Otoe county; John N. Cassell, Lancaster county; W. H. Curtis, Pawnee county; James W. Eaton, Otoe county; Experience Estabrook, Douglas county; Pelham S. Gibbs, Burt county; George C. Granger, Dakota county; Edwin N. Grenell, Sarpy county; Enos F. Gray, Dodge county; Nathan K. Griggs, Gage county; Isaac S. Hascall, Douglas county; Beach I. Hinman, Lincoln county; J. A. Kenaston, Cass county; James Kilburn, Saunders county; S. M. Kirkpatrick, Cass county; George B. Lake, Douglas county; Lewis Lev, Stanton county; Waldo Lyon, Burt county; Dwight J. McCann, Otoe county; S. P. Majors, Nemaha county; Oliver P.

temporary chief secretary, and H. M. Judson, of Douglas, assistant temporary secretary. A committee of credentials consisting of Myers, of Douglas county, Philpott, of Lancaster, Majors, of Nemaha, Newsom, of Otoe, and Abbott, of Hall, reported the full membership — 52 — entitled to seats.²⁰⁶ Oliver P. Mason, chief justice of the supreme court, administered the oath of office, and, in turn, George B. Lake, associate justice, administered the oath to Judge Mason. Silas A. Strickland, of Douglas county, was elected permanent president on the second ballot; L. L. Holbrook was elected chief secretary; L. E. Cropsey, assistant secretary; C. E. Hine, door-keeper; E. L. Clark, sergeant-at-arms; and W. T. Odell and C. Y. Whitesides, pages.²⁰⁷ The convention requested the clergymen of Lincoln to make arrangements among themselves for opening its sessions daily with prayer, but the call to grace was slighted by all except Rev. L. B. Fifield, who performed

Mason, Otoe county; Charles F. Manderson, Douglas county; Samuel Maxwell, Cass county; D. T. Moore, York county; John C. Myers, Douglas county; John D. Nehigh, Cuming county; B. S. Newsom, Otoe county; W. Parchen, Richardson county; H. W. Parker, Seward county; James E. Philpott, Lancaster county; Barzillai Price, Jefferson county; H. M. Reynolds, Gage county; Seth Robinson, Lancaster county; Gilbert B. Scofield, Otoe county; Jacob Shaff, Saunders county; A. L. Sprague, Saunders county; R. F. Stevenson, Cuming county; Charles A. Speice, Platte county; Alexander S. Stewart, Pawnee county; Silas A. Strickland, Douglas county; George H. Thummel, Hall and Merrick counties; E. W. Thomas, Nemaha county; F. A. Tisdell, Nemaha county; Edwin S. Towle, Richardson county; Victor Vifquain, Saline county; Eleazer Wakeley, Douglas county; Archibald J. Weaver, Richardson county; John Wilson, Johnson county; James M. Woolworth, Douglas county (*Nebraska Cons. Conventions*, Vol. 1, p. 19).

²⁰⁷The *Omaha Republican* of June 21, 1871, quotes correspondence of the *Nebraska City News*, which says that the election of Strickland for president of the convention was a victory for Omaha; that he represented the Omaha & Southwestern railroad company and James E. Boyd the Omaha & Northwestern; and that the two were expected to see to it that a loop-hole should be left in the constitution for legislation favorable to the railroads. There was some political sympathy for Strickland just then created by the fact that President Grant had turned down his candidacy for governor of Utah. The ballots for president were as follows:

FIRST BALLOT

Silas A. Strickland, of Douglas county..... 20
George B. Lake, of Douglas county..... 3
James E. Boyd, of Douglas county..... 1

the service until the ninth day, without promise, if not without hope, of reward, when his faithfulness — perhaps in a double sense of the word — was rewarded by appointment as sole chaplain with the same rate of compensation as that of the members of the convention.²⁰⁸

While the debates of the convention were not lacking in thoroughness and ability, they were on the whole also tedious and often loquacious. In a similar body today speeches so numerous or so long would not be attempted or tolerated. Estabrook, Lake, Manderson, Mason, Maxwell, Thomas, Wakeley, and Woolworth talked more than any other members of the convention. Their contributions were largely governed by the rule of supply and demand. They were on the whole better equipped than other members for supplying pertinent and desirable information and opinions. Estabrook possessed decided ability with the advantage of having participated in the Wisconsin constitutional convention of

1848. He was bright and lively, almost to the danger point of picturesqueness; but his faculties were not perfectly balanced; and, though his speeches were probably more interesting and entertaining than those of any other member, they were not as weighty as those of the rest of the group named. Lake talked more than Estabrook and wholly lacked his vivacity, yet his heavy, unadorned, and unimaginative argument was as effective as the speech of any member and perhaps exceeded that of any other in weight. Manderson had least to say of any of this principal group of talkers, as became his comparative inexperience, and, though always alert and often pointed, yet he was not as interesting as Estabrook or as weighty as the rest of the debaters in question. He was less democratic and progressive than the average gauge of the convention, and so furnished the most conspicuous contrast to Mason who was at bottom the most democratic of the conspicuous members. Not having then acquired the rather eastern department

J. C. Myers, of Douglas county.....	2
James M. Woolworth, of Douglas county.....	1
Oliver P. Mason, of Otoe county.....	13
Dwight J. McCann, of Otoe county.....	3
Edward W. Thomas, of Nemaha county.....	7

SECOND BALLOT

Strickland	26
Mason	16
Thomas	5
Lake	1
McCann	1
Woolworth	1

President Strickland's address on assuming his office has, at least, the great merit of brevity: "GENTLEMEN OF THE CONVENTION, It will be unnecessary for me to say I feel very grateful for this compliment, and indeed, I regard it as a great compliment. I hope to have, at the conclusion of our labors, as much of your respect as I have today of your confidence. I shall try to preside with all the fairness and impartiality I can command. When I look about me and see so much of the best ability of the state, I am satisfied I shall be materially helped in the performance of my duties. Again I thank you, gentlemen, for this compliment."

The candidates for chief secretary were, C. M. Blaker, Guy A. Brown, L. E. Cropsey, and L. L. Holbrook. Holbrook was chosen on the third ballot, receiving 26 votes against 24 for Cropsey. Brown's highest vote was 11 — on the first ballot. C. M. Blaker, Guy A. Brown, L. E. Cropsey, H. M. Judson, W. S. McGowan, and J. G. Miller were the candidates for assistant secretary. Cropsey was chosen on the third ballot, receiving 27 votes against 18 for McGowan, 3 for Brown, and 1 for Miller.

²⁰⁸ On the seventh day, by special invitation of the president of the convention, Rev. F. M. Dimick, of

Omaha, officiated instead of Mr. Fifield. At the outset, especially, the convention was a loquacious body, and this incident of choosing a chaplain unasked, caused much talk. Mr. Philpott, of Lancaster county, formulated the question in the following ponderous preamble and resolution:

"WHEREAS: It is becoming in a people to recognize Almighty God in their civil and religious capacities as a sovereign society and eminently proper that the delegates of a people who are assembled to frame for such people a fundamental law for their government should seek and ask for the guidance and blessings of Him who presides over the destiny of nations; and

WHEREAS, L. B. Fifield has thus far through the proceedings of this convention daily waited upon the same and acted for it in the capacity of chaplain, therefore, be it

RESOLVED, that Rev. L. B. Fifield, for his said services, receive the thanks of this convention, and that he be elected by acclamation, chaplain of the same, and that he be paid for his services as such, the same per diem allowed members of this convention."

But Mr. Myers moved to strike out all after the word resolved, and Mr. Towle to strike out all the "whereases," and finally an evolved resolution, "that this convention do now proceed to the election of a chaplain," was adopted. Of the 49 votes cast, Mr. Fifield received 43, A. P. Peck, pastor of the Presbyterian church, Mr. Lemon, pastor of the Methodist church, D. R. Dungan, pastor of the Christian church, and Mr. Young, pastor of the _____ church, one vote each; Mr. Philpott one, and blank one. By another resolution it was agreed that the chaplain should be paid \$3 a day.

which afterward marked his social bearing, he was also inclined to be "cocky" and "smart." For example: In discussing the apportionment article, Maxwell opposed "float" districts, and by way of illustration complained that while Manderson nominally represented several counties in the convention, yet he really represented his home county, Douglas, and he had never consulted the delegates from Cass — one of his constituent counties. Manderson retorted that he had consulted on some questions of local interest with Maxwell's colleagues from Cass and added: "It is said that an eagle does not mate with a carrion crow." Maxwell's rejoinder was: "I have only this to say; while we have no desire to find fault with the gentleman, though he does assume such a supercilious air, that is the effect of these large float districts. While I do not propose to use language which is disgraceful, I say I am very much disappointed in the gentleman from Douglas. I thought he was a gentleman, but I find I was entirely mistaken."

Mason was the only one of the leaders of the convention who possessed the oratorical temperament or whose thought was appreciably impressed with idealism. Therefore, in the discussions, he occupied almost alone the field of fundamental principles, though Estabrook often threw a flash-light upon it. This peculiar quality of Mason was recognized in placing him at the head of the committee on the bill of rights. He manifested this master quality and impulse in an analysis of rights in showing the fallacy of the sweeping suffrage amendment proposed by Estabrook: "Every human being of full age and resident for a proper length of time on the soil of the nation and state, who is required to obey the law, is entitled to a voice in its enactment, and every such person whose property is taxed for the support of the government is entitled to a direct representation in such government." A man of Mason's sentimental temperament, and philosophic bent is at bottom instinctively democratic, and he manifested this spirit in his persistent struggle to

prevent injustice to owners of private property by corporations in the exercise of the principle of eminent domain, and to protect the people to the utmost by enlarging the individual liability of stockholders.

Our immemorial exaltation of "horse sense" and "hard sense" has been largely responsible for the abuses of capitalistic monopoly, inequitable distribution of property, and the public corruption against which there is now an almost revolutionary public protest. There was abundance — probably superabundance — of this very practical hard sense in the convention, and therefore Mason's persistent and undoubtedly effective appeal to an opposite and more altruistic spirit was more salutary than the influence of any other member, notwithstanding that his formulary was often impracticable and his speeches grandiose or overeloquent. While either Lake or Manderson, or Maxwell or Thomas, or Wakeley or Woolworth, left to himself, would have constructed a better constitution than Mason alone would have produced, yet either one of those leading members of the convention could have been far better spared from it than Mason.

Maxwell frequently, almost persistently, assumed the antimonopoly attitude which characterized his long political career upon the bench and in the federal Congress; but his principles were more superficial, and his progressive professions seemed less natural than Mason's. Indeed, his superior, conscious constancy served to keep him in office almost constantly to the displacement of Mason. While this conscious or studied deference to popular sentiment or bias was inimical to the state's judicature, it was not as pernicious as the opposite or corporation bias. While, therefore, Maxwell's influence upon the judicial system was bad in the abstract, on the other hand, as a corrective of corporation obliquity, it was salutary. The more ingenuous and independent members freely discussed the question whether there should be five or less than five judicial districts upon its merits, but Maxwell incidentally illuminated his natural characteristic of subserviently and safely following.

rather than venturing to lead or mold public opinion: "The gentleman tells you I voted for eight judges and giving jurisdiction to probate judges. It is true. I did. I voted for an independent supreme court. I voted for five judicial districts for this reason—that it seemed the wish of the people to have five. As to county courts, that measure is not what I would like to have, but I accept what the majority accepts."

Thomas was excelled in originality by other members, yet his superior technical knowledge and good judgment of the law were very useful. Wakeley was not only a sound lawyer but he was more practical than Thomas, and his services were valuable and his freely expressed opinions had more than average weight. Woolworth, apparently, did not care to discuss the general principle affecting the questions which arose in the convention as much as might have been expected from his legal reputation; but, partly owing to his keen discernment and partly to his almost uniform dignified courtesy, he was very efficient in criticism and in constructive committee work.

Boyd, Hinman, Kirkpatrick, McCann, Myers, Robinson, and Stevenson spoke frequently and with effect. Strickland, president of the convention, often took the floor to participate in the discussions, but his style was verbose and his remarks apparently were less thoughtful and weighty than those of any of the leading debaters. Hascall was alert and active and interjected many short speeches, which, while often to the point, more often served to detract from the proper dignity of the proceedings.

Many of the most prominent and ambitious

²⁰⁹ Manderson's studied retaliation for Mason's rough criticism of himself in his principal speech on eminent domain, may be found at page 384, Vol. I, of the debates and proceedings. But a month later—page 90, Vol. III—he attacked Mason, apparently without provocation, in the same tone. Estabrook's personalities were less offensive and reprehensible because they were spontaneous. He slurred Mason in a running debate of the same question in this characteristic style: "I don't know whether we are absolutely controlled by the embodied wisdom of one gentleman from Otoe. It is time to know who runs the machine" (p. 393, Vol. I). Mason had just before described Estabrook's principal fault, namely: un-

politicians of the state were members of the convention, and consequently there was more talking than was needful, and more of it was composed for extraneous popular effect than was desirable. Undignified and even vulgar personal animadversion, sometimes thoughtless and sometimes studied, was not infrequent, and the high dignity of chief justice of the supreme court of the commonwealth failed to shield Mason from the most numerous and unbecoming of these assaults; or to restrain him from sometimes deserving them by his own gratuitous gibes. The learned judge treated many of these attacks with becoming indifference; but he sometimes allowed them to provoke his characteristic jeremiads. Manderson's manner seemed peculiarly adapted to inciting an electrical storm in Mason. After the former had very persistently pressed an amendment to the section of the bill of rights relating to eminent domain, which would permit special benefits to be offset against damages to private property through the exercise of the right or privilege in question, Mason replied in a long and impassioned speech against opening that door to possible personal oppression in the course of which he directed the rough and rasping sarcasm of which he was a master against his presumptuous opponent. Manderson replied in a like spirit, but in a fashion that he himself would doubtless now regard as flippant. The heavy-weighted chief justice was also the frequent target of the rather inadequate shafts of Estabrook; and Hascall undertook to ridicule certain ponderous and florid metaphors which those familiar with Mason's orations still remember.²⁰⁹

The constitution of 1871 was in the main a

steadiness in thought and unmethodical action, thus: "Now, I will put this case while I answer the gentleman. I trust he will sit still and be content to work in the harness for a single moment." Mason was apparently surprised and a little dazed at the temerity of these earlier spirited retorts and aggressive attacks, and he responded with moderation: "I regret most exceedingly that it should be deemed advisable upon the part of particular gentlemen to direct their buncombe towards me. . . . It is a course of argument which I am opposed to. I desire to avoid it; but if it be continued, open your batteries and we will slay you with the guns yourselves have cast. . . . I am charged with dictating. Instead of dictat-

replica of that of Illinois which had been adopted the year before, and the long session of the convention was chiefly occupied in rather tedious discussion over proposed changes of the Illinois pattern, but very few of which were made. The spirit of the Granger movement, at that time becoming rife in the north central states, was positively and plentifully reflected in the Illinois constitution; and since the principal debates in the Nebraska convention were devoted to questions of that class they served to disclose the attitudes of the members toward the new and progressive doctrines and also to disseminate them among the people with the recommendation or approval of many of the most influential citizens and political leaders.

The convention is subject only to the secondary liability of an endorser for the long preaching preamble which it copied verbatim from its Illinois model. The Illinois bill of rights was also copied with few and unimportant changes. Five sections were added—defining treason; guaranteeing the right to a writ of error in cases of felony; requiring the passage of property exemption laws; establishing the same rights of property for aliens as for native citizens; and reserving to the people all rights not delegated by the constitution.

ing, I stand here as an humble suppliant. . . . What I desire to do now is to repel these assaults which have been made upon me and to ask you that it go no further. If I fall, I will fall with my feet to the foe, and bear in mind it is not I who have made these personal allusions; and never while I have breath will I try to dictate to or influence any man except by logic and reason. I don't mass any secret assemblies to accomplish my designs. . . . It grieves me—yes, sir, I am both pained and annoyed to hear the personal allusions that have been made. I came to the convention with no preconceived notions to gratify or carry out. I regret that gentlemen deem it necessary to make assault upon me. There is no uncaged lion here, but there may be one here who fears no danger and trembles at no evil which inventive minds may suggest."

This truce and alternative menace was offered on the 14th of July, but it was not accepted. On the 5th of August, Hascall dropped into coarse lampooning. "The gentleman from Otoe shakes those hoary locks of his on every occasion. He has a whole vocabulary of Shakespeare at hand and a host of soft things about 'the child sleeping on its mother's breast;' 'the unborn child of future generations;' 'death stalking on his pale horse;' 'the rich grape juice he has imbibed from his well trained nursery,' etc." (p. 470, Vol. II). On the 12th of August Manderson directed

The section regulating eminent domain was amplified, and through the persistency of Mason there was added the radical provision that compensation for taking or damaging property, except in time of war or other public exigency or for roads which should be open to the public without charge, "shall in every case be without deduction for benefits to any property of the owner." In the Illinois constitution this question of damages was left to be ascertained by a jury, "as shall be prescribed by law;" and the Nebraska constitution of 1875 has only the simple provision that, "the property of no person shall be taken or damaged for public use without just compensation therefor." There was no counterpart of the robust, radical democrat, Mason, in the convention of 1875.

The article relating to corporations in the constitution of 1871 differs from that of the Illinois constitution only in permitting counties and municipal subdivisions to make donations to them after a proposal to make such grants had been submitted to the electors of the district or division to be affected and approved by three-fifths of those voting upon the question, and in the addition of a few precautionary restrictions.²¹⁰ The provision of the constitu-

another studied lampoon at Mason whereupon he fired one of those rhetorical broadsides which to his ultimate disadvantage he always kept in ready reserve: "Why it is, sir, that I am so often made a target of or pointed at by gentlemen upon this floor, I am unable to say. I did say, sir, upon one occasion, that 'the storm swept traveler turned his eye to the cloud-covered sky and sought the first ray of sunlight by which to guide his footsteps into ways of safety.' I pass by in scornful silence all cowardly assaults upon my manner of speaking or personal address. I am content that the dog should bark, the wolf snap, and the jackass bray, either in delight or anger if they find pleasure or enjoyment in so doing. It suits not my purpose now to give the dog a bone, or scold the mad wolf, or pause in admiration at the sonorous braying of a long eared, stout built animal who may be useful when I am not able to see his usefulness or appreciate his wonderful powers. I thought, sir, to thus leave all these gentlemen and their assaults, and I leave them forever, but stand here to say, Mr. Chairman, that the objects I strive to attain in this convention must stand or fall by the use of reason. If I, sir, have accomplished anything towards planting the rights of man higher as against massed and consolidated capital I have accomplished all I desire" (Vol. III, page 92).

²¹⁰ Thus, to section 13, article 10, (sec. 4, art. II,

tion of 1871 and of its Illinois original that "the legislature from time to time shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in this state," was changed in the constitution of 1875 by substituting the merely permissive "may" for the mandatory "shall." While this change was of no practical importance, because there is no power except its own will which can compel a legislative body to this or that action, yet it foreshadowed the complete subserviency to the railroads which has distinguished the political history of the state.

That the committee on railroad corporations²¹¹ were willing to report the Illinois article indicates that the inspiring influence of the Granger sentiment had reached across the Missouri; and the thunder tones of Mason reveal that the idea of control was clear and insistent. The bold heroics employed by the chief justice in opposing public donations to railroads are not improved upon by the stump speeches or in the judicial harangues of the present anti-corporation heyday, which neither cost courage nor inspire caution:

"There was a time when the name of king was hateful to the whole American people. When our forefathers rebelled against British tyranny they came to couple in their minds, with their dislike of oppression, an aversion to the very title under which tyrannical power had been personified. But now we hear constantly of railroad kings — just as if railroad kings were any less odious than political kings! We want no kings of any kind in America — neither political kings nor railroad kings! If the power of the great railway corporations be not curbed and repressed and lessened, and that right speedily, we fear it will be difficult to preserve the liberties of the people in opposition to them. Such aggregations of capital are always naturally and inherently unfavorable to popular instincts and rights. We do not say that the collection and concentration of capital may not sometimes be made to con-

stitution of 1875), this sentence is added: "The liability of railroad corporations as common carriers shall never be limited, but the same shall be and remain the same as fixed by the common law;" and to section 15, this: "The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exercise of said right

tribute to the public good, but then it should be regulated and controlled by the strong hand of law. It should also be vigilantly and always watched as liable at all times to assume the character of a public enemy. Our great railway corporations already elect state legislatures. These legislatures make laws and exercise more or less power over state judges. At any election of president they may be able to turn the scales in favor of the one candidate or the other. Presidents appoint federal judges, and thus the national courts may be reached. The railway power is the most dangerous power existing in the country to-day; to make this fact generally realized is the first step toward effecting the reduction of that power."

A great popular political movement — almost amounting to revolution — during recent years is predicated chiefly upon the assumption that the evils and dangers recognized or foreseen by Judge Mason have come to pass. Mason insisted that it was abstractly wrong and unconstitutional to take private property from individuals and give it to corporations or other persons. "Why, sir, where do you get the right to tax me to build a railroad and then charge me for every mile I ride over it and for every pound of freight I send across it? The gentleman [Boyd] says we are taxed for schools, the railroads are educators and civilizers, and therefore we should be taxed to build them. Are not our schools free to the rich and the poor, the high and the low? Are your railroads free to all? What sophistry is here resorted to? Why, sir, we make our schools free to everybody! I defy any gentleman upon this floor to show me the abstract right to take the property of a private individual and give it to a corporation. It is not right." Estabrook joined Mason on this radical ground. He said that Judge Cooley, of Michigan, had given "a very convincing argument" upon this subject and that Judge Dillon "deemed the opinion correct."

Myers, also, took the radical anti-aid

of eminent domain any incorporated company shall be interested either for or against the exercise of said right." This addition was omitted from the corresponding section — 6 — of the constitution of 1875.

²¹¹ Boyd, Mason, Kirkpatrick, Philpott, Ley, Vifquain, Tisdell.

ground: "I don't believe in voting this money. It is not right. The objects of government are simple and pure and simply to control the state affairs."

Robinson skilfully argued that each case of voting aid to railroads and other partially public enterprises was one of expediency to be decided in some fair way by the people themselves and that there was no difference in principle between taxing private property to aid in building railroads and in doing the same thing to maintain public highways or public schools.

"Now relative or conventional necessity is but another term for expediency. So if the proposition is to have any force at all strict necessity must be meant. . . A small amount of travel, a low state of commerce would not demand a railroad, while it might demand a highway. Again, travel and trade might be so low as to make even a highway unnecessary. In the one case it would be expedient to build a railroad, in the other to build a highway. This, I think, is sufficient to show that the quality of the necessity which ought to enter into the purpose of taxation is wholly conventional and the question whether or not the tax ought to be levied for a given purpose, wholly a question of expediency. Where a tax is levied upon all for a purpose which is exclusively for the benefit of a portion of the community, that is wrong; but that case is not this case nor resembles it."

Professedly and traditionally the democrats of the convention should have been against the subsidy system. But practical devotion to principle would have been very inconvenient to Boyd just at this time when he was promoter of a railroad enterprise — the Omaha & Northwestern — whose construction depended mainly upon local donations already made or hoped for but which the radicals or idealists sought to preclude. And so Boyd, who was a thorough, but a mere business man, in the

²¹² Those opposed to granting any aid whatever to railroads cited the Illinois prohibition and the almost ruinous excess to which the subsidy had been carried in Iowa. The answer to these objections was that in Illinois there was no pressing need of more railroads when the prohibition was adopted and the requirements of a three-fifths vote would tend to prevent a repetition of the Iowa abuses. Kirkpatrick said that he had helped to carry bonds for the C., B. & Q. road in an

attitude of a democratic leader, not only took the side of the subsidies but in his "show" speech of the session vigorously defended the federalist and whig doctrine of internal improvements at public expense, leaving it to Mason, an original whig, to champion the purist democratic principle of hands off. There has been much contention of late that "business men" should fill the important political executive offices — a palpable though plausible mistake. The imagination and idealism whose lack so often distinguishes the most successful business men are prime requisites for a public leader and also, though in lesser degree, for a political administrator or constructionist. Wakeley was also a democratic leader, but his better trained mind, while it perceived that the democratic ideal was not workable in the still uncertain Nebraska country where the railroads which were necessary to establish certainty could not be procured without municipal aid, steered around the difficulty by insisting that the principle involved was not recognized as practically before the convention and that the question of aid or no aid — whether the people wished to be theoretically democratic or concretely whiggish — should be submitted to them with the constitution to decide. Though the decision might, and probably would be whig, the method of reaching it at least was democratic. In the light of the now rapidly widening application of socialistic methods of meeting public economic demands, we perceive that Robinson's test of expediency was correct; but the greatest care should have been exercised in appropriating private property for such a purpose, and the three-fifths vote required was a wise restraint; perhaps a two-thirds vote for which some members contended would have been still wiser.²¹²

Iowa county and had always been sorry for it. The bonds were now a burden of \$7 on each acre of land in the county; but he favored Wakeley's plan of submitting the three-fifths requirement and also the Illinois prohibition to the people.

Griggs contended that Mason's county (Otoe) and Gray's (Dodge) had procured all the roads they wanted and now wanted to play dog-in-the-manger as to those counties not yet provided with them. Judge Lake insisted that, "it is too

There was an ostentatious antimonopoly demonstration also in the long and heated discussion over the liability of stockholders in banking corporations. The committee on banking reported the section of the constitution of Illinois which provided for a liability of an amount equal to the stock held in addition thereto — the provision of the present constitution of Nebraska. Through the effort of Mason an amendment making stockholders liable to an amount equal to the entire deposits and liabilities of such banking corporation or association was adopted in the committee of the whole. Manderson was willing that holders of bank stocks should be held to an additional amount equal to the stock but contended that stockholders of all corporations should be held to the same liability. Lake insisted on maintaining the distinction and charged Manderson with trickery. "We are dealing with banks alone," he said, "and the object of engrafting such an amendment as is proposed to this section is, evidently, to kill the section." Manderson replied that the provision in question was incorporated in the Ohio constitution of 1850 and that under it manufacturing corporations had multiplied and flourished. It was, and still is alleged that Mason's conspicuously radical attitude toward corporations was insincere; but if his intention was upright, his judgment was greatly at fault. Wakeley correctly contended that "if the gentleman puts his proposition upon any principle that the stockholder should be individually liable for all the debts of the corporation, then he strikes at the very foundation of corporations, because he makes every corporation a partnership." Lake, Thomas, Robinson, Estabrook, Boyd, and others took the same ground with such strength that they forced a reconsideration of Mason's amendment and substituted for it the comparatively conservative and now familiar "double liability" provision.

Maxwell made a lame attempt to show a late to take the ground that it is not legal to authorize municipal aid to railroads or other corporations. It has been decided over and over again that such aid may be collected; but he favored the three-fifths vote.

Thomas adhered consistently to the democratic

radical distinction between the risk and responsibilities of shareholders in banks, and in other business corporations. "Manufacturers," he said, "do not run any great risks, and if they fail they should not be held liable to more than they have invested; but in the case of a bank, when parties hold themselves out to the world as doing a banking business it seems to me there should be no restrictions as to the amount of their liabilities. If there be no restriction upon the amount of money they will receive, there should be no restriction as to the amount of their liabilities." The aspiring politician may successfully conjure with the standing popular prejudice against banks and railroads upon less capital of thoughtful discrimination than with any other popular bias; and so this purely factitious distinction of Maxwell's might not have been wholly due to economic obtuseness or ignorance.

Mason was more consistent than Maxwell, inasmuch as he proposed flatly to deny to shareholders of banks the immunity of shareholders of other corporations and to hold them to the partnership liability: "In moving this amendment we say that banks shall be liable — how? Simply as other men who do business. . ." He was more consistent, also, in basing his distinction upon a socialistic principle and sentiment, now so widespread, rather than upon a pretended inherent difference between the responsibility of banks and that of other business corporations. "I have seen," he exclaimed, "no less than three savings institutions in this country holding in one case not less than \$700,000 of poor people's money, broken up and the managers retire to live in brick mansions!" In general there is a wider range of loss involved in the failure of a bank than in the failure of a manufactory, and the loss is more definite and palpable. The popular belief that banks reap larger relative profits than other corporations is in part responsible for the public demand that they be

tradition, and on principle denied the right of taxing for the purpose in question; but he saw that the only practical question before the convention was as to the degree of restraint against voting aid, and he favored the three-fifths rule.

held to greater responsibility; but, in turn, the larger profits they enjoy result in part from the increased accountability. Judge Mason's radical measure anticipated the less drastic plan of the coöperative guaranty of bank deposits for which there is now a general public demand. He was either blind or indifferent to the fact that his remedy for the abuses and dangers of banking would prevent the due growth and multiplication of those indispensable institutions if it would not drive them from the state altogether. The fact that there are mutual beneficial relations between banks and their depositors—in loans and other essential accommodations on the side of the latter—was largely overlooked or misapprehended in the debate. The chief subject of controversy was compromised by the separate submission to the people of a proposal to impose upon shareholders a triple liability.²¹³

This loquacious convention discussed at length a proposed section providing for the compulsory attendance at the public schools of children between the ages of eight years and sixteen years and for establishing a reform school. The usual arguments in favor of compulsory education were advanced by Estabrook, Lake, Manderson, Neligh, Vifquain, and Wakeley, and the familiar arguments against it by Kirkpatrick, Maxwell, Newsom, and Robinson.²¹⁴ Apparently owing to the fact that the proposal for compulsory educa-

tion was complicated with that for a reform school which certain members feared might lead to unwarranted expense, the section was separately submitted to the popular vote.

A proposal to insert a section providing that lands granted within the state by the United States to railroad corporations should be subject to taxation as soon as the grant became effective provoked an aggressive discussion in which Boyd's voice alone was heard in opposition. At Judge Mason's instance, the subject was referred to the judiciary committee, with Estabrook, Sprague, and Wakeley added, for information as to the legal power of the convention to reach the desired end. A less definite section than that proposed was adopted.

There was a stirring discussion of Philpott's proposal to add to the section of the bill of rights which made the usual exclusive provision for the grand jury system a proviso that "the grand jury system may be abolished by law in all cases." Estabrook, always progressive, said, "it does seem to me that the occasion for the grand jury has gone," and Lake, Majors, Maxwell, Strickland, and Thomas also supported the amendment, while Campbell, Manderson, Mason, Myers, Wakeley, and Wilson opposed it. Mason, as usual, spoke to the principle involved, contending emphatically that the alternative method of accusation by information placed an undemocratic and dangerous power in the hands of one man. The dis-

²¹³The final vote on Mason's radical amendment was eighteen for, twenty-one against. The eighteen radicals were Curtis, Eaton, Gibbs, Gray, Hascall, Kenaston, Kilburn, Kirkpatrick, Lyon, Mason, Myers, Price, Shaff, Sprague, Stevenson, Stewart, Vifquain, Wilson (*Constitutional Conventions*, Vol. II, p. 599). Lake said the amendment was carried through on the first vote "in the excitement and prejudice occasioned by the eloquence and earnestness of the gentleman from Otoe" (Mason). Boyd explained the provision for the issue of money notes as follows: "As long as the national bank system continues there will be no bank of issue. The section reported by the committee was gotten up so that in case that act was repealed or when it expired by limitation we would have a perfect system of our own." But the section was "gotten up" by the committee out of the constitution of Illinois. McCann also made the same point as to money notes. "I think the objection to the issue of bills or paper money by these banks is provided for by the national banking act. They are not going to issue notes to be taxed by the United

States government to such an extent as to tax them out of existence, and all that I see is aimed at now is, not the organization itself, but simply that you may surround it with all these safeguards . . . to protect the depositor and the public." He said more capital was needed in Nebraska, and, though he was a national banker, he wanted to encourage it to come from the east by holding out inducements to organize state banks. There was at that time one state bank at Omaha, one at Brownville, one at Lincoln, one at Grand Island, and one at North Platte: they had been incorporated under the general banking law of the state.

²¹⁴Mr. Wakeley's remarks ran quite out of the usual channel: they consisted chiefly of a deeply sentimental expression of his high valuation of education and of his "fervent gratefulness that an honored father and a revered mother, amidst toils and privation, made it the great aim of their lives that their children should have a thorough common school education." (*Constitutional Conventions*, Vol. II, p. 259.)

pute resulted in a compromise by which it was left to the courts to impanel grand juries in their discretion—substantially the provision of the Illinois constitution and the present constitution of Nebraska. The convention frequently set out on an original departure from its Illinois copy but seldom got far astray.

The report of the legislative committee provided that the first senate under the new constitution should have twenty-five members and the first house of representatives, seventy-five. This precipitated a heated debate, and the number was reduced to nineteen for the senate and fifty-seven for the house. In both cases it was left to subsequent legislatures to fix the number of members, but it should not exceed thirty-three for the senate or one hundred for the house. Delegates from the western counties clamored for the larger number so that they might have effective representation. The more conservative members insisted that the chambers would not accommodate the proposed numbers and that the expense of so large a body would be too great.

Lake warned the convention that a feeling of opposition to the constitution throughout the state had already been engendered on account of its extravagant provisions which might defeat its adoption. He pointed out that there were only two important objects in reforming the constitution, the first to create an independent supreme court and perhaps add one more judicial district, and the second to consider the question of extending county and municipal aid to railroads; but, he complained, "we are getting up a constitution which will require a much larger expenditure of money in order to carry out its provisions properly than is expended in many of the older states."

There was a long discussion also on the question whether there should be annual or biennial sessions of the legislature—Kirkpatrick, Mason, Maxwell, Thomas, and Wakeley seeking to change the provision of the committee for annual sessions to one for biennial sessions; and Estabrook, Griggs, Hascall, Moore, and Myers opposing the amendment.

Estabrook asserted that "if there was any one thing that moved the people to require this convention it was that we might have an annual session provided for;" but Kirkpatrick and Wakeley asserted as positively that the people wanted biennial sessions. The principal objection to annual sessions was that they involved greater expense, and Thomas urged that by prohibiting special legislation, which had been "the curse of legislatures in this state," all necessary business could be done in biennial sessions. To meet the alleged special need of annual sessions for several years to make the many changes in the laws which would be required to put the constitution in working order, an amendment proposed by Mason, providing that sessions should be annual until 1873 and after that year biennial, was adopted. In the course of the debate, Mason reiterated his contention that the attempt of Congress to amend the constitution of the state by requiring the legislature to accept the doctrine of negro suffrage—as a condition precedent to the admission of the territory as a state—was "an absolute nullity." Mason also argued that "every state is changing to biennial sessions."

The various petitions relating to the liquor traffic were referred to a special committee of which Oliver P. Mason was chairman. Judge Mason made a long report which was chiefly an arraignment of the traffic, and it stopped short of recommending absolute prohibition only because the committee feared that it would not be a practicable remedy for the evils which the report portrayed. "Had your committee the evidence that a prohibitory liquor law would be sustained by the vote of a majority of the legal voters of the state, they would earnestly recommend to this convention the adoption of the inhibitory principle . . . but not having this evidence before us and realizing that such a law unsanctioned by the people might be productive of evil and not good," the committee proceeded to recommend an article directing the legislature to pass a local option law essentially the same as the measure now favored by prohibitionists and which came

near being adopted at the session of 1911. The question was compromised by submitting the prohibition provision separately and simply authorizing the taxing of liquor dealers in the article on revenue and finance.

The proposal to confer the right of suffrage upon women caused a rather one-sided debate in which Estabrook and Manderson argued for the affirmative in extended and able speeches. Manderson saw the early advent of the expanded suffrage in the agitation then going on in England. . . . "Meetings are being held in every city and town and some of the foremost men and women of that country are advocating the measure. They are knocking at the doors of parliament, and we are told that not many months will elapse ere this [right] will be extended to woman." The fact that just such a demonstration is now stirring English politics coupled with the fact that Wakeley's statement in the convention that he wanted women to have the right to vote whenever they demanded it and favored the submission of the question to them alone expresses the present common sentiment of men toward the question and indicates that there has been but little change in its status in the intervening forty years. Estabrook stated that in the opinion of able constitutional lawyers the fourteenth and fifteenth amendments conferred the right to vote upon women, and he cited the recent favorable expression of Jeremiah S. Black and Michael C. Kerr, leading democrats, as the basis of his belief that woman suffrage would soon be adopted as an issue of the democratic party. But neither of the national party conventions of 1908 seriously thought of favoring woman suffrage. The convention evaded the question by shifting it on to the people by the convenient separate submission device.²¹⁵

The clause affecting the taxation of church property was the most important provision of the constitution because it was chiefly responsible for its rejection by the people; and yet it was adopted after thorough discussion and was probably just and fair. Mason precipitated the

²¹⁵ The *Daily State Journal*, June 18, 1871, approved the woman suffrage movement in an editorial article.

debate by a motion to strike the word "religious" from the section reported by the committee which classified the property usually held exempt from taxation. He contended with great force and in his usual democratic spirit that such discrimination was inequitable:

"The man or society which worships in the humble hovel or the school house, as many do, ought to receive and enjoy the same legal exemptions and privileges that enure to the rich and the opulent. The rich society that worships in a church which is adorned and made beautiful lives in luxury and wealth, can afford to pay. There is no reason why it should not. I think it is wrong to exempt any religious denomination from the ordinary burden of taxation. I have talked upon this subject somewhat, and have conversed with many leading men of different religious denominations, and I have not yet met one who does not approve of this memorial presented by the Methodist conference from this state in general assembly. I was requested, when home, by not less than three prominent men, one a presiding elder and one who was recently stationed at my place, to urge this matter before the convention on behalf of this society."

In reply Newsom said: "I imagine I understand the motives prompting the gentlemen in the Methodist and other churches for making this move to tax churches. It is for the purpose of striking at one particular denomination and no other. It is a move aimed at the Catholic church." In answer to Towle's protest against taxing the property of Sisters of Charity, Strickland said that there was a large number of Mormons in the state who owned property worth \$150,000; and "if the gentleman carries out his idea, he would say, 'Don't tax them for they are a religious people.'" At this point in the discussion, Mason withdrew his amendment and substituted for it the proposal to exempt the property of religious societies only above the value of \$5,000, which was finally adopted.

Strickland echoed Mason's main objection to entire exemption—that it would involve discrimination in favor of the large church properties. "If a little church is built by contributions gathered from the members, I would be in favor of having it exempt from taxation; but I am decidedly opposed to exempting rich

societies from paying taxes on their church property." He used the possessions of the Presbyterian board of foreign missions situated near Bellevue as an illustration. This property, which was given to the board by the federal government because it was doing pioneer missionary work among the Omaha Indians, was constantly growing in value and was then worth more than any ten farms in the state, and their total holdings in the state were worth \$200,000. McCann said that the committee at first made an exemption of \$10,000, but after further consideration made it general. He had been a member of the Presbyterian board of foreign missions and knew that it had expended \$37,000 for improvements in its Omaha mission work. When the Omaha Indians were removed to their reservation the federal government agreed to expend \$37,000 there if the board would contribute a like amount, and as a consequence of this arrangement the mission school at the reservation had been maintained at great expense to the board.

Robinson took the most consistent and probably the soundest position: "It seems to me it is wrong to exempt property used for charitable or religious purposes. The principle of taxation is to tax all alike. When taxation is equal it is right and just and does no harm. I see no reason why church property should not be taxed the same as any other property. They have just so much property tied up which does no one any good. In some of the states this is a crying evil. It is not so bad in this state as yet." The admission in the last sentence suggested that it was an exception and not a rule that the convention had to deal with — a condition to which a general theory, however sound, would not apply. The state was poor. "Half the people in this state," said Maxwell, arguing for low official salaries, "are living in temporary habitations — mud houses and log huts and have all they can do to get along." Under such pressure to supply physical necessities, provision for churches would naturally be neglected and therefore should for a while be encouraged as far as practicable. Robinson's contention would be sound in present circumstances. The people must bear a certain amount

of taxation. If church property is relieved of its distributive share, that amount is simply shifted to other property and more or less inequity and injustice are sure to be involved in the exemption.

Mason's idealism and sentiment, which probably were the principal source of his influence over the convention, were prominently displayed in the discussion of the question of encouraging tree planting by tax exemption. Replying to the objections of Majors, McCann, and Myers that if the law — the statutory exemption — was continued taxes enough could not to be raised to build schoolhouses or even support the county governments, Mason said:

"I apprehend that there is no old settler in the state but knows that the rainfall even along these border counties has been increasing every year. This is true in Kansas. Why is this? It is simply the planting of forests, hedges, orchards, and vineyards. Now the man who makes two spears of grass grow where but one grew before is to the world a greater benefactor than the warrior with his sword or the orator with his brain. He is a greater benefactor than the statesman who rules the states and rules over empires, because he himself has fulfilled the greatest purpose for which he was placed on earth — to beautify and adorn it. Now we do know that this [exemption] has induced extensive tree-planting; and right here I wish to relate a fact alluded to by the gentleman from Nemaha [Majors]. I undertake to say that there is no section of Nebraska — I think I have traveled over it pretty well — that compares with what is known as the Illinois settlement. Although settled less than five years you can traverse thirty, sixty or eighty miles with hedges and groves on every farm and an orchard on every 160 acres; and it does a man's soul good to go through that settlement. How does this happen? They took advantage of this exemption. Well, thank God they did! It advertises your county more than aught else besides; and I would give these poorer settlers that live farther out on the border the same benefits these gentlemen have enjoyed. . . . In my judgment the man who plants these trees plants them not for himself alone. He plants them and they become agencies of the public good, they are general civilizers of children, with the birds' nests in the trees and their songs speaking God's beauty — more than the roll of the locomotive and the noise of the railroad, and yet you tax me every year not less

than thirty dollars to pay for these institutions and you will not exempt the man who has made the place vocal with God's songsters. . . I might be able to pay my taxes myself, but I know of neighbors of mine that have planted orchards and trees that can scarcely shut winter out of doors from the children's feet, much less bear the burden of taxation; and, sir, it is for them I plead with the committee; it is that you may not at one fell sweep wipe from the statute books these exemptions that have been the sovereign angels of progress of the agricultural interests of this state."

Judge Mason proposed to make up for this exemption by taxing the interest that homesteaders had acquired in their land and the improvements thereon. "Up to the time of the meeting of this convention," he explained, "no homesteader ever paid a dollar tax although many are rich and have vast improvements on their places." If he had the power, he would authorize road overseers to plant trees along every public highway, so that "every street would be shaded and every tree would be a home for birds with their nests; and the air would be made vocal with their music to make glad the hearts of the children and teach them the ways of purity and of nature's truth." He incidentally gave due credit to a master tree-planter whose more than equal service has been overshadowed by the reputation of others who chanced to be more prominent in other fields: "What has made Otoe county rich? It is no other than that individual, J. H. Masters, and his compeers and associates who have caused the planting and the enriching of the county more than any class of men in it." He knew also a man "they called 'Humbug Thompson' who sold trees and lived in the western part of Otoe county, and now, when I come into the neighborhood where he previously resided, I find every farmer has trees, hedges, orchards, and so forth. And I have often thought when

²¹⁶ In 1878 the Union Pacific Railroad Company applied to the supreme court of Nebraska for an injunction restraining the commissioners of Saunders county from exempting specific property from taxation by virtue of the law of 1869. The court declared that the law contravened the constitution (of 1875), and granted the injunction. In 1877 the legislature passed an act providing for exemptions in accordance with the provisions of the constitution (*Laws*, 1877, p. 45). This act remained in force until the revenue act of 1903

I traveled through that neighborhood that he left his marks and footprints on the earth and nature with more distinctness than any other man; and the world was made better for his having lived in it, notwithstanding that he was much abused and did not always pay his debts."

These remarks are of historical interest because they disclose how and why Nebraska earned the right to be called the tree-planters' state and, besides, certain marked qualities which may seem inconsistent with the predominant traits of a rugged character. It was doubtless due to this sentimental temperament and the democratic spirit which constantly prompted him to plead the cause of the under dog, more than to his unusual mental ability, that Judge Mason exercised on the whole more influence in the convention than any other member. His amendment authorizing the legislature to provide that the increased value of land resulting from live fences, fruit, and fruit trees cultivated thereon should not be taken into account in the assessment of such lands, was adopted and it was carried over into the constitution of 1875.²¹⁶

A section reported by the committee, which provided that "the capital or seat of government shall remain at the city of Lincoln," precipitated a lengthy and heated debate. Boyd moved an amendment which provided that it should remain in Lincoln until 1880 and thereafter until it should be removed by a law designating some other place to be approved by a vote of the people. Estabrook, Hascall, and Myers, all of Omaha, and Kirkpatrick and Stevenson advocated the original section, while Philpott, of Lancaster county, Mason, and Wakeley supported Boyd's amendment which was carried.²¹⁷ The constitution cured the uncertainty as to when the functions of an impeached officer should cease by providing that

omitted fruit trees from the exemption but retained live fences and forest trees (*Laws*, 1903, p. 390). The railroad company alleged that property to the amount of \$120,000 in Saunders county would escape taxation in 1878 if the exemption law should be held constitutional and that this discrimination would throw an unfair and heavy form of taxation upon other property.

²¹⁷ The convention was inclined to run at large over the field of business and politics. Proceeding as if it were a legislature, it appointed a com-

no officer shall exercise his office after he shall have been impeached and notified thereof until he shall have been acquitted. This amendment was carried into the constitution of 1875 though that instrument lodged the power of impeaching in both houses instead of the house of representatives alone and the au-

committee to investigate the condition of the hospital for the insane. An inquiry was made whether the selection of agricultural college lands was being properly attended to; the state board of immigration was requested to furnish an itemized account of its expenditures; the state auditor was requested to make a statement of the general fund expense; a committee was appointed to inquire into the expediency of purchasing a house for the occupancy of the governor. The committee to investigate the insane asylum—Campbell, Stewart, and Kenaston—reported that the building was a two-story frame structure 60 x 18 feet with a shed attachment of the same length. There were 44 patients, the males were downstairs and the females upstairs in rooms 8 x 8 without ventilation. The committee were of the opinion that it would be better to turn the patients loose than to keep them thus confined where they could have neither exercise, air, nor medical attention. The original asylum had been burned in April, 1871, and the building in question was used temporarily while the permanent asylum was being built.

The committee appointed to inquire into the expediency of purchasing a governor's mansion reported that Governor Butler would sell his residence at cost which was scheduled thus:

Cost of mansion	\$22,000
Cost of furniture	10,000
Cost of barn and outbuildings.....	3,000
Cost of fence and painting.....	2,000
Cost of trees, walks and shrubbery.....	1,000
Cost of eight acres.....	2,000

Total cost of 8 acres and improvements...	\$40,000
Total cost of 40 acres and improvements..	50,000
Total cost of 120 acres and improvements.	60,000

Governor Butler would credit what he owed and accept state warrants for the balance (*Neb. Constitutional Conventions*, Vol. I, p. 437). The legislature of 1899 appropriated \$25,000 to buy and furnish a governor's house, and in that year the board of public lands and buildings bought for that purpose the residence of David E. Thompson on H street, adjacent to the grounds of the capitol on the south. The property, including furniture, cost \$20,000 and the house is far better adapted to the purpose than Butler's would have been. The date of the deed of the property is June 12, 1899.

The only practical effect of the resolution was to stir up impeachment animosities. Estabrook, the mover of the inquiry, said: "There are many houses in the vicinity of the capitol which I know as a matter of law to my own satisfaction stand today upon the property of the state, are, indeed, as a matter of law, the property of the state, standing upon ground never conveyed from the state by any proper conveyance; and I think I may be indulged in a single remark, that there is

thority to try the impeached officers in the supreme court instead of the senate."²¹⁸

The constitution was rejected at the election held September 19th, by a preponderance of 641 votes. While some of the objections urged against it were legitimate, yet they were not of sufficient importance to warrant its repudiation;

a very pleasant edifice near which would be a very proper house wherein the executive might reside." Wilson retorted that, "he [Estabrook] and others desire to steal a certain man's property by some point of law," and he has been aiming at this from the commencement of the convention. Myers in reply hotly asserted: "Every building of the state is either a rotten pile of boards or crumbling stone . . . and they have crumbled to ashes or the torch of the incendiary has been applied and the state robbed in that way. I am afraid to embark in this scheme of building at this day. I would rather leave it to a future generation." But if there was any chance of recovering the property from the governor he would support the resolution. Robinson thought it despicable to revive this subject. "That disgraceful fight is a dirty carcass. It stinks everywhere. . . . But, sir, the one thing more disgusting than this foul carrion is the dirty dog that drags it into public notice." Mason said that if there was any chance to secure any interest the state might have in private mansions the resolution was right, but he was opposed to entering on another scheme to erect public buildings. "All experience shows," he said, "that it costs a government \$1,000 for every hundred dollars realized in the value of buildings—an individual will build for one-tenth what it would cost the state."

On the 26th of June the humor of the convention toward the recently impeached governor was shown in the indefinite postponement of a resolution to extend to him "the privileges of the floor of the convention," by a vote of 28 to 15. The members who thus attempted to rebuke the impeachment all came from a small group of southeastern counties—Cass, Gage, Johnson, Lancaster, Otoe, Pawnee, Saline, Saunders, Seward, Richardson. In response to the agitation of the question of moving the national capital to the Mississippi valley, rife at that time, Grenell offered a resolution to the effect that in case the federal government should desire to remove the national capital "to within the United States" the legislature might cede to the United States jurisdiction over any district not exceeding a hundred square miles.

Thomas moved the adoption of the section of the Illinois constitution which prohibited members of the legislature from receiving appointment to any office within the state and from becoming interested in any contract with the state or county. On Mason's motion state officers were included in the prohibition as to contracts, and the section was perpetuated in the constitution of 1875.

²¹⁸ *Nebraska Constitutional Conventions*, Vol. II, p. 363. Constitution of Nebraska—1875—sec. 14, art. 3.

but they were used to increase and justify the factional and sectional prejudices and to cover the corporation hostility, which together mainly inspired the opposition. The simple fact that Lincoln wanted the change while Omaha did not, was sufficient ground for formidable opposition to it. The disappointed organ at the capital doubtless named all of the reasons for defeat which were discoverable. The time intervening between the adoption of the constitution by the convention and its submission to the people — only thirty days — was too short for them to become acquainted with its contents.²¹⁹ The people were apathetic. "Few of them have taken sufficient interest in the matter to go to the polls at all." There was "strenuous opposition" to it. "That it should incur some hostility from powerful corporations was natural." A few placeholders, whose terms would have been shortened by adoption, "committed the impropriety of openly opposing it." But its rejection was owing principally to "a strong political combination within the republican party," the majority of the leaders and press of the democracy joining hands with that faction. The older counties, not "suffering the inconveniences and oppression of inadequate representation and inaccessibility to courts, furnished the bulk of the opposition." These elements "egregiously humbugged" the people who opposed the constitution. "Such legal lights as Mason, Lake, Dundy, Wakeley, Estabrook, Manderson, Strickland, and many other of the best law authorities of the state, in and outside the convention that framed it, gave it their unqualified approval, pronouncing it the best instrument of its kind ever framed. . . . The gigantic power of moneyed corporations, and the influence of placemen, have been combined, and perhaps . . . has succeeded. But there will be a revulsion of public sentiment . . . and we predict that not many months will pass away before Nebraska will have a constitution

²¹⁹ *Daily State Journal*, Nov. 30, 1871.

²²⁰ *Ibid.*, Sept. 30, 1871. Rev. George S. Alexander, of the Methodist Episcopal church, contended vigorously for taxation of church property, in the *Brownville Advertiser*, Sept. 7, 1871, and he said that "the principle was introduced in a resolution of the last

still more stringent upon corporations, still more pronounced in its protection of the laboring classes, than the one just submitted." Rejection was due also, in part, to "a few misguided clergymen" because only \$5,000 of church property was exempted. No doubt the courts would decide in cases now pending that all church property was liable to taxation under the present constitution and from the time it came in force in 1867.²²⁰

The opposition made this telling argument: "One needs not to quote from the Scriptures, but from experience, accompanied with common sense, to prove that the taxation of church property of a higher value than \$5,000 would virtually stop the enlarging and decorating of church property already on the verge of the exempt value. And as nothing tends so largely to embellish a town or city as its church edifices, if but for this worldly reason, we would object to the innovation."²²¹ Authority was quoted²²² for the statement that a prominent railroad man gave his check for \$500 to promote opposition to the constitution, and "parties connected with the Union Pacific Railroad Company" had remarked that the company could well afford to spend \$200,000 to defeat it. "And why can it afford to do this? Because if the new constitution is adopted, railroads cannot any longer swindle the state out of their just proportion of taxes, as they always have done, and will continue to do under the old constitution."²²³ The Lincoln organ grieved especially that the constitution was defeated by only 650 votes and from 800 to 1,000 voters of Lancaster county staid at home.²²⁴

It was urged that a special session of the legislature should be called for the purpose of reconvening the convention or itself striking out the obnoxious church exemption clause and one or two others and submitting it to the people again; or the legislature might actually convene January 2, 1872, the time to which it had undertaken to adjourn at the close of its

Nebraska Annual Conference of the M. E. Church."

²²¹ *Nebraska Advertiser*, Sept. 7, 1871.

²²² *Nebraska City Chronicle*, quoted in the *Daily State Journal*, Sept. 16, 1871.

²²³ *Daily State Journal*, Sept. 16, 1871.

²²⁴ *Ibid.*, Nov. 4, 1871.

late ineffectual session.²²⁵ The *Bee*, just then beginning to wedge its way into the field of Omaha journalism by the shrewd policy of differentiating itself as completely as possible from the two older newspapers, urged that after eliminating the church clause and one or two other objectionable points the new constitution would, if resubmitted, be ratified by an overwhelming majority.²²⁶ To the assertion of some man "of uneasy virtue" in an Omaha newspaper that members of the constitutional convention received bribes in the shape of railroad passes, the Lincoln organ replied that no passes were given until after the convention adjourned, and then to assist in defeating it. And the characteristic excuse, of very easy virtue, that "it don't strike us that there is a very large amount of bribery in the matter," smoothed over and condoned a monstrous abuse for thirty-five years.²²⁷ At the end of this period of at least negative approval of the almost universal solicitation and use of these valuable gratuities from the railroads by men active in politics, including holders of public offices, high and low, the public suddenly faced about in its attitude and insisted that the pass system was a systematic bribery and altogether pernicious and intolerable.

Owing to the adverse conditions in which Nebraska was first occupied by white settlers, the plea of poverty became a habitual state of mind which has long outlived the economic fact which produced it. The chief objection to statehood in 1860 and in 1866, and to the adoption of the constitutions of 1871 and 1875 was that they would be too expensive. This now venerable obsession reduced salaries of public officers to the level of beggary in the first constitution, to inadequacy in the two subsequent constitutions, and still keeps certain of the state institutions in penny wise and pound foolish starvation. And so economy was the war cry against adoption of the constitution. It was objected that it was better fitted for a state of half a million, than for one of only 175,000 people; that the salaries of executive

officers were too high; that the number of members of the legislature was too large, and that their compensation was unnecessarily increased from \$3 to \$4 a day, and no limit was fixed to the length of the sessions. By defeating the constitution the state would save annually \$17,000 in judicial and \$10,000 in executive salaries; \$10,000 in extra expense of census-taking; and \$60,000 by avoiding a special session of the legislature. At an anti-constitution public meeting held in Omaha, August 29th, the statement was made that the salary provided for judges of the supreme court in the proposed constitution — \$3,500 — was the highest of a list of salaries paid such officers in twenty-three states.²²⁸ Judge Oliver P. Mason spoke in favor of adoption at this meeting.

The fact that the recently adopted constitution of Illinois had been drawn on freely for material by the Nebraska convention was used as an argument in favor of the approval of its work. It was said that it contained "nearly all the wholesome reforms embodied in the new constitution of Illinois, which is acknowledged to be the best in the United States," and was ratified by a majority of more than 100,000 votes.²²⁹ Although the proposed constitution was bitterly assailed, on the other hand its friends were alike active, and the arguments in its favor were promulgated with ability and industry. Printed copies of the instrument, preceded by an address which explained and moderately extolled its merits, and underwritten by a committee composed of Chas. F. Manderson, chairman; John C. Campbell, David T. Moore, Eleazer Wakeley, Enos F. Gray, Alexander S. Stewart, and Charles A. Speice were distributed to voters. Friendly speakers and newspapers also enlivened the thirty days' campaign.

The reasons set forth in the committee's address why a new constitution was required could not be successfully controverted:

"However wise and judicious when adopted, that [the first] constitution has become wholly inadequate to subserve the necessities of the

²²⁵ *Daily State Journal*, Nov. 30, 1871.

²²⁶ Quoted in *Daily State Journal*, Dec. 6, 1871.

²²⁷ *Daily State Journal*, Dec. 10, 1871.

²²⁸ *Omaha Republican*, August 30, and Sept. 6, 1871.

²²⁹ *Chicago Tribune*, quoted in *Daily State Journal* Sept. 22, 1871.

state, without modifications and restrictions. The judicial system has become unequal to the growing and constantly increasing needs of parties litigant. A separate supreme court, constituted of judges, no one of whom had decided causes therein to be heard in the court below, was demanded universally by the bar and the people. The great increase of population and its expansion over extensive regions hitherto unsettled, demanded a considerable increase in the number of the members of the legislature. The school lands and funds and other state lands of vast extent and value, required some definite provision for their care, control and supervision. Experience had proven that much ampler safeguards were necessary to protect the property and the treasury of the state."

The address pointed out that the usual provision for amending was omitted from the first constitution; it could only be revised or changed by a convention called together by the legislature after it had been authorized to do so by a vote of the people who should in turn vote to accept or reject the work of the convention. If the proposed constitution should be rejected no change or revision of the old one could be completed without resorting to the expedient of special sessions of the legislature, before October, 1875.

In those days, the peculiar combination of parson and politician, which was personified in Senator Tipton, had a standing and an influence which it could not now attain; and Mr. Tipton made the most of his special opportunity to attack the constitution very effectually on account of its limited exemption of church property from taxation. This very effective stump orator lacked the then prevalent vice of thick-and-thin party conformity. He seemed to be instinctively against the machine, and this virtue of insubordination eventually drove him out of the dominant party. Furthermore, corporation displeasure no doubt measurably aided the opposition. There were some serious and significantly new departure interferences with the theretofore unchallenged freedom of railroad companies. "No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line;" nor in any

case without sixty days' notice to the public. "The legislature shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight." The above mandatory "shall" was displaced by the milder permissive "may" in the constitution of 1875. "The legislature shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises." Counties and other municipalities were prohibited from giving subsidies in any form in aid of any corporation which was the beneficiary of a grant of land from the United States; and an article submitted separately prohibited such aid to any corporation whatever. In the constitution of 1875 this provision was modified so as to permit the people of municipalities to consent to such donations.

The provision that stockholders of all corporations should be held liable for the debts of such organizations to the full amount of the par value of their stock, after the corporate property should be exhausted, was unwisely drastic, and would have been an unnecessary and hurtful check to business enterprise. Under the constitution of 1875 stockholders are held only for the amount of their unpaid subscription. A section in the body of the constitution held stockholders in banks to the amount of the par value of their stock — the same liability as that of stockholders in national banks; but the convention manifested a lack of broad business intelligence and a rather mean spirit of hostility toward banks by submitting separately a section holding stockholders for double the amount of their stock.

Encouragement of railroad building had thus far been the prime article of economic and political faith in Nebraska; and, therefore, railroad interests would naturally be inclined to nip in the bud the presumptuous heresy that was propagated in the regulatory provisions just pointed out. Other corporation interests

had reasons of their own for joining the railroads in opposition to adoption. But while these considerations contributed toward rejection, it was chiefly due, no doubt, to the general public disapprobation and distrust of the political status. The spectacle of the impeachment proceedings and the succeeding political anarchy, which just then filled the public eye, were well calculated to produce a restive public disposition. While sentiment for and against the constitution was not clearly defined by the old Platte river sectional line, yet the vote of the North Platte section was 4,932 against and 2,068 for; while that of the South Platte was 5,918 for and 3,695 against, and 18 of the 22 North Platte counties gave majorities against, and 10 of the 16 South Platte counties for adoption. The vote of the four North Platte counties that favored the constitution, with the exception of Cuming, was very small. It is significant, also, that the decidedly democratic counties of Dakota, Platte, and Sarpy were almost unanimous, and Dodge was strongly against the constitution.

The enormous defection of Nemaha must be attributed in the main to the influence of Senator Tipton; though this one of the three leading counties of the earliest group had been rebellious or recreant twice before — in 1857 — when its representatives in the legislature opposed the removal of the capital from Omaha, and the *Advertiser* supported Benjamin P. Rankin, candidate for delegate to Congress

against Fenner Ferguson, the choice of the South Platte section. Thomas J. Majors, who had already become an influential politician of the county, stoutly opposed adoption on the ground of the church taxation provision, in a long communication to the *Advertiser*, and that journal was vehement in its opposition: "We fear the new constitution will carry, as its friends and champions are active, while its enemies are passive. Trained speakers are traveling the state in its interests, while the opposition is content to submit the matter to the good judgment of the people. . . . Let the opponents of the iniquitous document be fully alert on election day and see to it that the constitution be not carried by default on the part of those to whose senses the document is repulsive." A strong and jealous incentive to opposition is betrayed in the exultant note of the Nemaha county organ: "We have but room and time in this issue to announce that the new constitution is defeated. How are you, would be judges and other leeches?"²³⁰

The vote on the five sections submitted separately follows: Liability of stockholders, 7,286 for, 8,580 against; municipal aid to corporations, 6,690 for, 9,549 against; compulsory education, 6,286 for, 9,958 against; submission of prohibition proposition, 6,071 for, 1,060 against; woman suffrage, 8,502 for, 12,676 against.

²³⁰ *Nebraska Advertiser*, Sept. 14 and Sept. 28, 1871.

CHAPTER V

A SPECIAL SESSION FIASCO — THE TENNANT CASE — RIGHT OF A NEGRO TO BE A JURYMEN — VALIDITY OF ADMISSION TO STATEHOOD — POLITICAL DISRUPTION OF 1872 — THE FURNAS LIBEL SUIT — THE KENNARD CLAIMS — GOVERNOR GARBER'S ADMINISTRATION — RETIREMENT OF TIPTON AND ELECTION OF PADDOCK FOR UNITED STATES SENATOR — FINAL DEFEAT OF THAYER — CAPITAL REMOVAL

IT DID NOT satisfy the hunger for disorder that the cup of anarchy had been filled by the performances of the adjourned session of 1872; and the enemies of the acting governor's regime set about causing an overflow. The disturbers had won over to their side Hascall, the president of the senate, who on the temporary absence of Acting Governor James from the state, himself assumed the office of acting governor, and, on the 8th of February, hastily issued a call for the legislature to convene in special session, February 15th. The objects of the session as stated in the call were to enact laws, (1) providing for the encouragement of immigration; (2) for the issuance of funding bonds to the amount of \$50,000; (3) to declare the cases in which offices were deemed vacant and the mode of filling them; (4) for investigation; (5) relating to common schools; (6) to cities and towns; (7) to new counties; (8) appropriation of money for the general welfare; (9) for the keeping of state prisoners; (10) increasing jurisdiction of probate judges;

²³¹ The *Daily State Journal* (Feb. 10, 1872) said that James could not have procured the adjournment of the January session except by promise that he would forthwith call a special session and include all necessary subjects. Hascall's assumption of the duty James had neglected was therefore a flank movement, justified by the acting governor's violation of his promise.

²³² Following is the proclamation of revocation: "WHEREAS, on the eighth day of February, A. D., 1872, Isaac S. Hascall, President of the Senate, did issue a call convening the legislature of the State of Nebraska, at Lincoln on the 15th day of February, A. D., 1872; and,

"WHEREAS, such action on the part of said president of the senate was, and is null and void, no extraordinary occasion having arisen for the assem-

(11) correction of the journals of the last regular session of the legislature.

Acting Governor James left the state February 6th, to go to Washington on public business. He did not take the usual course of notifying Mr. Hascall, who, according to the constitution, would become acting governor in case of his own absence from the state, probably because he was unwilling to contribute toward Hascall's authority for convening the legislature. The faction which was clamoring for a special session charged James with bad faith in violating an alleged agreement to call it, as a condition of the settlement of the adjournment imbroglio of the January session.²³¹ Whether this assertion is true or not is past finding out, and it has little or no bearing upon the question of the propriety or legality of Hascall's obtrusion. On the 13th, Acting Governor James issued a proclamation declaring that issued by Hascall unauthorized, null, and void, and enjoining the legislature to disregard it.²³²

bling of the said legislature, the state not being threatened with foreign aggressions, depredations, nor direct hostilities; nor has occasion arisen rendering adequate provisions necessary to overcome unexpected calamities, nor to suppress insurrection, nor other important exigencies arising out of the internal intercourse between the states;

"And WHEREAS, the occasion for the exercise of the authority vested in the president of the Senate by the seventh section of the executive article of the Constitution has not arisen, my absence from the state not having been of that character for which provision is made in the Constitution;

"And WHEREAS, the people have been burdened with the accumulated cost of long and repeated sittings of this legislature, the said legislature having recently been in session, and having had all and the

On the 15th, seven senators—a bare quorum—and fifteen members of the house—five less than a quorum—mustered at the capitol in response to the spurious call, but they found the doors of their chambers locked and barricaded on the inside. Twenty members of both houses—presumably all who were whole-hearted in the enterprise—united in a petition to the acting governor, who had hastened back from Washington after a stay of only six hours, for admission to their respective halls. A teapot revolution followed the firm denial of the request, and emissaries of the insurgents gained access to the chambers by unusual and devious ways.²³² Those who honored the call were, in the main, representative of the Lincoln cabal, and the coterie which had favored the salt subsidy and the impeachment of Gillespie. “After the room was cleared of the barricades, and the janitors had made the fires, the senate proceeded to business,” which consisted of the appointment of a committee to inform the house that it was ready for business, and another to report rules. The house appointed T. B. Hartzel as sergeant-at-arms, and seven assistants, and instructed them to bring in absentee members. On the second day the accession of Cropsey, Linch, and Tennant, with the loss of Sheldon and Smith, raised the number of senators to eight. The house reported twenty absent, which meant one less than a quorum present. But trickery and fraud quite commonly defeat themselves. On the 17th, the senate passed a bill providing for the filling of vacancies in executive offices. But it was now easy to discern that this ill-considered scheme was a failure, and as rats desert the sinking ship, the members who came were not inclined

several subjects mentioned in said call, under consideration, and having refused to legislate upon the several matters and subjects;

“Now, THEREFORE, I, William H. James, Secretary of State and Acting Governor of the State of Nebraska, do hereby revoke, rescind and annul the said proclamation of the said president of the senate, and do hereby request and enjoin the members of the legislature that they do not meet at the Capitol in pursuance of said call on the 15th day of February, A. D., 1872.

“Done at the city of Lincoln, this thirteenth day of February, A. D., 1872, in the fifth year of the State of Nebraska, and of the Independence of the United States the ninety-sixth year. In testimony

to stay. On the 19th the opposition played its trump. On the arrest of Senator Tennant by the sergeant-at-arms, to compel his attendance, a writ of habeas corpus was applied for in the supreme court. At the hearing on the 21st, the testimony of Acting Governor James, his private secretary, and Senator Hascall was taken. In the report of the case²³⁴ it is stated that, “Hascall, who resided in Omaha, learning of James’s absence, went at once to Lincoln, the capital, and under pretense that the document was one certifying that some person was a notary public, obtained from James’s private secretary the great seal, long enough to get its impress to a paper of which the following (the proclamation) is a copy, and which was published in some of the papers of the state.”

Eleazer Wakeley and Mark H. Sessions, counsel for Tennant, adopted and emphasized the theory that Hascall had not assumed the office of governor, according to the spirit and form contemplated by the constitution. He had not acted in good faith, but had clandestinely slipped into the governor’s office and, under a false pretense, appropriated and used the seal for this single specific purpose. Judge Lake leaned to this view in his opinion; but Crouse did not commit himself on that point. Both of these judges, however, contended that the executive had complete control of the proclamation up to the time when it had become finally effective, and that, having recalled it, the legislature was not in legal session, had no authority to compel the attendance of members, and so its “every act is without the shadow of authority.” Judge Mason, in his dissenting opinion, made the very strong point that the regularity of the procedure, preliminary to the assembling

whereof I have hereunto signed my name, and caused to be affixed the great seal of the state of Nebraska.

“By the Acting Governor,

“WILLIAM H. JAMES, Secretary of State.”
(*Daily State Journal*, Feb. 14, 1872.)

²³³ *Daily State Journal*, Feb. 16, 1872. The seven senators were Hascall, Hilton, Larsh, Scofield, Sheldon, Smith, and Tucker. The fifteen house members were Ahmanson, Beale, Briggs, Cannon, Collins, Conger, Covell, Galey, Gordon, Hall, Maddox, Norris, Rhodes, Rosewater, and Wickham.

²³⁴ *Nebraska Reports*, Vol. III, p. 409.

of the legislature, could not be questioned collaterally; it had resulted in a session, at least de facto, of a coördinate department of the government of which the other departments were bound to take judicial notice. The chief justice also strenuously maintained that Hascall's call became vitalized beyond revocation the moment that it was issued. He plausibly more than hinted that the majority was governed by political bias. "Courts should yield to no clamor, and shrink from no responsibility," he said. Justice Crouse protested against Mason's insinuations in a curt note appended to the opinions, in which he said that his opinion and that of Judge Lake were given hastily at the time of the hearing, while Mason had taken time for investigation before preparing his own.

Decisions of questions with a political bearing by mere majorities in our courts, high and low, are so common, that Judge Mason's strictures need not excite our wonder. It seems relevant to note that the domicile of the two agreeing judges was in the North Platte, and that of the dissenter was in the South Platte. There is ground for perpetual dispute as to whether the contention of the majority or that of the minority is the better sustained by reason. The effect of the decision was at least salutary in summarily circumventing the cheap trickery of Hascall and relieving the state from another scandalous exhibition of imbecility. For it is not probable that a working quorum could have been kept together. The attitude of the press is as clearly explicable as the opinions of the learned judges are indeterminate and confusing. The Lincoln organ was of course in favor of a session, and so the *Tribune-Republican* at Omaha was of course violently opposed to it. The *Bee*, just then fighting for a foothold in the Omaha journalistic field, was against its local rival, and so supported Hascall. The episode moved the nearby republican organ in the neighboring state to a drastic summing up of political conditions in Nebraska:

"That the state of Nebraska is blessed with

²³⁵ Council Bluffs *Nonpareil*, Feb. 11, 1872.

²³⁶ Brittle vs. The People, *Nebraska Reports*, Vol. II, p. 198.

the scurviest set of political rascals outside of New York, no one who has noticed the course of events in that state during the past twelve months will question. The governor has been impeached and deposed, and the last session of the legislature was an illegitimate and abnormal affair, characterized throughout by scenes of violence and disorder that would have disgraced the lowest bar-room brawl. And now comes Senator Hascall, president of the senate, proclaiming himself acting governor in the absence of Governor James who is at present out of the state. His first act is to issue a proclamation convening the legislature on the 15th inst. . . . The *Omaha Tribune*, in a double-headed article, denounces this action as revolutionary, 'the cheap and dirty trick of an irresponsible and unprincipled politician, an insult to the state and a dastardly game of personal revenge against Gov. James.'"²³⁵

The game of politics, played upon a larger scale and by the larger men, though never fastidious or on a very high plane, is interesting and instructive. In this degenerate aspect, however, its petty story is told and tolerated chiefly for the incidental light it throws upon the evolution of the commonwealth.

In February, 1872, the supreme court of the state²³⁶ decided that the statute confining the legal right to sit on juries to free white males was overruled by the condition to admission interposed by Congress, which declared that there should be "no denial of the elective franchise, or of any other right, to any person by reason of race or color." The question arose in the trial of one Brittle on a charge of burglary, in the district court of Douglas county, when the right of Howard W. Crossley, a negro, to sit on the jury was challenged by the defendant. Chief Justice Mason dissented from the decision of Justices Crouse and Lake. Justice Mason answered in the negative his question, "Could Congress change the constitution which the people had adopted and admit the state into the Union with its fundamental law so changed, without the consent of the people?" He contended that, "being elected by the people to legislate under the restrictions of the constitution, the legislature was not, nor could Congress, by recognition or otherwise, constitute it, the representative of

the people to overturn the law which the people had established for it as well as for the citizen." The "very best constitutional lawyers of the land," who were members of the Congress which imposed the condition, knew that it was without force or effect. "The people of this state never voluntarily entered the Union with a constitution amended by the erasure of the word 'white.' Congress admitted representatives from the state, and the territorial government was withdrawn; and nothing remained for the people but to go on under the state government. Coerced in this way their action is now said to conclude them. . . ."

This question "is too serious to be answered by a sneer. It is too profound to be solved by an appeal to partisanship. . . . It has always been conceded that Congress could not prescribe a form of government to a people, save that it should be republican in form."

In the majority opinion it was pointed out that the enabling act — of 1864 — prescribed that a convention, organized according to provisions of the act, should meet in July, 1864, and form a constitution which should be submitted to the electors of the territory, for their ratification or rejection, in the following October; and that the sentiment of the people at that time being opposed to a change to statehood, the convention "refused to make a constitution and adjourned sine die." Afterward, in 1866, "as is well known, the constitution was originally drafted in a lawyer's office²³⁷ by a few self-appointed individuals," who "importuned the legislature then sitting, to submit it to a vote of the people."

And then the opinion proceeds to pronounce little short of a dictum that the constitution was not fairly adopted by the popular vote on account of the throwing out of the Rock Bluffs ballots and the improper counting of the soldier vote:

"Suppose, then . . . a criminal is put upon his trial; and, as a defense, he offers to show that at the June election in 1866, a clear majority voted against the adoption of the constitution, notwithstanding the board of can-

²³⁷ The lawyer's office was that of Experience Estabrook. In the *Omaha Herald* of July 9, 1875, he states that a committee of nine members appointed

vassers have declared otherwise. . . . I am satisfied that he could make a fair showing in that direction. It is said that a whole precinct in one county was thrown out, where the majority was largely against the constitution; that, in another place, a large number of soldiers voted in its favor, with no pretext of right so to do; and in other respects, irregularities intervened which might easily overcome the declared majority of a hundred. This might well be where a vote was had under no competent authority, and where no one, for ballot-box stuffing or for false returns could be punished. Would the court allow the evidence?"

The opinion held that it was clearly too late to question the validity of statehood, and so of the terms and conditions under which admission to statehood had been effected. The federal constitution simply prescribed that, "new states may be admitted into the Union," and "this is all that is said. The manner in which such states shall be formed, or how they shall be introduced, is nowhere prescribed. It is a political question, to be settled by the people of the territory on the one side and the Congress on the other. When the fact of admission is established, the courts are bound by it and cannot go behind it." It was argued that the question, how or by whom the constitution was formed, was of no consequence, neither was it necessary to submit it to a vote of the people. Congress had prescribed submission in the original enabling act, but that act was not regarded as a standing offer; so in 1867 Congress amended the constitution offered by the legislature, the legislature accepted the amendment, the territory was then formally admitted under this last provision of Congress and assumed the functions of statehood.

Justice Mason was no doubt right in his emphatic contention that Congress could not force a constitution, or any part of one, upon a prospective state, and that the condition of admission which undertook to confer suffrage upon negroes was null and void. "At the time of the discussions over the Lecompton constitution in Kansas, by which the whole country

by the legislature of 1866, "assembled from time to time at my office in the Courthouse, and I was permitted to participate freely in its deliberations."

was convulsed, it was universally supposed that the doctrine was once and forever settled, that no territory could be forced into the Union until its people had a full, fair, free opportunity to express their approval or disapproval of its constitution. . . . Until the case of our state arose, no single instance ever occurred of Congress admitting a state without the popular approval of the constitution." The Congress which imposed this condition comprised many very able men — among them the most eminent leaders of the republican party — most of whom, without partisan distinction, emphatically expressed the opinion adopted by Justice Mason. His dissenting opinion reduced the controversy to two points: "There are but two circumstances in the whole course of this history which deserve a moment's consideration — one, the vote of the people upon the constitution, without which all that had gone before was of no avail; the other the action of Congress. Each, in its turn, cured all irregularities which preceded it, and relieves us of the necessity of any inquiry in respect of everything else."

Jurisprudence being very far from an exact science, as is illustrated by the not infrequent five to four decisions of our highest judicial tribunal, we may not be expected to see clearly why subsequent uses, by assumption of the functions of statehood under the color of a contract, consisting of the acceptance of at least a part of the constitution by a formal popular vote and of another alleged part of it by the legislature on the one hand, and the act of Congress and the proclamation of the president on the other, should have cured all irregularities except the suffrage condition or amendment. Yet when it is considered that the constitution which the people approved does not contain the suffrage condition, there appears to be at least a judicial distinction, or color of reason, which justifies Justice Mason's conclusion.

But Justice Mason's second contention, that the statute excluding negroes from jury service

was not inimical to the fourteenth amendment of the federal constitution, was swept away by a decision of the federal supreme court in 1879.²³⁸ The court made a distinction which left some plausibility for Justice Mason's distinction that jury service was not a "right" but a public duty or burden. "We do not say that within the limits from which it is not excluded a state may not prescribe the qualifications of jurors, and in so doing make discriminations. It may confine the selection to males, to freeholders, to citizens, to persons within certain ages, or to persons having educational qualifications;" but the aim of the fourteenth amendment was to prevent discrimination on account of race or color, and this was the effect of the statute of West Virginia, as also of that of Nebraska in question.

The year 1872 was distinguished by political revolt: within the republican party against a corrupt and despotic machine, commonly called Grantism; within the democratic party against a bourbonism which kept it chained to a dead past. The movement led to the nomination of Horace Greely for president, by a formidable rebellious faction called "Liberal Republicans" and also by the democratic party, whereby the latter turned its back on its traditions and on some of its principles. Dissatisfaction and disgust with local conditions had particularly prepared those Nebraska republicans, who were courageous enough, to revolt even in the cause of reform for the general weal.

At a mass meeting of liberal republicans, held in Nebraska City, the last week in April, Geo. W. Ambrose and John McCormick, of Omaha, Dr. Renner, of Nebraska City, and A. W. Kellogg, of Lincoln, were chosen as delegates to the liberal republican national convention, which was held in Cincinnati.²³⁹ In June and July, David Butler, ex-governor; Oliver P. Mason, chief justice of the supreme court; Thomas W. Tipton, United States senator; Monroe L. Hayward, many years afterward a United States senator; Experience Estabrook, ex-attorney general; and Elder John M. Young, of Lincoln, all prominent republicans, made speeches for Greeley. Hayward, Mason,

²³⁸ *Strauder vs. West Virginia*, 100 *U. S. Reports*, p. 303.

²³⁹ *Daily State Journal*, May 1, 1872.

and J. Sterling Morton spoke at a Greeley meeting in Nebraska City. Spectacles of like incongruity are found only in the proverbial strange bedfellowships of politics; though all three of these men were inclined to independent action. Mr. Hayward also signed the call for the liberal republican state convention held this year.²⁴⁰ The prematurity of this attempted local fusion almost equaled the like attempt in the national campaign, and in such conditions success in either case was not to be expected. The signal failure of this reform movement in its national aspect greatly strengthened the regulars locally and left them in power until the successful populist revolt twenty years later. A republican convention was held at Lincoln, May 15th and 16th, for the purpose of choosing delegates to the national convention.²⁴¹ The strained formality of long lists of vice presidents and large committees and tedious two-day sessions, even, with but a single simple function to perform, was still in vogue. The remarkable feature of the conven-

²⁴⁰ *Daily State Journal*, May 8, June 26, July 1, July 12, 1872.

²⁴¹ As reported in the *Daily State Journal*, May 16, 1872, the convention was called to order at 3 o'clock p. m. by C. W. Seymour, chairman of the state committee. L. J. Thompson, of Harlan county, was temporary chairman; Dr. T. J. Williams, of Colfax, temporary secretary; 179 delegates were entitled to seats. The officers of the permanent organization were: President, L. J. Thompson, Harlan county; vice presidents, R. Anderson, of Richardson; C. W. Seymour, of Otoe; W. D. Wildman, of Cass; J. R. Benjamin, of Douglas; W. Lyon, of Washington; John Stoll, of Dakota; C. B. Nicodemus, of Dodge; G. W. Huest, of _____; George W. Collins, of Pawnee; C. N. Baird, of Lancaster; Jefferson B. Weston, of Gage. The committee on resolutions comprised one delegate from each senatorial district. Twenty-one persons were voted for on the informal ballot for delegates to the national convention. On the first formal ballot, taken on the second day, J. S. Bowen, of Washington county; John D. Neligh, of Burt; John Roberts, of Otoe; and Henry M. Atkinson, of Nemaha, were elected. On the second formal ballot Thomas P. Kennard received 76 votes; Jefferson B. Weston, 63; George W. E. Dorsey, 17; John I. Redick, 128; Isaac Wiles, 10; A. H. Bowen, 23; G. W. Hulst, 10; and Mr. Redick was elected as the fifth delegate. On the third ballot, Weston was elected, as the sixth delegate, receiving 98 votes against 66 for Kennard. The six persons who had received the highest votes for delegates, next to those chosen, were selected as alternates; they were: Thomas P. Kennard; Joseph Fox, of Douglas county; George W. E. Dorsey, of Dodge; William F. Chapin, of Lancaster; Isaac Wiles, of Cass; A. H. Bowen, of Adams. The delegates were instructed to vote for Grant and Colfax,

tion was the advocacy of popular election, not only of United States senators, one of our present-day most prominent objective reforms, but federal administrative officers in general. Acquiescence by this body in national political conditions was perfunctory and a matter of course.

But that devil which had so long inspired the local republican machine was content to recognize, monk-like, the sickness of the national organization and to prescribe civil service reform; and revenue reform, also, by "adjustment of the tariff until protection shall bear equally upon the different sections of the country." The republican organ at Omaha continued its complaints against the northeastern sectional tariff policy, but to which the party throughout the west fell complete captive during the following decade.

The democratic convention, held at Lincoln on the 20th of June, joined the Greeley reform movement, which had been formally started at the Cincinnati convention.²⁴² Notwithstanding

as candidates for president and vice-president. The following resolutions were then adopted:

"RESOLVED, that the republicans of Nebraska, in convention assembled, heartily endorse the administration of President Grant, and pledge their support to the nominees of the Philadelphia Convention.

"RESOLVED, that our delegates to the national republican convention be and are hereby instructed to offer the following resolution, and to use all honorable means to secure its incorporation into the national republican platform:

"That we are in favor of a 16th amendment to the federal constitution, requiring United States Senators and all other civil officers of the government, except heads and clerks of departments, foreign ministers and consuls, with their attaches, and judges, attorneys and clerks of the federal courts, to be elected by the people of the state, territory, district or county, which they represent, or wherein they discharge their official duties, provision being made by law for the filling of vacancies by temporary appointment."

"RESOLVED, That we are in favor of the dedication of the public lands to actual settlers under the homestead and preëemption laws, and for educational and school purposes."

The *Journal* of the same date remarked that a large number of new and young men made up the convention—a large proportion under 35.

"The plank that recommends a 16th amendment to the Constitution, to provide for the election of U. S. Senators and other officers by the people, is the only method of reforming and re-modeling the civil service, and relieving the president and Congress from the pressure of the immense power of federal patronage, and is the only honest and earnest scheme that has yet been proposed."

²⁴² The democratic convention, called for the pur-

the consistency and justification of the reform slogan, of which there was forcible local illustration, and the considerable license allowed in politics for strange bedfellowship, the incongruity between the leader and the new departure following was too great to be taken seriously. The moral effect of this independent protest was lasting and greatly aided the logical leadership of Tilden to sweep the country — by the popular vote at least — four years later, and substantial victory eight years later still. Greeley and his traditions were a dish bitterer than

pose of choosing delegates to the national convention, was held in the hall of the house of representatives in Lincoln, June 20, 1872. E. A. Allen, chairman of the state committee, called the convention to order and was then chosen temporary chairman, and William L. May, of Dodge county, temporary secretary. The committee on credentials was A. Tuxbury, of Otoe county, Edward P. Child, of Douglas, G. J. Barrow, of Platte, Jacob Vallery, of Cass, Robert Carter, of Lancaster, A. Baird, of Cuming, A. P. Forney, of Richardson. The committee on permanent organization was John A. Creighton, of Douglas, G. B. Scofield, of Otoe, Frank Johnson, of Nemaha, A. T. Conklin, of Burt, Isaac Oppenheimer, of Lancaster, and G. T. Webster, of Richardson. The committee on resolutions was, J. C. Fox, of Cass, Charles H. Brown, of Douglas, J. Sterling Morton, of Otoe, E. H. Clark, of Washington, D. R. Holt, of Richardson, Beach I. Hinman, of Lincoln, and Dr. L. S. Ward, of Johnson. The permanent officers were S. H. Calhoun, of Otoe, president; Guy A. Barnum, of Platte, J. G. Scoggin, of Lancaster, E. H. Clark, of Washington, G. P. Uhl, of Richardson, Dr. Alex Bear, of Cuming, S. Herman, of Douglas, B. I. Hinman, of Lincoln, vice presidents.

The resolutions accepted the principles of the Cincinnati Liberal Republican platform as eminently patriotic and representing the real issues of the presidential campaign, emphasized the necessity of purging Nebraska, also, "from the present corrupt, reckless and disgraceful rule" and advised the adoption of the liberal republican national ticket by the democratic national convention. Dr. Black, of Cass, recognized the sectional division of the state by stating that the North Platte delegates had already selected three of the six delegates to the national convention, and J. W. Paddock, of Douglas, moved that the whole convention first elect half of the total number of delegates from the North Platte section; but G. P. Uhl of Richardson deprecated the sectional sentiment and procedure, and on motion of J. Sterling Morton the subject was laid on the table. The convention then proceeded to nominate the delegates by acclamation, but after Dr. George L. Miller, James C. Crawford, and James Thorne had been so chosen angry objection was made to that method and the convention proceeded to elect all of the delegates by ballot. The first ballot gave Dr. Miller 79, W. H. Platt 69, N. A. Coleman 62, E. W. Thomas, 57, J. C. Crawford 50, Dr. John Black 49, J. Sterling Morton 30, Victor Vifquain 24, James Thorne 24, E. H. Clarke 13, D. R. Holt 13, A. T. Conklin 6, G. P. Uhl 3, Coffman 2, and Donovan 2. The six candidates receiving the highest number of votes

crow for bourbons of the Morton type, who were leaders of the Nebraska democracy; but their lane of defeats had been very long, with still no sign of turning, and anything that involved a possibility of change doubtless seemed better than to further pursue the monotonously direct course to failure.

In the fall there was formal fusion of democrats and liberal republicans for the local campaign by the same methods which were employed by democrats and populists in and after 1894.²⁴⁸ Henry C. Lett, of Nemaha county,

were declared elected. After Dr. Miller and J. Sterling Morton had made speeches the convention adjourned (*Omaha Weekly Herald*, June 26, 1872).

²⁴³ The democratic and liberal conventions both met in Lincoln, August 28th. In the democratic convention E. A. Allen, chairman of the state committee, appointed Scofield, of Otoe, Byrne, of Douglas, Platte, of Hall, Scoggin, of Lancaster, Potter, of Adams, Vallery, of Cass, a committee on credentials. The committee on permanent organization comprised one from each senatorial district: 1st, J. C. Lincoln; 2d, H. C. Lett; 3d, Dr. J. C. Conger; 4th, B. S. Ramsey; 5th, E. S. Lowe, Harrison Johnson; 6th, George Thomas; 7th, R. F. Stevenson; 8th, Z. Shedd; 9th, Milton Doolittle; 10th, R. Abbott; 11th, W. A. Coleman; 12th, Victor Vifquain. The permanent chairman was Theodore N. Robertson, of Sarpy; vice presidents, August Schoenheit, of Richardson county; F. M. Vancil, of Nemaha; G. W. Shroat, of Otoe; J. C. Fox, of Cass; W. H. Brewer, of Douglas; E. H. Clark, of Washington; W. W. Cones, of Pierce; J. H. Nesbit, of Saunders; W. H. Platt, of Hall; W. S. Smith, of Johnson; T. J. Hamilton, of Seward; Captain W. H. Ashby, of Gage Secretaries, M. C. Ghost, of Dodge; E. D. Smith, of Otoe. After appointing a committee of conference to meet a similar committee of "liberals" the convention adjourned until the 29th when the conference committee of the two conventions reported that an agreement for a division of the officers to be elected had been agreed upon, whereby the liberal convention was to name the candidate for member of Congress, secretary of state, auditor, state prison inspector, and one associate judge, while the democratic convention should name the candidate for governor, chief justice, and one associate justice of the supreme court, and attorney general. Whereupon the democratic convention nominated Henry C. Lett, of Nemaha county, for governor; James M. Woolworth, of Douglas, for chief justice of the supreme court — both by acclamation; Stephen H. Calhoun, of Otoe, for associate justice, on the first ballot; and August Schoenheit, of Richardson, for attorney general. Besides Mr. Calhoun, August Schoenheit, John Carrigan, of Washington county, and Beach I. Hinman, of Platte, received votes for associate justice.

The liberal convention was organized by the election of Dr. Luther J. Abbott, of Dodge county, for temporary chairman. The officers of the permanent organization were, George W. Ambrose, president; R. D. Curry, vice president; James E. Philpott, of Lancaster county, Dr. Miller, of Saunders, and A. B. Golden, of Richardson, secretaries. A committee,

headed the fusion ticket as candidate for governor; James M. Woolworth, of Douglas county, was nominated for chief justice of the supreme court; and Jesse F. Warner, of Dakota county, for member of the lower house of Congress. At the republican convention, held September 4th, Robert W. Furnas was nominated for governor, and George B. Lake for chief justice of the supreme court. John Taffe was at last retired from Nebraska politics by this convention, and Lorenzo Crouse, an improvement in ability and virility, was nominated for member of the national house of representatives, in his stead.²⁴⁴ Lett, Woolworth, Warner, Lake, and Crouse were all men of a higher average of character and ability than previous nominees

with Col. Jesse F. Warner, of Dakota county, as chairman, was appointed to notify the democratic convention that the liberal convention was ready for business. On the second day, Colonel Warner was nominated for candidate for member of Congress, Oliver P. Mason and John H. Kellom being contestants also; C. O. Ritchie, of Seward county, for secretary of state; F. W. Hohmann, of Lancaster, for treasurer; H. Clark, of Cass, for auditor; L. H. Rogers, of Dodge, for state prison inspector; and Seth Robinson, of Lancaster, for associate judge. A joint meeting of the convention nominated Oliver P. Mason, of Otoe, Edward Creighton, of Douglas, and Roswell Foster, of Dodge, for presidential electors. John R. Clark, afterward for many years a very prominent banker of Lincoln and a quarter owner of the *State Journal*, and Charles C. Parmele, were delegates from Cass county to the liberal convention. Ritchie, candidate for secretary of state, withdrew and Christian Rathman was substituted. The *Nebraska Advertiser* of September 12, 1872, gives much space to a story that George W. Ambrose, an Omaha politician, told Ritchie that Lett and Warner had been assessed \$5,000 each for campaign expenses but, as he — Ritchie — was only a poor mechanic, he would be let off with only \$2,000, and this, of course, had the effect of scaring him off. It was probably a cock and bull story, but it serves to illustrate the trivial partisanship of that time. Crouse and Warner had a series of joint debates conducted in the usual style of such spectacles.

²⁴⁴ The convention met in Lincoln and was called to order by C. W. Seymour, of Otoe county, chairman of the state committee, and W. H. Morris was chosen temporary chairman and J. Cameron, of Richardson, temporary secretary. While the convention waited for the report of the committee on credentials, John M. Thayer, George W. Frost, and Champion S. Chase made speeches. The permanent officers were: President, Capt. J. A. Force; secretaries, F. N. Johnson, of Burt county, Ed. Kirkpatrick, Cass county, and A. T. Feay, Lincoln county.

Judge Lorenzo Crouse, of Washington county, was nominated for member of Congress on the third ballot, receiving 167 votes against 59 for Silas A. Strickland, and 26 for John Taffe. On the second ballot, Crouse received 98 votes, Strickland 74,

for the same offices. While not nearly as bright a man as his opponent, Mr. Furnas had an advantage of military prestige and as a pioneer devotee and demonstrator of horticulture and agriculture.

It can only be said that the political canvass of 1872 was less acrimonious than its later predecessors. The recent shocking exposure of crookedness which had characterized the whole career of the state ought to have caused a reaction which would have assured the nomination for governor of a man above corruption or suspicion. But the relentless editor of the *Omaha Herald* remembered that, as a member of the third territorial legislature, Furnas had been charged with receiving a bribe to vote

Taffe, 75. On the second day, George B. Lake, of Douglas county, was nominated for chief justice of the supreme court on the first ballot, receiving 172 votes against 71 for C. A. Baldwin of the same county.

On the first ballot for a candidate for governor, R. W. Furnas, of Nemaha county, received 69 votes; W. F. Chapin, of Lancaster, 58; J. T. Moore, of York, 31; Samuel Maxwell, of Cass, 34; A. J. Cropsey, of Lancaster, 29; Joseph E. Lamaster, of Otoe, 25. On the second formal ballot Furnas had 115; Chapin 116; Lamaster 9. On the third, Furnas was chosen, receiving 127 against 114 for Chapin. John J. Gosper, of Lancaster county, was nominated for secretary of state by acclamation after two ballots had been cast. J. B. Weston, of Gage county, was nominated for auditor. The result of the first ballot was Weston, 120; G. W. Collins, of Pawnee county, 87; John Gillespie, of Lancaster, 15; J. E. Evans, of Lincoln, 22. On the second ballot Weston received 150 votes, Collins, 91, Gillespie, 2. H. A. Koenig, of Platte county, was nominated for treasurer by acclamation. Joseph R. Webster, of Saline county, was nominated for attorney general on the second ballot, receiving 162 votes, against 55 for George H. Roberts, of Otoe county, and 32 for C. W. Seymour, also of Otoe. On the third day Wallace W. Abbey, of Richardson county, was nominated for state prison inspector; Silas A. Strickland, of Douglas, Otto Funke, of Lancaster, and George W. Heist, of Cheyenne, were nominated for presidential electors, and Daniel Gantt, of Otoe, and Samuel Maxwell, of Cass, for associate justices of the supreme court. The other candidates for this office before the convention were Erastus E. Brown, of Lancaster; Othman A. Abbott, of Hall; Thomas Applegate, of Johnson; Thomas B. Stevenson, of Otoe; John R. Bowen, of Washington. Archibald J. Weaver, of Richardson, was nominated for district attorney for the first judicial district; William J. Connell, of Douglas, for the second district; and Melville B. Hoxie, of Colfax, for the third district.

The state temperance convention in session at the same time endorsed the nomination of Gosper for secretary of state, Webster for attorney general, Maxwell and Gantt for justices of the supreme court — all regular republicans — and L. H. Rogers, the fusion candidate, for prison inspector.

against the removal of the capital from Omaha to Douglas City,²⁴⁵ and the *Herald* opened its campaign with specific reiteration of the old accusations. The fact that fear of defeat drove Furnas to boldly meet the accuser by beginning a libel suit against the *Herald* at least indicates the appearance, or reappearance, of a public conscience, though friends of the candidate, much shrewder than he, advised against this course as unnecessary and unwise.²⁴⁶ There were counter charges that Lett had fraudulently obtained 20,000 acres of the state's public improvement lands for the Brownville, Fort Kearney & Pacific Railroad Company, of which he was president, by making a false affidavit that ten miles of the road had been constructed when rails had been laid on only seven miles, and all of the work done was of very inferior quality. Incidentally, the Omaha & Southwestern, or the Atchison & Nebraska company had been thus swindled out of a just right to these lands.²⁴⁷ John J. Gosper, republican candidate for secretary of state, was also smirched by the campaign character-painters.

Because the independent or insurrectionary movement meant chiefly a "new departure," looking to the weakening or breaking of now unnecessary and only hurtful party bonds — this purpose was emphasized by Greeley — it was premature. It also unwisely sought to unite incongruous political elements. Greeley, therefore, carried only six states, all of the south. Economic conditions in Nebraska still encouraged dependence on the paternalistic republican party, and, notwithstanding the defection of many of its influential leaders, it was

²⁴⁵ See Vol. I, page 299.

²⁴⁶ The *Omaha Bee* (weekly, July 2, 1873) asserted that Furnas very indiscreetly began the suit and against its advice; and General John C. Cowin, counsel for Furnas, now (1907) says that the suit was begun contrary to his advice, though he consented to begin it only on the condition that it should not be a mere bluff, but should be pushed to actual trial.

²⁴⁷ The *Daily State Journal*, October 1, 1872, published an affidavit, made by Henry C. Lett, president of the Brownville, Ft. Kearney, and Pacific Railroad Company, dated December 9, 1871, which sets forth that ten miles of the road has been constructed westerly from Brownville and is ready for the rolling stock; and another, by six residents of Nemaha county, that only seven miles were constructed at that time—Sept. 30, 1872— and that an

successful by an increased majority of about 6,000. But the charge of bribery against Furnas was not ineffective, and he ran about 600 behind the average vote for his party ticket.²⁴⁸

The fifth legislature met in the ninth session, being the third regular session, January 9, 1873, and finally adjourned March 3, 1873. William A. Gwyer, of Douglas county, was elected president of the senate, Guy C. Barton, of Lincoln county, the democratic candidate, receiving only two votes. Mark H. Sessions, of Lancaster county, was elected speaker of the house; his opponent, R. F. Stevenson, of Cuming county, receiving only seven votes.

Acting Governor James, who had at least successfully held on to his office with pertinacity against the schemes and machinations of the Lincoln machine, in his retiring message to the legislature expressed the hope that "the animosities engendered by the fierce political strifes through which we have passed in the last two years, may be buried and forgotten." Practical encouragement to immigration was still urgently needed, and the message justly commended the Burlington & Missouri and the Union Pacific railroad companies "for their material aid in advancing this important interest." In the face of the chronic denunciation of the state university as a failure by the Omaha press, the message commended its purpose and progress — a needed, and, coming from the North Platte, a notable concession.

Governor Furnas in his inaugural address complained that the law exempting lands planted to trees from taxation had become oppressive, causing an annual loss to the state in rev-

engine could not with safety pass over the road. Dr. J. N. Converse afterward removed the rails from this ten miles of road and used them on the Midland Pacific.

²⁴⁸ Furnas received 16,543 votes; Lett, 11,227; Gosper, for secretary of state, 16,726; Rathman, 10,756; Weston, for state auditor, 16,953; Clark, 10,818; Crouse for member of congress, 17,124; Warner, 10,412; Lake for justice of the supreme court, 17,234; Woolworth, 10,740 (*Senate Journal*, 1873, p. 36). In their home county Lett led Furnas by 90 votes, while Crouse led Warner by 141. Lett had Tipton's support and Furnas the bitter hostility of Majors. [*Nebraska Advertiser*, Oct. 10, 1872.]

All of the republican candidates for the office of district attorney were elected by heavy majorities.

The election was held October 8, and 51 counties participated.

enue of \$200,000; he urged the revision of the constitution in the most expeditious manner possible; recommended the development of coal and salt deposits by the state; and insisted that the Indians should be removed from their reservations, and from the state. Governor Furnas was a man of humane and gentle impulses, and to the Indians the persistent determination to dispossess them of their ancient domains was cruel. But this was a question of economic competition, which is in its nature relentless,

²⁴⁹ There was a complete revision of the criminal code; the unpopular registration acts of 1867 and 1869 were repealed; Chase, Dundy, Furnas, Hitchcock, Keith, Phelps, and Red Willow counties were established; in case of a vacancy in the office of governor the secretary of state was authorized to call a special session of the legislature within thirty days for the purpose of filling the vacancy; the state university was required to collect a fee of \$5 from every student for the purpose of a library fund; lots 7, 8, 9, block 157, of Lincoln, were donated to the United Evangelical Lutheran and German Reformed churches; lots 9 and 10, block 177, for "Colored people of the city of Lincoln for church purposes;" lots 5 and 6, block 189, to the Hebrew congregation of Lincoln as the site for a synagogue; and consent of the state was given to the purchase by the United States of lands in Lincoln, not exceeding three acres, for the site of a postoffice.

The memorials and joint resolutions included a request for prompt action by Congress in the matter of the removal of the Otoe and Missouri Indians, the memorial reciting that their reservation, comprising 160,000 acres, was in a wild and uncultivated state, presenting a barrier to settlement, and that the Indians had expressed a desire to sell it; a petition for the establishment of a postal telegraph system under the control of the postmaster general; a memorial reciting that under a decision of the secretary of the interior certain selections of lands made by the railway companies had been cancelled and restored to the public domain subject to homestead and preemption, that the companies were seeking to have these lands restored by act of Congress, and thus settlers on these lands depending upon their title from the companies would be deprived of their rights, and insisting that if any action at all was to be taken it should be to protect the settlers from losing their homes; declaring that the forty days for which members were to receive compensation should include only those on which the legislature was in actual session; authorizing the governor to appoint an agent or agents to prosecute before Congress or in the courts claims for five per cent of the proceeds of "lands disposed of by Indian reservations and by the location of military land warrants and scrip for military service, agricultural college lands and railroad lands," also for swamp and overflowed lands of which there was a large area in the state, and other states had received large amounts of such lands while Nebraska had received none; for the establishment of a military post west of the west boundary of Red Willow county, reciting that settlers in that section were constantly exposed to outrages by Indians; for indemnity for Indian depredations on settlers and persons living on lands of the United

States, to which the Indian title had been extinguished within the state and territories adjacent thereto, and others engaged in transportation of merchandise between the Missouri river and the western territories; asking for a change in the law through which homesteaders would be permitted to relinquish a part of their claims, not exceeding five acres in each case, for sites for school houses, churches, and cemeteries; for the location and survey of a road from Red Cloud to Denver City to accommodate the "large number of immigrants continually traveling up the Republican river in this state, it being impossible for this state to survey and locate said road;" directing the attorney general to demand from W. H. James, late acting governor, certain moneys received by him from the United States for the state of Nebraska, and for which he had not accounted; reciting that through the clemency of the general government the Otoe, Omaha, and Pawnee tribes of Indians are permitted to pass through the settled part of the state for the distance of 200 miles, from their reservations to western hunting grounds, and "whereas these Indians are lawless in their conduct and indecent in their dress, and are a source of great annoyance to the settlements through which they pass, by begging from house to house, and frightening the women and children by their savage and uncouth appearance and by stealing, and by turning their ponies loose upon the fields of settlers, the continuance of such abuses would have a tendency to retard immigration and lead to war and bloodshed," therefore Congress was requested to remove these tribes beyond the limits of the state, or else absolutely prevent them from leaving their reservations; reciting that the Sioux City and Pacific Railway Company had diverted the grant of lands intended to aid in the construction of a branch line of the Union Pacific railroad from Sioux City westerly to form a junction with the main line in Nebraska, to build a road a distance of sixty miles down the east side of the Missouri river to a point within twenty miles of Omaha, the initial point of the main line, thence running a distance less than thirty miles to a junction, thereby depriving a large and rich portion of north Nebraska of a road, and Congress was therefore asked to make another grant of lands to aid in the construction of a road from a point in Nebraska opposite Sioux City, southwesterly to a junction with the main line at least sixty miles west of the river; authorizing a popular vote at the next general election upon the question of holding a constitutional convention; directing the attorney general to demand of John Gillespie, late auditor, \$2,692.40, which he had wrongfully expended on account of the fugitive-from-justice fund; requesting that Major James S. Brisbin, of the U. S. cavalry, be detailed as pro-

and by its pressure within a decade three of the tribes of the weaker race were forced to go because they were the weaker race.

Political turbulence, which had thus far characterized the state's career, had apparently exhausted itself. No doubt the formidable beginning of dismemberment of the dominant party had also a sobering effect; and so the session of the legislature was not marked by so much as a single violent episode or even by any procedure of unusual importance.²⁴⁹ William

F. Cody, better known as Buffalo Bill, was the democratic candidate for member of the house from the 26th district and according to the returns of the board of canvassers of the district he was elected by a majority of 44 votes. The report of the committee on privileges and elections disclosed that the clerk of Harlan county had neglected to transmit the returns of the election in that county to the canvassers of Lincoln county as he was by law required to do. The committee found that by counting the votes of Harlan county, D. P. Ashburn, Cody's opponent, was elected by a majority of 42 votes. The house thereupon decided to "go behind the returns" of the canvassers and seat Ashburn. Mr. Cody did not appear to claim the seat, and the erroneous popular belief that he was a member of the legislature arose from the finding of the canvassers of Lincoln county who were authorized to canvass the returns of the seven counties comprising the district.²⁵⁰

Two resolutions were reported in the house authorizing the resubmission of the constitution of 1871 with such changes as the legislature might make. The majority of the committee to whom they were referred recommended the adoption of one of them (H. R. 71), but Babcock's minority report, which contended that the proposed "revision and submission of the so-called new constitution" was beyond the powers of the legislature, and recommended that the question of calling a new constitutional convention be submitted to a vote of

fessor of military science at the state university; instructing the attorney general to demand of N. B. Larsh, late superintendent of the insane asylum, certain carpets and other furniture and property pertaining to the asylum, now wrongfully in the hands of said superintendent; reciting that the account books and records transferred by the late auditor to the present incumbent were in an unintelligible condition, with discrepancies and incorrect balances, so that the indebtedness of the state and the condition of the several funds could not be ascertained, and appropriating \$500 for investigation and correction by an expert bookkeeper—an echo of the impeachment embroglio.

There is a suggestive bit of partisan political husbandry in the appropriation of only \$125 to newspapers printed in English for publishing the rejected constitution, while Edward Rosewater received \$443.51 for publishing it in Bohemian, and Dr. F. Renner, \$504.16 for publishing it in German. Gere and Brownlee received the larger part of the printing appropriation on account of the constitutional convention.

the people at the next general election, was adopted; and thus the foundation was laid for the convention of 1875.²⁵¹ The continuing bad behavior and somewhat worse reputation of the Lincoln cabal encouraged the considerable faction which, partly on the meritorious ground that the seat of government should be more centrally located and partly through sectional spite, strove for the removal of the capital. It was confidently and, doubtless, correctly asserted that at the beginning of the session a majority of the members of the legislature positively favored removal.²⁵² On the 11th of February Burtch, of Sarpy county, introduced a bill (H. R. 195) for that purpose. It named as commissioners Abner Moore, of Platte county, W. H. Ijams, of Douglas, and J. W. Anderson, of Otoe. They were invested with plenary power to choose a site of not less than 640 acres, situated in either one of the counties of Butler, Merrick, Platte, or Polk; divide it into lots and expend \$150,000 of the proceeds of their sale in the construction of a capitol; and they were to bestow "a suitable name" upon the fiat city. It became known at once that suspicion and distrust among the champions of the rival localities had demoralized the removalists, or that the adhesive influences which partisans of Lincoln knew so well how to use had caught enough flies for safety, so that the habitually cautious *Journal*, out of sheer revenge, poured on the scheme the vinegar which traditionally never catches them. It ridiculed

²⁵⁰ *House Journal*, 9th session, page 74. The *Daily State Journal*, Dec. 28, 1872, states that Cody had announced that he had given up his claim to the contested seat, and the *ex parte* decision or correction of the record by the committee on privileges and elections seems to sustain the *Journal's* statement. In a letter to the editor, dated June 5, 1908, Mr. Cody asserts that he was elected, "but as my duties did not permit of my acceptance I resigned, and my resignation was accepted, but I was legally elected."

²⁵¹ *House Journal*, 9th session, p. 164.

²⁵² The Lincoln correspondent of the *Omaha Weekly Bee*, March 5, 1873, asserted that while a majority of the members were committed to removal, yet those under the control of Balcombe of the *Republican*, and Major Millard, of Omaha, were so unreasonable in their terms that the success of the enterprise was out of the question. The same issue of the *Bee* gives an account of a removal meeting at Nebraska City which expressed the opinion that the new site of the capital should be farther west than Lone Tree, Merrick county.

the commissioners for their obscurity and recommended for a cure in the case of the Omaha member that Ijams would be "a suitable name" for the capital of their creation.

Erroneous information that the bill had passed, sent to the Omaha newspapers on the 12th, led them to expose their anti-Lincoln animus. The next morning the *Herald* entitled its editorial leader, "Move It, yes, move It!" and the *Republican* was equally vociferous. On the same day, also, over-sanguine removalists telegraphed to Senator Hitchcock, at Washington, that the capital was on wheels, Lincoln was dead, and an appropriation for a postoffice was needless. A motion to indefinitely postpone this bill was lost by a vote of 14 to 22;²⁵³ but it was not difficult to demoralize the removalists because they could not agree on a new location, and the bill was finally laid on the table by a vote of 25 to 11, six members from the North Platte — Bartlett and Goodman, of Douglas county, May, of Dodge, Nelson, of Burt, Sprick, of Washington, and Tzschuck, of Sarpy — voting with the majority. The eleven who voted against the motion were all of the North Platte section,²⁵⁴ except Brown, of Cass. Two of the six members from Douglas voted for postponement.

The *Bee*, February 19, 1873, declared, "that Lincoln could not remain the permanent seat of state government must be conceded on all hands." It offered as a salve for its unwarranted cocksure conclusion the theory or argument that the *Herald* had used when Omaha lost the capital namely: that Lincoln as a city was now a fixed fact and would not permanently suffer from removal. Its solicitude for getting the capital away was ostensibly based on a condition, not a theory. "A most

pernicious atmosphere of corruption surrounds our legislators whenever they assemble there."

Reiterated charges by the press that the act of the legislature authorizing the construction of a state penitentiary had been corruptly violated by the state prison inspectors in entering into a contract whose consideration greatly exceeded the proceeds of the lands which were appropriated to pay for the structure, and that the contractors, Stout and Jamison, had done dishonest and inferior work, forced the legislature to enter on an investigation. A. K. White, J. S. Brown, Charles L. Metz, and R. H. Wilbur of the house committee on the penitentiary made a majority report which was little more or less than a whitewash. Henry Sprick made a minority report which contended that the original act appropriating the fifty sections of penitentiary land for the purpose of building a penitentiary and the amendatory act granting twenty additional sections, "commonly known as the capitol building lands," for the same purpose, clearly contemplated that the cost of the building should be limited to the proceeds of the lands, and that the contract made June 13, 1870, providing for an expenditure of \$307,950, an amount in excess of the proceeds of the lands, violated the law. The report showed also that the builders had not complied with the specifications.²⁵⁵ A special investigating committee of the house, consisting of Silas Garber, M. Dunham, A. H. Babcock, L. M. Howard, and C. W. Wheeler, made an extended inquiry in which many witnesses were examined. All of the members of the committee excepting Wheeler joined in applying a finishing coat of whitewash to the transaction.²⁵⁶ Mr. Wheeler's minority report reënfirmed that of Mr. Sprick. He pointed out

The appropriation for the federal building at Lincoln was afterward credited to Senator Hitchcock, and the incident largely inspired the friendly feeling for him at the capital in his struggle for reelection.

²⁵⁴ *Ibid.*, p. 567. The eleven members who held out against tabling the bill were, Arnold, of Platte county, Ashburn, of Buffalo, Brown, of Cass, Burtch, of Sarpy, Dodge and Dudley, of Douglas, Howard, of Cedar, Parker, of Merrick, Stevenson, of Cuming, Webster, of Douglas, Wilbur, of Dixon.

²⁵⁵ *Ibid.*, pp. 721, 722.

²⁵⁶ *Ibid.*, pp. 262, 486.

²⁵³ *House Journal*, 1873, p. 331. *Daily State Journal*, February 12, 1873.

February 14 the *Journal* printed this rather clever jargon at the head of its editorial column:

Hic Jacet Ijams.

Hascall fecit

Gerrard placet

Omaha miscit

Miller mentit

Columbus locavit

Kearney damnavit

Senators consultum necavit

Parturiunt montes nascitur ridiculus muss.

that the provision of the original act, which limited the time for the erection of the building to one year, clearly showed that it was the intention of the act to limit the expenditure to the proceeds of the appropriation of 50,000 acres of land. This time limit was not extended by the legislature until February 10, 1871, eight months after the excessive contract had been made. Experience proved, what this unlawful contract showed on its face, that its execution would take a great many years. Mr. Wheeler contended that if the inspectors who executed the contract could bind the state for any amount whatever beyond the appropriation they could have so bound it to an unlimited amount, and that the proposed building was disproportionate to the needs and financial condition of the state. In July, 1870, new plans and specifications were improperly substituted for the originals; inferior lime was used in the walls when the specifications called for cement; and heading courses had been omitted.²⁵⁷

The administration of our great public land trust has been distinguished by gross frauds during the last forty years, but it is only under the administration of the late strenuous executive that the honest determination and indomitable will requisite for their detection and punishment have come together. In that earlier heyday of fraud and profligacy it would not be expected that a legislature of Nebraska, whose paramount fealty was party fetichism, would have the will to find the way to fraud in the sale of the penitentiary land if the vociferous allegations of their perpetration were true. The Omaha newspapers led of course in these charges of fraud. The *Herald* alleged that lands were sold for two dollars an acre which under an honest sale would have brought from five dollars to ten dollars. The *Republican* was equally censorious. "It seems to us that \$307,000 was a pretty large sum for the prison inspectors to pay for a penitentiary in so young a state and so sparsely populated,

²⁵⁷ *House Journal*, 1873, p. 488. Thomas Hallowell, who undertook to put in a bid, testified that soapstone and common lime were used in making the foundation walls, that common rubble was put in the upper walls, where the specifications called for

and it further seems to us that \$174,000 was a low price for 44,800 acres of land." The lands, it was insisted, were to pay in full for the buildings. It was never dreamed that the state would be called upon for the payment of \$160,000 or any other sum. But, as a matter of course, the legislature authorized the levy of a half mill state tax for 1873 and 1874, and a mill tax for 1875 and 1876 to pay the excess which was incurred not only unlawfully but unreasonably. This tax was a grievous burden on the settlers in those years of grasshopper devastation and a still more hurtful burden for many years to come in the shape of Stout politics as well as Stout contracts.

It was a grievous fault of the newspapers at that time to make extravagant and often reckless assertions as to malfeasance of public officers upon hearsay. Thus the editor of the Omaha *Herald* made the boldest charges against the Butler administration and in the penitentiary affair, yet in both cases, when summoned to testify, he as positively asserted that he did not know "a solitary fact" — except of course by hearsay. A juster public opinion today requires of newspapers an available basis of fact to justify accusations of this nature; and so the press is doing the most effective as well as genuine detective and reform work. Demands by the legislature in the form of joint resolutions, upon the late acting governor, auditor, and superintendent of the insane asylum, for funds and furniture belonging to the state, which, the resolutions alleged, had been wrongfully appropriated by those officers to their personal use, illustrate the continuing disgraceful public corruption, or else a mean and outrageously slanderous spirit. The legislature seconded the contention of the governor that the state should be rid of the Indians by memorializing Congress to that end, and continued the now familiar complaint of manipulation by the railway companies of their land grants in a manner unfair and oppressive to the homesteaders and preëmptors.

cut Ashley stone and that an inferior limestone condemned by Foster, the architect, was used in the walls. It appeared that two bids, one at \$299,000, the other \$300,000, were technically ruled out and Stout's for \$307,950 accepted. (*Ibid.*, 732, *et seq.*)

The continuing aggression of the Indians on the westerly settlements was set forth in a request for the establishment of a military post, west of Red Willow county, by the federal government; and the impracticability of leaving an uncivilized and unassimilable, though peaceably inclined, people in juxtaposition with aggressive civilization was emphatically set forth in a demand that the Otoe and Missouri, Omaha, and Pawnee be absolutely restrained from passing through the white settlements on their way to the hunting grounds now beyond the frontier.

The public scandals which had been continuous since the organization of the state government—and especially since the removal of the capital to Lincoln—up to this period, were varied or signalized by periodical explosive episodes. There was the impeachment of Governor Butler in 1871, the anarchical disturbances between the legislature and Governor James in 1872, and now, in 1873, another famous state trial in which Governor Furnas, though nominally plaintiff, was really defendant. Furnas foolishly began the suit but, in view of the damaging facts which it judicially established, he more foolishly allowed it to be brought to trial. The defendants were George L. Miller and Lyman Richardson, publishers of the *Omaha Herald*, and they were charged with having libelously alleged that Furnas stipulated to receive and had received \$3,000 in gold, while a member of the council of the third territorial legislature, in 1857, to influence his vote on the question of the removal of the capital from Omaha to Douglas City. The trial began June 19, 1873. Oliver P. Mason, Seth Robinson, and John C. Cowin were counsel for Furnas, and Eleazer Wakeley, James W. Savage, and George W. Ambrose for the defendants.²⁵⁸

Furnas voted for the removal bill when it passed the council, but on the dilatory motions made by its friends who favored a test vote on the question of passing the bill over the gov-

ernor's veto, he changed sides and voted with the anti-removalists. Finney, member of the house from Nemaha—the same county which Furnas represented—voted against the passage of the bill. These two were the only members from the South Platte section who stood against passing the bill over the veto, and, more significantly, only the vote of each was lacking in his respective house to override the veto.

Benjamin P. Rankin, who had been member of the territorial legislature and also treasurer of the territory, was a lobbyist in the legislature of 1857 and conducted the negotiations with Furnas. At the time of the trial he lived at San Jose, California, and Oliver P. Mason took his deposition at that place. In the course of his testimony he said: "I may have told, and probably did tell, Poppleton and others that I had paid, or was to pay, R. W. Furnas money in consideration of his vote." He also testified that he made no offer or promise of money to Furnas except to compensate him for loss of profit on public printing which might be taken away from him by the majority of the legislature, which favored removal of the capital, if he should vote against them. The witness "understood" that there was \$3,000 deposited at Moffat's bank to secure the vote of R. W. Furnas, but did not see it deposited or taken from the bank.

The following pledge which Furnas signed was introduced in evidence: "I hereby pledge myself to oppose any and every bill for the removal of the capital from Omaha city at the present session of the legislature of Nebraska, and for the division of Douglas county and for the change of the county seat of said county." Furnas testified that this pledge was in Rankin's handwriting, but he himself signed it. Rankin said to him, "If you will sign this pledge I will protect you in the profits of public printing." "I think since," Furnas answered, "that it was very improper for me to sign it. Other men may have reaped benefits from it, and I have had to lay under that cloud for seventeen years." He expected that citizens of Douglas county would make up the loss of

²⁵⁸ All of the parties to this suit and their counsel, excepting Mr. Robinson and Mr. Ambrose, remained prominent citizens of the state until recent years, and Messrs. Miller and Wakeley, the only survivors of the group, are still (1910) residents of Omaha.

the profits on his contract for the territorial printing if there should be any, and that was the admitted reason why he signed the pledge. His reason for having torn his name from the pledge was, "I did not want my name to remain there any more." He thought there was no impropriety in this. "You are aware that was the way things were done in those days."

Furnas voted in accordance with the pledge against the Douglas county division bill and so against the sentiment of his section of the territory.

There were printed shares of the site of Douglas City which were promoted by McComas and Nuckolls. He took some of these shares himself, but that was before he was elected a member of the council. To Wakeley's question, "Did you know it was a fact that McComas had distributed shares to all the members who would go for the removal of the capital?" he answered no. He admitted that he heard about the charge that money had been deposited for him in the Moffat bank the following winter. When pressed to explain why he did not go to the bank to look up such an important matter, he answered, "I don't know why I didn't." He testified that he was never in the bank, but Alfred D. Jones and James A. Jackson testified that they saw him there during the session of the legislature. Furnas also denied that he received the certificate of deposit as alleged by other witnesses.

David H. Moffat, who became a very prominent banker and railroad builder, of Denver, Colorado, was at the time of the alleged bribery teller and bookkeeper of the Bank of Nebraska at Omaha and was only eighteen years of age. He testified as follows: "There was the sum of \$3,000 deposited in the bank in which I was teller, to be paid to Robert W. Furnas on the condition that he voted for the retention of the capital at Omaha. I issued a certificate of deposit, payable on the condition above mentioned to the order of Robert W. Furnas, and delivered that certificate to Benjamin P. Rankin. After the adjournment of the legislature that winter, Mr. Rankin and Robert W. Furnas came into the bank with the certificate properly

endorsed and satisfied me that its conditions had been complied with, and I paid over the money. I suppose that certificate is among the papers of the Bank of Nebraska, in the possession of B. F. Allen, at Fort Des Moines, in the state of Iowa. I do not recollect whether Rankin took the package of money away from the counter, or whether Furnas did. They were both together." Q. "Do you know for whose use the package of money was received, or what was to be done with it?" A. "I understood it was for the use and benefit of Robert W. Furnas."

Andrew J. Poppleton testified that B. P. Rankin told him, "during the canvas for delegate to Congress," that he got \$3,000 for Furnas on his vote on the question of capital removal and that Furnas used the money to pay debts and buy a printing press.

Theodore H. Robertson testified that he saw the certificate of deposit in Moffat's bank, that it was payable to Furnas or his order, on condition of the defeat of the capital removal bill and the bill for the division of Douglas county at that session of the legislature. Witness also saw the pledge signed by Furnas with the certificate of deposit. Joshua Hanscom's testimony showed that the certificate was delivered to Rankin but was payable to Furnas, and that he saw the pledge. Experience Estabrook showed that Furnas was in favor of the removal bill until the governor vetoed it. This witness also saw the certificate in the bank in the fall of 1858 and made a copy of it. William B. Hail, member of the first five territorial legislatures, testified that Furnas advocated removal in the caucuses of the legislature which were held for consideration of that question. "up to near the time of the bill being voted on by the council."

James A. Jackson testified that Rankin represented to him that a fund must be raised to prevent the removal of the capital, and \$3,000 was collected. Furnas asked him if he knew what would have to be done to prevent removal. "About the time the bill was to come up for final action in the council," said this witness, "myself and others were notified to make a

deposit of the fund of \$3,000 raised that morning for Furnas, the plaintiff, or it would be too late. I went to the Bank of Omaha [Nebraska], of which one David Moffat was cashier [teller], on the morning designated, and found plaintiff Furnas in waiting with Dr. Rankin. The \$3,000 raised was that morning placed in the hands of Mr. Moffat in the presence of Furnas, the plaintiff. At the time the money was so deposited, Mr. Furnas, the plaintiff, said to me, 'My constituents will go after me for this,' or, 'make it mighty hot for me,' or something of that kind, and I have seen nothing of the money so deposited or any portion thereof since."

The jury disagreed, but only two stood for the plaintiff, which was, of course, a damaging defeat. Furnas complained that sectional prejudice was so strong, that he, being of the South Platte section, could not have a fair trial in Douglas county, and that, through the influence of the defendants, "the court officer having principally in charge the making up and handling of the jury, there were and are good grounds for a belief that partiality would be and was exercised for the defense and against the plaintiff." The defendants, on the other hand, alleged in the *Herald* that the jury was composed of six republicans, only four democrats, one "temperance party," and one "mixed."²⁵⁹

The principal tactics of the prosecution was to make a scapegoat of Rankin. His reputation so nearly adjusted itself to the other circumstances of the case as to make the theory that

²⁵⁹ Omaha *Daily Herald*, June 27, 1873. The powerful argument by James W. Savage against Furnas appears in this issue of the *Herald*. Mr. Cowin, counsel for Furnas, says that the jury was composed of ten democrats and two republicans. It appears that Robinson and Barber, the two jurors who stood for plaintiff, were reprimanded by Judge Lake for attempting to play cards during the deliberations of the jurymen after the case had been submitted to them. The *Herald* published the testimony of witnesses and the arguments of counsel during the progress of the trial, and a complete record of the proceedings was preserved, a copy of which has been deposited in the public library at Omaha and in the State Historical library at Lincoln.

The *Weekly Herald* of September 25, 1872, tells the story at length and charges explicitly that Furnas "stipulated to receive and did receive \$3,000 in gold as a consideration for his vote in the territorial council in 1856-7 against certain measures. . . . To that corruption fund the following gentlemen contributed

Rankin was the real culprit and beneficiary of the bribery fund at least very plausible. Mr. Cowin contended in his argument to the jury that Rankin's testimony showed that Furnas was the victim of conspirators who divided the plunder they procured in his name. When the trial went against him, Furnas pursued the same policy by extra-judicial methods. In January, 1873, in preparation for the trial, he wrote to Rankin requesting him to make a statement of the facts in relation to the charges as he remembered them, as he thought it might lead to a settlement of the suit without trial. Rankin's reply was evasive and of little help to Furnas, so that it became necessary to take his deposition. After the trial, Furnas made a passionate appeal to Rankin to write a statement exonerating him from the guilt which the evidence and the verdict of the trial had fastened upon him, and the response was more favorable, though still equivocal. James A. Jackson and David H. Moffat wrote letters to Furnas in which they expressed a belief that he had been the innocent victim of a base conspiracy. Furnas was severely criticised for publishing these letters of his friend Rankin, who had admonished him to regard them as confidential.²⁶⁰

The testimony of David H. Moffat that he made out the certificate of deposit of the \$3,000 payable to Furnas, which Furnas and Rankin afterward brought to the bank "properly endorsed," and of Theodore H. Robertson that about eighteen months afterward he saw the

and paid the sums set opposite their names, and they dare not and will not deny it:

"Gen. John M. Thayer, \$300;

"Harrison Johnson, \$400;

"Samuel R. Brown, \$300;

"Lyman Richardson, \$150.

"Dr. Lowe, the Kountzes, Sam E. Rogers, and others, whose names have escaped us, were contributors. Mr. Brown, when he closed the business of the Bank of Nebraska, saw all the papers and he stated the whole transaction within the last week to intimate friends in this city."

²⁶⁰ (Dakota City *Mail*, quoted in *Daily State Journal*, Jan. 21, 1874.) Mr. Furnas published this correspondence in pamphlet form. It is inserted — at the end of this chapter — notwithstanding that the incident in itself is not of sufficient importance for reproduction, because the contents constitute an interesting human document, illustrative of the characters and methods of a period in the development of the new social organization, and also in justice to Mr. Furnas.

certificate so described in Moffat's bank, with the strong corroborative evidence, is very difficult to overcome or explain away; but it leaves some room for the theory that Rankin fooled Furnas with promises and actually got all the money himself. But Furnas's own admissions leave him in a plight but little better than if he had confessed to taking the money itself. Though the *Bee* was only less hostile and aggressive in personal attack than the *Herald*, yet its estimate of Furnas's admissions seems fair and correct: "That testimony needs no comment. It proves that things were 'loosely managed in those days.' It exhibits a lack of moral stamina that was properly characterized by one of the able legal councillors [counsel] of the governor as decidedly compromising. . . . The admissions made by the plaintiff are, however, of such a nature that we cannot comprehend what can be gained by dragging this suit to another court or before another jury."²⁰¹ But Furnas came to comprehend that nothing could be gained for himself by a retrial, and he dismissed the suit notwithstanding his premature and too heroic declaration that he would "be further vindicated though it cost me my last dime and last breath." The unusual temptations and vicious practices incident to newly formed societies are commonly but unwisely pleaded in palliation of dishonesty in public relations. Moreover, there were public servants in Nebraska from the beginning who walked uprightly.

Like both of its predecessors, the Furnas administration not only began in an atmosphere of scandal but ended redolent with it. In the early part of 1874 one Joseph L. Weber sys-

²⁰¹ Omaha *Weekly Bee*, July 2, 1873. In this comment Furnas's testimony in palliation of his admissions is incorrectly quoted; it was, "you are aware that was the way things were done in those days."

²⁰² Among the remonstrants were William H. Munger, now judge of the United States district court for the district of Nebraska, E. H. Rogers and George W. E. Dorsey. The petitioners for pardon recited that they did not believe Weber was naturally a bad man; that his offence was chargeable equally to others who had not been punished; and that "he has a most excellent family who are deeply stricken by his loss." The remonstrants charged that Weber "did defraud and bring to want and destitution a great many poor people," and urged that "the end of justice will be furthered by his confinement in the penitentiary for the full term for which he was sentenced."

tematically swindled a considerable number of citizens of Fremont out of about \$50,000, and, at the April term of court of that year in Dodge county, he was convicted of forgery in one of the transactions in question and sentenced to a term of four years in the penitentiary. After he had been in the penitentiary a short time a petition for his pardon with about 100 signatures, many of residents of Fremont, was presented to the governor; and a remonstrance with a greater number of signatures was also sent to the governor. The petition for the pardon presented no sufficient reason why it should be granted, and Samuel Maxwell, the trial judge, interposed strong objections to the scheme.²⁰² But the pardon was issued October 12th, and on the 13th Seth Robinson, of Lincoln, presented it at the penitentiary, procured Weber's release and then drove off with him on a gallop to the Kansas line, thereby avoiding the convict's re-arrest on the dozen still pending indictments. The pardon was greeted with general and severe condemnation, the press of both parties leading in the censure.²⁰³ Even the standpat republican organs, such as the *State Journal* and the *Omaha Republican*, refused to defend it. The pardon was unquestionably unwarranted and indefensible, yet the more important question, whether the violent assertion of many newspapers that the governor received a bribe for granting it, remains undecided. The Fremont newspapers were particularly aggressive in their denunciation of Furnas, and local feeling was so strong that he was burned in effigy on the night of October 21st, with much hostile demonstration.²⁰⁴

There were no general elections in the state

²⁰³ The Omaha *Weekly Bee*, Nov. 11, 1874, alleges that 75 republican newspapers in the state—which must be nearly all there were—"condemned and denounced that act in terms decidedly more severe than those employed by the *Bee*."

²⁰⁴ The newspapers were the *Tribune* and the *Herald*, which still survive in their original vigor. Furnas had the nerve to preserve a large part of the severe press comments on this pardon and his libel suit in a private scrap book which he afterward placed in the library of the State Historical Society at Lincoln. The weight of opinion of reliable men still living, who were familiar with the circumstances, is that Weber's wife, a "fetching" woman, persuaded Furnas, and the money, estimated at \$5,000, and even as high as \$15,000, was judiciously expended in other official quarters.

in 1873 and so no partisan convention, but a convention of the "Grand Castle of the Order of American Farmers and Mechanics of Nebraska" was held in Lincoln July 29 and 30, 1873.²⁰⁵ The resolutions adopted declared that while the objects of the order were to exert a general benevolent, beneficent, educational influence, yet a part of its duty was to rid legislatures and the federal Congress of monopolists and corruptionists and procure the passage and enforcement of just laws, etc.; that the beneficiaries of the "back and increased pay" in Congress were knowingly guilty of a gross and brazen fraud upon the nation; that freight and passenger railroad tariffs on trunk lines were unjust and oppressive; that there should be no pooling or combinations of railroads; no subsidy for railroads or other corporations — hotels, printing companies, and flouring mills were as much entitled to such aid as railroads; that the members of the order were friends to the railroads as servants but opposed to them as masters; and that organization of all industrial classes was necessary.

All of the state conventions of 1874 were held in Lincoln. The republican convention was in session September 2d and 3d. Charles H. Gere, of Lancaster county, was temporary chairman and Nathan K. Griggs, of Gage county, president. Lorenzo Crouse, of Washington county, was nominated by acclamation for member of Congress for a second term. Silas Garber, of Webster county, was nomi-

²⁰⁵ *American Cyclopaedia, Annual, 1873*, Nebraska article. The local newspapers do not mention the convention, and the organization does not seem to have made another appearance. It could scarcely expect to survive under such a name.

²⁰⁶ The second cause of action alleged that July 10, 1868, the defendant fraudulently procured conveyance to himself of lot 11, block 96, while in fact the lot was never sold to him by the commissioners and there was no receipt for such sale issued or filed in the office of secretary of state as required by law; that July 23, 1868, defendant sold said lot to L. A. Scoggin for \$250 which sum he converted to his own use.

The twenty-second cause of action alleged that the defendant had falsely pretended that certain parcels of lots were conveyed to him at the original sale for \$2,840, a grossly inadequate consideration and no part of which he ever paid; that within a few days of this alleged purchase he sold a part of the lots at an advance of \$1,540 over the total alleged purchase price, the part retained being worth \$1,000. Governor David Butler was the purchaser

nated for governor on the first ballot; Patrick O. Hawes, of Douglas county, for contingent member of Congress; Bruno Tzschuck, of Sarpy county, for secretary of state; J. C. McBride, of Colfax county, for treasurer; George H. Roberts, of Harlan county, for attorney general; J. M. McKenzie, of Nemaha county, for superintendent of public instruction; Nathan S. Porter, of Dixon county, for state prison inspector. Two of the state officers, Governor Furnas and Attorney General Webster, were denied the customary second term — Furnas, because of the scandals associated with his political career, and Webster, because he had not been as subservient to the ruling political powers as safety demanded, and, in particular, because with imprudent temerity he had begun suit for the state against Thomas P. Kennard to recover proceeds of the sale of certain lots of the capitol site which, the petition alleged, the defendant had not accounted for.²⁰⁶

The platform contained a timid recommendation for return to a metallic basis for money; a milder insinuation of the monopolistic tendency of the national bank system; a positive declaration against a presidential third term, aimed at signs of a movement to again nominate General Grant in 1876; and positive denunciation of political outrages in the southern states and of the so-called Quaker Indian policy which had "failed to afford either benefits to the Indians or protection to the frontier

of a part of these lots. The state sought to recover in all about \$15,000. (District court of Lancaster county, No. 1145, App. Docket D, p. 267.)

Gen. J. R. Webster, who brought this suit, stated to the editor that shortly before the state convention of 1874 Seth Robinson of the Lancaster county bar, as intermediary for Kennard, told him [Webster] that he could not be renominated unless he dismissed the suit; which of course he refused to do and was accordingly "turned down." The suit was dismissed by General Webster's successor — Roberts — on the 15th of February, 1876, at the defendant's cost. General Webster said that by arduous labor and research he collected evidence which, he believed, sustained the causes of action. He corresponded with a large number of the original purchasers of Lincoln lots to ascertain the prices paid and then compared these with the sale records; but the papers relating to these facts disappeared from the files of the attorney general's office after the close of his term. After he had been defeated for renomination Senator Hitchcock wanted him to take a federal judgeship in Wyoming to smooth things over, but he refused the offer.

settlers." The declaration in favor of an amendment to the federal constitution providing for the election by direct popular vote of the president, vice president, and all other federal officers, and also of United States senators, superficially regarded, seems an inexplicable freak of radicalism; but it should probably be accounted for on the ground that the republican party then still felt the progressive impulse of youth and had not yet attained the condition of an almost reactionary defender of vested interests, now popularly known as "big business," which characterized it for about a quarter of a century and up to the revival of recent years. There was an apologetic show of protest against excessive railroad rates, earnest of the long innocuous policy of the party which was to follow. The pristine radicalism of the party broke out also in the declaration favoring the establishment and operation by the federal government of a double-track railroad from the Missouri river to the Atlantic seaboard; and in view of the burden imposed upon people and products by

²⁶⁷ *The Daily State Journal*, September 6, 1874, explains that Crouse procured the passage of the bill through the house, but the committee on railroads in the senate held it up against the efforts of Senator Hitchcock, who was a member of the committee, to report it. But public opinion, perhaps unjustly, was disinclined to exonerate Hitchcock for the miscarriage in his house.

²⁶⁸ The permanent officers of the convention were: Nathan K. Griggs, of Gage county, president; vice presidents: C. H. Gere, of Lancaster, Leander Gerard, of Platte, T. C. Hoyt, of Richardson, J. P. Burdick, of Nemaha, John Overton, of Otoe, E. G. Dovey, of Cass, R. H. Wilbur, of Douglas, Elam Clark, of Washington, Chas. F. Vayha, of Dakota, J. M. McLucas, of Lincoln, A. W. Gray, of Johnson, J. C. Blackman, of Dodge, G. C. McKay, of Seward, George Cross, of Jefferson, J. C. McBride was secretary, W. D. Peabody, assistant secretary.

Besides Garber, Moses Stocking, of Saunders county, and Dr. A. D. Buckworth, of Adams, were aspirants for the nomination for governor. On the only ballot cast, Buckworth received 25 votes, Garber 166, and Stocking 29.

Patrick O. Hawes and William A. Gwyer, of Douglas, and T. J. Harlan, of Harlan, were candidates for the nomination for contingent member of Congress. Hawes was nominated on the third ballot.

Bruno Tzschuck was nominated for secretary of state on the second formal ballot. His opponents were John J. Gosper, of Lancaster, T. A. Healy, of Seward, Dr. F. Renner, of Otoe, and E. K. Valentine, of Cuming. J. C. McBride, of Colfax, was nominated for treasurer on the eighth formal ballot. The other candidates were G. M. Bartlett, of Lancaster, John R. Clark, of Cass, and A. J. Weaver, of Richardson.

the still uncontrolled system of private ownership, it would perhaps be rash to stigmatize this policy of the young republican party as radical. The demand for equable taxation of railroad property was direct, and it was emphasized and particularized by the request for the passage of the bill for taxing non-patented subsidy railroad lands in the state, which had been introduced in Congress by Mr. Crouse.²⁶⁷

The convention recognized that there was by this time a positive and growing popular sentiment in favor of stricter control of the liquor traffic, by advising that the questions of incorporating prohibition, local option, and license in the new constitution be submitted separately. A resolution offered by ex-Governor David Butler declaring in favor of a local option law which should empower the people of the several towns, precincts, and municipalities to decide to prohibit or regulate the sale of intoxicating liquors, was defeated by a vote of 47 to 181. Governor Butler led in the debate in favor of the resolution and Edward Rosewater against it.²⁶⁸

J. M. McKenzie, of Nemaha, was nominated for superintendent of public instruction by acclamation, after an informal ballot. The other contestants were C. B. Palmer, of Gage, and A. D. Williams, of Adams.

George H. Roberts, of Harlan, was nominated for attorney general on the first ballot, over J. M. Humphrey, of Pawnee, Edward F. Warren, of Otoe, and J. R. Webster, of Saline. The following resolutions, offered by Alvin Saunders, were adopted.

Resolved. That we learn with deep regret of the desolation caused by severe drouth and grasshoppers in many of our frontier counties, and we hereby extend to the needy settlers our hands of sympathy, and we recommend that relief associations be formed in all parts of the state where practicable, for the purpose of raising funds and supplies for the settlers in those devastated districts.

Resolved. That we believe it to be the duty of the next legislature to make an early and liberal appropriation for the purchase of seed for next year's planting in these districts, and such other relief as may be necessary in order to aid industrious settlers and to prevent the depopulation of these districts.

The following state committee was chosen:

C. H. Gere, chairman; 1st district, C. D. Stevenson; 2d district, T. J. Majors; 3d district, Dr. F. Renner; 4th district, John W. Barnes; 5th district, Joel T. Griffin, E. Rosewater; 6th district, Elam Clark; 7th district, E. N. Sweet; 8th district, A. Townsend; 9th district, Joseph Fox, L. Gerrard, Thos. J. Hewett; 10th district, A. S. Stewart; 11th district, J. N. Edwards; 12th district, L. W. Hastings, J. W. Keeler, R. B. Presson.

The live economic planks of the platform in question were as follows:

5th. That while we recognize and appreciate the

The "People's Independent Convention" met September 8th, with about one hundred delegates in attendance. J. F. Gardner, of Richardson county, was temporary chairman, and A. Deyo, of Cass, temporary secretary. Robert R. Livingston, of Cass, was president, and John D. Calhoun, of Franklin, secretary of the

advantages derived by the people from a well regulated system of railways, we demand that these public highways should be rendered subservient to the public good; that while we disavow any hostility toward railroad corporations, we proclaim our determination to resist by lawful means all efforts to impose oppressive or extortionate transportation tolls.

6th. That taxation to be just must be equally imposed upon all classes of property; we therefore demand such national and state legislation as will compel railroads and all other corporations to pay the same proportion of tax as is imposed on individuals.

7th. That we favor the proper exercise of the powers conferred upon the national government by the constitution to regulate commerce between the states, and to this end we recommend that the government establish and operate a double track railway from the Missouri river to the Atlantic seaboard.

8th. That we earnestly request that our senators secure the passage of Crouse's railroad land tax bill.

Supplementary resolutions extended sympathy to the grasshopper sufferers and recommended that relief associations be formed in all parts of the state; that the legislature should make an early and liberal appropriation for the purchase of seed for the next year's planting; and that the members of Congress from Nebraska use their influence to secure the passage of a law similar to the act for the relief of settlers in Minnesota and Iowa to extend the time for final proof and payment on homesteads. (*Daily State Journal*, Sept. 3 and 4, 1874.)

The following account of the convention by the *Omaha Daily Herald* of September 5, 1874, serves the double purpose of an illumination of political conditions and procedure and of the cyclonic style of Dr. George L. Miller, editor of the *Herald*:

The Temperance Plank — A New Constitution

The temperance plank in the Republican platform is no plank at all. It isn't there. A substitute in place of it sends it over for settlement by a contingent constitutional convention. When the question that agitates this people more than any other can be settled by a constitutional convention to be held at "the earliest practicable day consistent with our present fundamental law" is shown by the constitution itself, which reads under the clause "Amendments":

If at any time a majority of the senate and house of representatives shall deem it necessary to call a convention they shall recommend to the electors to vote for or against a convention at the next election for members of the legislature; and if it shall appear that a majority of the electors voting thereon have voted for a convention, the legislature shall at its next session provide for calling such a convention.

Under this "fundamental law," the Temperance issue, according to the Republican platform, may possibly be settled in 1878 — four years hence, there or thereabouts. The people cannot even vote on the question until two years from next October. The

permanent organization. J. F. Gardner was nominated for governor; Fred Weibe, of Hall county, for secretary of state; Thompson Bissell, of Saunders county, for attorney general; R. H. Walker, of Douglas county, for state prison inspector; J. M. McKenzie, of Nemaha county, for state superintendent of public in-

legislature then elected could call a convention for the next ensuing year, to frame a constitution. It could be submitted in that year, and, if ratified, would go into effect in January, 1878 — three years from next January. This would bring a provision into the constitution in force to be carried out by appropriate legislation.

This is the way those silly demagogues propose to deal with sumptuary laws and Temperance. This is the way they go to the people with evasions, tricks and desperate expedients, to shirk the really vital issue before the people of the state.

That "Platform"

The Republican platform, of all the meaningless medleys that were ever concocted by a set of political demagogues, is the most disreputable piece of patchwork of nothings that was ever produced in this country. It is almost as long as the swindling code which it was intended to mask. Opening and closing with stump speeches which would do credit to one of General Strickland's harangues in the war epoch, or one of a Rosewater Labor Reformer, it is nothing if not a mass of puerile platitudes. It is all fustian. It contains no distinct declaration. It dodges every living issue.

On finance it squints in two directions, and expresses a hope for specie payments. Here is the rough and crooked plank on the most important issue that concerns the people and divides opinion. It is a successful attempt to say nothing, and it says it after this fashion:

"That we earnestly desire that the credit of our country [the government] shall be firmly maintained in order that the commercial and industrial interests of the country may not suffer injury by [or] fluctuation in values [or by impairing] in any degree, that confidence which now prevails in regard to our [the] circulating medium, which we hope will at no distant day be based upon metal currency, the recognized money of the world."

This declares no opinion, affirms no principle, and expressly evades the issue which the Lincoln conclave was bound to notice in some shape. What does the *Republican* think of the rotten plank in its financial platform, anyhow?

Aside from the bosh and buncombe in which they are enveloped, there are only two points in this ridiculous rigmarole called a Republican platform that are worthy of attention. One is, that straddle plank on the currency question, and the other is the sneaking dodge on the Temperance issue, which was disposed of in the following indefinite postponement of a question which these Radicals hadn't the manhood to meet.

"That we favor the reapportionment of state representation through the enactment of a new constitution at the earliest possible day [practical moment] consistent with our fundamental law, and that we recommend the submission to the direct vote of the people, in a separate article, at the time the new con-

struction; James W. Davis, of Douglas county, for member of Congress, and John D. Calhoun for contingent congressman. The platform declared with emphasis that all political power is inherent in the people; in favor of the restoration of gold and silver as the basis of the currency and the resumption of specie payment "at the earliest practicable day without injury to the business interests of the country," and the maintenance of the credit of the country until the resumption of specie payment by "a system of currency based upon the credit of the nation, issued by the government directly to the people;" opposed all combinations and devices that tend to increase the cost of transportation beyond a fair remuneration to the carrier; and demanded the exercise of all constitutional powers to remedy these evils; opposed

stitution is voted upon, the questions of prohibition, local option, and license."

Isn't this pretty? But we will not waste words upon the limpiness of lingo with which the dodging demagogues of the Republican party of Nebraska attempt to delude the people. It is a studied insult to their intelligence, and a cowardly shirking of the important questions that concern the people.

Making the Platform

Closing performances of the Cancan.

The committee on resolutions presented their report. The first resolution was not satisfactory to some of the convention, and a resolution was introduced by E. R. Williams, of Omaha, to take the place of it. After some discussion it was accepted. They then passed on to the railroad resolution, in reference to the Crouse bill. We will tomorrow try and give some portion of the argument on this resolution. There was a very hot discussion over it, and our notes that we made on it having been mislaid, we will not speak of it until we find them.

Local Option

The other resolutions were adopted with little discussion. Governor Butler then introduced a resolution which he asked to be added to the platform, in regard to "local option." This brought forth a hot discussion. The governor took the stage and made one of his famous temperance speeches. He scorned the "weak-kneed" republicans, telling them they were afraid to come out and let people know how they stood on the subject, but wanted to sneak in an ambiguous resolution that they had incorporated into the platform. He said that

The Temperance Element

of this state was gaining strength, and would be a power, and be taken notice of, and that it should be; that the republican party had always been the temperance party and that the temperance and religious interests of the country looked to that party for protection. It was poor policy for that party to try and soft-soap them with promises of what they would do, but that they, the republicans, must come out and place themselves before the people in favor of the

any further land grants, subsidies to steamships, and all donations of bonds to aid public enterprises; favored a tariff for revenue only; demanded the election of president and United States senators by a direct vote of the people; favored strictest economy in all public affairs; stated that taxes in the state were high beyond endurance and must be reduced; favored revision of homestead laws and a memorial to Congress for relief of homesteaders in the grasshopper district; declared that interstate commerce should be regulated by Congress and that railroad pools like that of the Burlington and Missouri, Chicago & Northwestern, Chicago, Rock Island & Pacific, and Kansas City, St. Joe & Council Bluffs, be prohibited so that competition might be encouraged.²⁰⁹

The democratic state convention was held local option law. If they did not they stood a fair chance of being defeated this fall.

Rosewater

replied to the governor in quite a lengthy speech, in which he said it would not do to put such a resolution in the platform, for he did not think that was the way to get local option in the state, but that it should be done by the constitutional convention; that he was not in favor of any such law; that it was interfering with the rights of the people; and that it would have the effect of weakening the ticket this fall.

Hon. Ed Towle

made a hot and bitter speech against the resolution, and said he would oppose it to the last; that he was willing to go on the records against it; that they now had a resolution that was sufficient, but if they incumbered themselves with a resolution of this kind it would be damaging to the party, and that he was not in favor of shouldering the fanatics of the temperance cause to carry them through. Many other members of the convention took part in the discussion, when a vote was taken and the resolution was defeated about five to one. This shows what a safe party the Republican is for the temperance people to tie to. At the hour of six p. m. the platform was adopted as a whole and at seven o'clock the God and morality party adjourned sine die, after one of the most disgraceful *conventions*, etc., etc., etc.

Ibid., Sept. 6:

The numbskull of the *Bee* cites us "an act of the last legislature" under which a new constitution can be framed. We cite this political chipmunk to the fundamental law of the state, printed in the *Herald* yesterday, under which, and under which alone, the constitution can be changed. We do not choose to bandy words with lawless nobodies who seriously argue that mandatory provisions of a state constitution can be overridden by a legislative act which is in plain and palpable violation of it.

²⁰⁹ *Daily State Journal*, Sept. 9, 1874. According to the *Journal* there were 43 delegates, from 12 counties, actually present. Church Howe, in a speech, said they were all there in a common cause, though some

in the opera house, September 10th. E. A. Allen, of Douglas county, was temporary chairman, and Frank P. Ireland, of Otoe, temporary secretary. Mr. Allen was president of the permanent organization; Samuel Cowdrey, of Saline county; J. W. Pollock, of Cuming; Loren Miller, of Douglas; Dr. John Black, of Cass, and Israel Loomis, of Johnson, vice presidents; Frank P. Ireland, and F. G. Beecher, of Platte county, secretaries. A committee consisting of J. F. Morton, Stephen H. Calhoun, Benjamin Hankins, Milton Montgomery, and James E. North reported the following platform which was adopted by the convention: 1st. The restoration of gold and silver as the basis of currency; resumption of specie payments as soon as possible without disaster to the business interests of the country by steadily opposing inflation and by the payment of the national indebtedness in the money of the civilized world. 2d. Individual liberty and opposition to sumptuary or prohibition laws, free commerce, and no tariff except for revenue purposes. 3d. Rigid restriction of the governments, both state and national, to the legitimate domain of political power by excluding therefrom all executive and legislative intermeddling with the affairs of society, whereby monopolies are fostered, privileged classes aggrandized, and individual freedom unnecessarily and oppressively restrained. 4th. The right and duty of the state to protect its citizens from extortion and unjust discrimination by chartered monopolies. 5th. That we appreciate the beneficial influence of railroads in developing the resources of the country, and favor liberal legislation in that direction, but only on a basis of taxation equitable in its application both to citizen and to corporation. 6th. That we believe the people are the source of all power and that their will and not the wishes of mere party demagogues should govern and form the real basis of all republican governments.

were credited to the farmers' and laborers' convention, some to the independent, and others to the people's.

²⁷⁰ Omaha *Weekly Herald*, Sept. 18, 1874.

²⁷¹ It is noteworthy that J. Sterling Morton was not a delegate to this convention and that Stephen H. Cal-

The following nominations were made without opposition: For governor, Albert Tuxbury, of Otoe county; secretary of state, John A. Eatherly, of York county; treasurer, Robert C. Jordan, of Hall county; attorney general, Milton Montgomery, of Lancaster county; superintendent of public instruction, Eli Huber, of Otoe county; state prison inspector, R. H. Walker, of Douglas county; member of Congress, James W. Savage, of Douglas county.²⁷⁰ Only twenty-eight of the fifty-eight counties on the secretary's list were represented.

The republicans foreshadowed the facile opportunism which later came to characterize their party by making theirs the most radical of the three platforms. The money plank of the democrats shows that they had ceased to follow the greenback god of Pendletonism, where J. Sterling Morton had led them a few years before,²⁷¹ and it is more orthodox than the republican declaration. The independents contradicted themselves by demanding a return to specie payment, but also that its way be blocked by an intermediate system of uncovered paper currency. They took what was then advanced ground in favor of the regulation of interstate commerce by Congress, a position which the already apparent and to be long continued devotion of the leaders of the two old parties to railroad interests prevented them from assuming; and so their declarations on this subject were perfunctory generalities, lacking point and specification essential to real meaning. The declaration of the republicans in favor of the construction of a railroad by the federal government and popular election of United States senators and federal officers was a temporary lapse or aberration, and misrepresented the dominant influence of the party at that time.

The first prohibition convention to nominate a state ticket was held September 9th.²⁷² It kept the middle of the road, steadfastly refusing to endorse the nominations of the other

houn was. It was seldom that these men were delegates together, and notable that Calhoun, when his turn came, so far as he was able, reversed any policy which Morton had caused to be adopted.

²⁷² Rev. William B. Slaughter, of Nemaha county, was temporary chairman, and I. L. Lyman, of Lan-

parties save one. Notably, also, the convention declared in favor of a currency convertible into gold and silver but upon a gold basis. This is the first declaration distinctly favoring a gold standard ever made by a party convention in Nebraska. Besides demanding prohibition of the sale of intoxicating liquors, the convention called for the lowest rates of railroad transportation. But the influence of the railroad corporations was soon able to check this rising popular reform sentiment, and through the subserviency of the political leaders they were able to hold it in virtual subjection for upwards of thirty years.

Though the political campaign this year was much milder than its predecessors under the state government, yet the republicans were again vigorously assailed on account of the continuing corruption, now centered in the Kennard-Stout ring, successors to the Butler regime. The staunch party habit of that period inevitably induced ring and boss dominance and graft, which in turn commanded the submission of all aspirants to place and power, irrespective of their original inclination to cleanliness or corruption. The report of the Garber penitentiary investigating committee was adduced to show the subserviency of the republican candidate for governor to the dominant ring. This report, it was charged, whitewashed "the most monstrous system of swindling that has occurred in the whole history of the state."²⁷³ That the penchant for personal attack still survived, appeared in the showing that Roberts, republican candidate for attorney general, while captain in the 19th Pennsylvania cavalry, had been dishonorably discharged in 1864. The republicans, however, published an order issued by direction of the

caster county, temporary secretary of the convention. The permanent officers were Mr. Slaughter, president; F. M. Bidwell, of Cass, J. B. Maxwell, of Gage, and J. A. Fairbanks, of Lancaster, vice presidents; I. L. Lyman, secretary; and George W. Sears, of Richardson, assistant secretary. James G. Miller of Saunders county, was nominated for member of Congress; J. A. Fairbanks for contingent member of Congress; Jarvis S. Church, of Nemaha, for governor; William G. Olinger, of Burt, for secretary of state; Thompson Bissel for treasurer; Joseph R. Webster, of Saline, for attorney general; J. M. McKenzie — the republican nominee — for superintendent

president "to correct the record" and to issue an honorable discharge.²⁷⁴ It was contended that the first order was obtained through spite.

The republican candidate for governor received 21,568 votes; the democratic candidate, 8,946; the people's independent candidate, 4,159; and the prohibition candidate, 1,346. The vote for the rest of the candidates did not vary much from that for the heads of the tickets, except that Roberts, candidate for attorney general, received only 19,797 votes, while his fusion opponent, General Montgomery, whose career in the civil war left him with an empty sleeve, received 15,709.²⁷⁵ The proposal for a constitutional convention carried by a vote of 18,067 to 3,880. The opposition was scattered irrespective of sections — Burt, Cass, Dixon, Dodge, Nemaha, Otoe, Pawnee, Platte, and Sarpy making the largest relative showing. In this campaign the Omaha *Bee* fairly entered on its long course of peculiarly aggressive and relentless personal political journalism which destroyed a large number of political ambitions — in most cases, however, to the public advantage. At this time, Mr. Hitchcock, United States senator, was Mr. Rosewater's principal target and his fire proved fatal. For defense the senator, striving for reelection, bought the *Union*. John Taffe was again editor of the *Republican*, which pursued a conservative course and so considered the *Union* a useless injection into the already overfilled field of Omaha journalism.²⁷⁶

Butler, the star of the political stage, having been driven off, Kennard was now the principal target of the anti-graft fire. His faults, though similar to Butler's, were not tempered by the latter's virtue of open-handedness and natural leadership. Kennard's alleged acquis-

ent of public instruction; C. B. Parker, of Lancaster, for state prison inspector.

²⁷³ *Omaha Weekly Herald*, Oct. 2, 1874.

²⁷⁴ *Daily State Journal*, Sept. 20, 1874.

²⁷⁵ *House Journal*, 1875 p. 680. Crouse, republican candidate for Congress, received 22,532 votes; Savage, democrat, 8,386; Davis, independent, 4,074; Miller, prohibition, 972. The republican candidates for district attorney were all elected — Caleb J. Dilworth in the first district; William J. Connell in the second; and Melville B. Hoxie in the third.

²⁷⁶ *Nebraska City Chronicle*, quoted in *Omaha Weekly Herald*, Mch. —, 1874.

itiveness would have done credit to the public land grafters of the present day. It was recklessly asserted that by virtue of his office of secretary of state and capital commissioner, with a salary of \$600, his profits on the sale of Lincoln lots were half a million dollars.²⁷⁷ It was charged that Governor Furnas falsely denied that he had appointed Kennard state agent, under the act of the legislature of February 8, 1873, to recover what might be due the state under the provision entitling it to the usual five per centum for lands filed upon with military bounty warrants and on account of the Indian reservations, and also to have swamp lands given over to the state. It was vehemently insisted that Kennard was not fit for the agency and that he could not consistently undertake it if, in view of his public record, the people were suspicious of him.

The charge that Furnas had secretly appointed Kennard agent arose from the assertions that during the year 1873 he diligently prosecuted the claims of the state in Washington while his contract with the state for that purpose was not executed until October 15, 1874. Mr. Kennard based his contention that under the enabling act the state was entitled to five per cent of the aggregate value of all the Indian reservations in the state, rated at \$1.25 an acre, on similar allowances made under specific acts of Congress to the states of Arkansas and Mississippi. The solicitor of the Indian department approved the claim, the total percentage amounting to about \$58,000, but the comptroller of the treasury refused to concur in the decision. After the passage of the acts authorizing the sale of the Pawnee and the Otoe and Missouri reservations, Kennard again presented his claim, this time asking for five per cent of the actual proceeds of the sale of the lands. On the 14th of January, 1881, the commissioner of the general land office decided to allow the claim as to the Pawnee reservation, five per cent of the sales amounting to \$43,807.42, and \$27,043.99 was actually paid to the

²⁷⁷ Omaha Bee, quoted in *Weekly Herald*, Dec. —, 1874.

²⁷⁸ The facts of this case were derived from the record of the suit in the three courts in which it was considered.

state; but then the decision of the land commissioner was questioned, and no more payments were made. The first payment on account of the sale of the Pawnee lands, amounting to \$6,275.47, was made direct to the state, but Governor Nance denied Mr. Kennard's application for half that sum according to the terms of his contract with the state. A bill appropriating the amount of this claim passed both houses of the legislature of 1883, but owing to the neglect of the secretary of the senate it was not presented to the proper officers of that body for signature. In 1895, the legislature passed a resolution permitting Mr. Kennard to sue the state on his contract, and in a suit begun in the district court of Lancaster county, May 29, 1897, he obtained a judgment for \$13,521.99 — half of the amount the state had received on account of the Pawnee sales. But on appeal to the supreme court the judgment was reversed on the ground that the reservation was public land and therefore it was within the provision of the act of 1873 authorizing the appointment of the agent which excepted cash sales of public lands. The supreme court of the United States refused to assume jurisdiction on appeal because no federal question had been pleaded in the state court, but it incidentally held, what Mr. Kennard's attorneys contended for in the state supreme court in a rehearing, that the reservation did not constitute public lands. In support of this contention, they showed, conclusively, it would seem, that the reservation had been segregated from the public lands when it had been conveyed to the tribe in question, and that the United States accounted to the Indians for the proceeds of the sale of the lands. By the final decision, then, of the land department, concurred in by the dictum of the supreme court of the United States, the state was not legally entitled to the money it received, but still holds by a characteristic quip of the law. The state then unjustly remains the beneficiary of one-half of the \$27,043.99, which it is not disputed Mr. Kennard procured for it.²⁷⁸

The sixth legislature convened in the fourth regular session, January 7, 1875. There were

only fifteen opposition members — democrats and independents — in both houses²⁷⁹ and the officers were chosen without party division. Nathan K. Griggs, of Gage county, was chosen president of the senate, and Edward S. Towle speaker of the house — both unanimously. Daniel H. Wheeler, of Cass county, was elected secretary of the senate, receiving ten votes against three for Thomas Wolfe, of Seward county. George L. Brown, of Butler county, was elected chief clerk of the house, receiving 27 votes against 7 for E. S. Chadwick and 4 for F. M. Dorrington.

The governor's message to the legislature contains an unusual amount of information relative to the affairs of the state. Up to this time the state's growth and development had been obstructed by the same influence which usually causes and extends industrial depressions; namely, lack of public confidence. At last, it seemed, the conditions for great agricultural prosperity had come to be quite generally recognized. "The crude and erroneous idea formerly prevailing as to the adaptability of our entire state to profitable cultivation, has been exploded by actual experiment. Our population has quite doubled itself within two years past, numbering now, without doubt, at least three hundred thousand souls."²⁸⁰ Thenceforth success would fatten upon itself.

But the financial condition of the state government was bad. Delinquent taxes amounted to \$599,460.47. "The disbursements designated for the past two years were \$600,000, while the revenues were but \$400,000." The trouble was ascribed largely to exemptions and evasions. The total valuation for taxable purposes was eighty million dollars, while there was "not less than three hundred million dollars worth of property in the state which should be made to yield revenue." But the principal cause of the excessive taxation complained of was extravagant local expenditure and indebtedness. The

²⁷⁹ *Daily State Journal*, Jan. 23, 1875.

²⁸⁰ By the U. S. census the population in 1870 was 122,993; in 1860, 28,841. According to a census taken by assessors in the spring of 1875, 247,280; in the spring of 1876 it was 257,749, and by that taken in April, 1878, which, it was said, was "in many instances incorrect," it was only 313,748.

aggregate local indebtedness, as shown by statements from the several counties, was nearly \$4,500,000. The governor urged that "additional restraining provisions be thrown around the mode and manner of voting aid to the various and numerous enterprises so frequently presented to the people." Exclusive of the two-mill tax for school purposes the state tax levy was four and one-fourth mills, and "a judiciously adjusted system of revenue could be made to reduce this one-half to three-fourths at least."

But notwithstanding the inequitable and generally defective system of taxation, state warrants were at par, and those registered had all been paid. There was no bonded indebtedness; but the permanent investment of the common school fund, comprising general fund warrants, \$184,119.67, "and certificate of state indebtedness for a former investment under authority of law, \$158,837.67, amounted to \$342,957.34, drawing ten per cent annual interest." The auditor's report, December 15, 1874, showed that there were building fund warrants outstanding in the amount of \$43,812.19, which, with accrued interest, \$17,524.84, amounted to \$61,337.03. The resources with which to meet these warrants were 314 Lincoln lots and 8,000 acres of saline land. The governor stated that "these warrants were originally issued without authority of law, for expenditures in excess of appropriations for the erection of the capitol, insane, and university buildings," and that they were subsequently ratified by an act of the legislature and ordered paid from the building fund. The only resources of this fund remaining were Lincoln city lots, "their entire value not being sufficient to meet the interest alone." A bill (H. R. 206) providing for the payment of these warrants, was introduced at this session, and a committee to investigate the proposition reported that they were issued in payment of expenditures on the construction of the state university and that they were a valid claim against the state. The committee recommended, "that said warrants be paid out of the state general fund, and the state be reimbursed from

the proceeds of the university lands which should be sold for that purpose." But the bill was defeated after the third reading by a vote of 14 to 21.²⁸¹

The message showed that improved industrial conditions were reflected in the growth of the public schools. According to the report of the superintendent of public instruction for 1873 and 1874 there were 1,345 school houses in the state valued at \$1,300,000, while at the close of the fiscal year 1872 there were only 538 school houses valued at \$700,000. The number of school children at the close of 1872 was 51,123; at the close of 1874, 72,991. The apportionment of school money for 1871 and 1872 was about \$370,000; that for 1873 and 1874 showed an increase of nearly \$100,000. The school lands were sold by county authorities and though the notes given in consideration were payable to the state, they were held by the counties, which undertook the collection of the annual interest. The evidences of indebtedness for the sale of these lands amounted to \$1,119,621.44, which, the message complained, "should yield, if promptly collected and accounted for, \$111,962.14 annually; whereas it has returned, under the present management, but \$69,309.48, showing a loss to the state in one year of \$42,652.66."²⁸²

The governor pointed out that the law permitting school districts to issue bonds almost without restraint had worked disaster. "Some districts have recklessly involved themselves beyond ability to pay. . . . The extravagant disposition to issue bonds has also reduced their value in the market to such an extent as to render them almost unsalable at any price."²⁸³

²⁸¹ *House Journal*, 1875, pp. 468 and 526. The committee consisted of McKillip, of Seward county, Davidson, of Sarpy, and Clark, of Boone.

²⁸² According to the message "the temporary school fund of the state as collected and used for the past two years (1873 to 1874), was derived from the following sources:

Interest on school land sold.....	\$138,618.96
Received from leased school lands.....	29,281.71
Interest on bonds and mortgages.....	10,268.22
Interest on government bonds.....	3,255.83
Interest on general fund warrants.....	20,031.19
Interest on certificates of indebtedness....	23,825.64
Interest on district bonds.....	1,711.25
Two mill tax levy.....	240,015.58

Total\$467,008.38

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The new building for the normal school, "as far as completed, and occupied but little over a year," had cost \$28,500, and 210 students were enrolled. The demand of the state for indemnity school lands in lieu of sections 16 and 36 within the Sac and Fox Indian reservation had been disallowed by the secretary of the interior; but further prosecution was urged, "the claim being a just and equitable one." The policy of leasing the labor of convicts "at mere nominal and speculative rates" — that of the state penitentiary for "the meagre sum of 42 cents a day" — was severely condemned.

The message gave a detailed statement of the disposition of the public lands received by the state from the public domain.²⁸⁴ Of the seventy-two sections of saline lands so donated, twenty had been given to the normal school at Peru, two for the model farm of the agricultural college, one-fourth of a section for the hospital for the insane, 17,511.38 acres had been sold, 12,744.10 acres were still on hand, and four and one-sixteenth sections had not yet been selected. The internal improvement lands had all been given to railroads. The twenty sections of public building lands had been appropriated toward the construction of the state penitentiary and all but 1,676.56 acres of the fifty sections of penitentiary lands had been sold for the same purpose. The governor stated that when he assumed his office (January, 1873) none of the university and agricultural college lands had been selected; and he had caused them to be selected and confirmed. The expense of doing this having been paid out of the university fund, the governor recommended that the state should pay it back.

The total indebtedness of all the counties incurred by vote of the people was \$4,442,273.41, of which \$3,098,037.50 was in the form of railroad bonds; \$260,950, court house bonds; \$386,185, school house bonds; \$166,979.50, bridge bonds; \$530,121.41, other bonded or floating indebtedness. (*H. J.* 1875, p. 623).

²⁸³ J. Sterling Morton had been quick to perceive the tendency of the people of these new and unstable communities to go into debt recklessly, and so he persistently opposed the issue of bonds by municipalities for any purpose except in rare cases. Governor Furnas was much influenced by Morton's more rugged and positive personality, and it is probable that his opposition to this vice was stimulated by Morton's crusades against it.

²⁸⁴ See *House Journal*, 1875, pp. 625 to 635.

The city of Lincoln originally comprised 287 blocks, containing 3,447 lots. Eight blocks had been donated for public squares and as many for railroad depots; 155 lots had been given in exchange for the town site of Lancaster which was included in the new city; twelve lots were given to the State Historical Society; forty to various church organizations and benevolent societies; twelve to the Lincoln Steam Mill Company; 2,913 had been sold for the aggregate price of \$293,358.75. The 314 lots which had not been sold or otherwise appropriated were "principally in the Salt Creek bottom and of no considerable value at present."

The disguised but really defensive tone of the discussion of railroad taxation and restrictive legislation in the message shows that this now dominant issue or problem had then begun to excite serious public consideration and serves as an illustration of the attitude of the place-holders and leading politicians of the state for the next thirty years. It required a far more rugged personality — both mental and moral — than that of Furnas to resist a lasting impression by this one-sided view, and especially since it was framed in the alluring halo of the free pass of which he, in common with his competitors, was the lifelong beneficiary. While some lapses from the standard of public virtue with which readers have already been made acquainted destroyed the governor's availability for the usual second nomination and for important elective office thereafter, yet his innate practical interest in public affairs and, more particularly, his devotion to matters affecting the agricultural development of the state — virtually its only resource — almost raised him out of his otherwise native commonplaceness and kept him in the public eye and also in public office, as president or secretary of the state agricultural society, to the end of a lengthy life. The fact that Governor Furnas nearly always held political, military, or other public office and in the brief intervals was a candidate for office, was owing to a mixture of weakness with strong qualities in his character. Governor Furnas states in his message significantly that he is "convinced as to the great impropriety

of vesting this high power [of pardon] in any one individual." The severe castigation he had recently received on account of his pardon of Weber doubtless had something to do with this conviction. Public disapproval of the abuse of the pardoning power by Governor John H. Mickey during his second term of office revived a demand for a distinct "pardoning board or council" which Governor Furnas recommended.

It is learned from the message that "during the month of May, 1873, severe storms so damaged the capitol and insane hospital buildings as to render their occupancy impossible, and, in fact, their permanency seriously jeopardized." The governor, who was then the legal custodian of public buildings, expended \$5,897 in repairing the capitol and \$1,307.28 in repairing the hospital. "While the senate and representative halls were in a dilapidated condition, and undergoing repairs," the message recites, "it was thought advisable to take out the gallery over the speaker's stand and to put up railings in both halls to separate bystanders from members' seats."

Since the last session of the legislature papers had been issued for the organization of eight new counties — Furnas, Hitchcock, Holt, Keith, Phelps, Red Willow, Sherman, and Valley. Organization had been perfected in all of these counties except Holt, in whose case it appeared that the pretended application of forty-three persons claiming residence in the county, on which documents were issued April 4, 1873, and returns formally made to the secretary of state of an election said to have been held in conformity with the law, was fictitious; in short, "the whole proceedings on the part of the individuals seeking organization was a fraud." The message discussed at length the grasshopper devastation and means of aiding the sufferers. On the whole it is an unusually interesting and useful document and reflects the governor's intimate acquaintance with the affairs of the commonwealth, acquired through active citizenship during nearly all of its life. But the excellence is marred by slovenly and incorrect verbal construction.

Two special features or episodes — choosing

a United States senator and attempted removal of the capital — attracted more public attention than any other incident or measure of the session. Senator Tipton, at least one of the brightest debaters among the members of Congress yet credited to Nebraska, had by common consent forfeited the succession by his independent progressiveness which at that period of party fetichism was an unpardonable sin. Mr. Tipton lacked the plasticity and flexibility which were essential to adapt himself to the rigid mold in which the republican party of that day was confined. Allegiance to the party during his second term required him to be an apologist of the corruption which was called Grantism and to sustain the coercive policy or method of reconstructing the rebel states which was soon afterwards abandoned by the Hayes administration as impracticable and inexpedient. Mr. Tipton, like his after associates in the anti-machine revolt, Schurz and Sumner, was temperamentally a remonstrant. Though, as we have seen, many of the ablest republicans of Nebraska joined him in the support of Greeley against the regular republican candidate for the presidency in 1872, yet according to party usage this rebellious act barred him from reëlection.

Though wiser statesmanship would have foreseen and avoided the probable effect of his insurgent protest against evil practices and policies, yet he deserves credit for unusual courage and perhaps disinterestedness. He anticipated by thirty years inevitable general revolt against conditions and tendencies which under Roosevelt revolutionized the republican party, if it has not ended the two-party system. Senator Van Wyck subsequently took a like advanced position. Samples of Tipton's parliamentary oratory which he himself selected for

his political memoirs,²⁸⁵ are characterized by piquancy and aggressive alertness rather than depth. While his sallies won attention in a body which contained many able men and gained him notoriety, at least, in the country at large, yet his penchant for sarcasm and wit, not always of a high order, detracted from such strength as his speeches otherwise possessed. This is indeed the usual effect of such a course in important deliberative bodies. Yet, on the whole, Tipton must be ranked distinctly above the average senator from Nebraska. If Tipton's son-in-law, Henry M. Atkinson, could have shared with him his own excess of political astuteness, the senator would have been a more successful politician and perhaps a more useful statesman; he would have won another election and the country the benefit of his salutary insurgency.

The senatorial situation was a counterpart of that of 1871, inasmuch as the republican members were in a large majority in the joint assembly of the two houses but could not unite a majority for either of the candidates; so that the opposition members — democrats and independents — dictated the choice. In 1871 Phineas W. Hitchcock, Alvin Saunders, and John M. Thayer were the three principal candidates. Thayer's chief, though strong claim, lay in his title to regularity; he knew no impulse and recognized no obligation outside the bounds of party conformity, and his first term was fractional — only four years. But these considerations were not sacred to democrats, and they threw the balance of the ballots to Hitchcock. In 1875, Thayer, Elmer S. Dundy, Algernon S. Paddock, and Oliver P. Mason were the principal candidates. But there was more independence in the political atmosphere than there had been in 1871, and the democratic

²⁸⁵ "Forty years of Nebraska." The Omaha *Weekly Herald*, Dec. 4, 1874, asserted that few men in the senate had gained a wider reputation as a ready and able debater. The same journal, Jan. 22, 1875, says that he is the wit of the senate, and approves his strong opposition to the high-handed interference of the federal administration and of Sheridan, particularly, with local affairs of Louisiana. But Senator Tipton had then become an anti-republican if not quite a democrat, so that there was an element of partisan interest or bias in the *Herald's* praise. The ancient maxim, "Speak nothing but good of the

dead," is not sound morality, and when positively applied, especially to public men, is apt to be positively immoral. Senator Tipton observed this false principle in composing the memoirs in question; and, therefore, while they are interesting as a compilation, they are both disappointing and misleading in that the author fails to exercise a discriminating judgment of the public men of Nebraska whose political career he essays to sketch, but, so far as he goes, bestows only indiscriminate praise where fact and truth demand criticism and sometimes disapproval.

members, unappreciative of Thayer's chief claims — poetical justice and regularity — irreverently chose Paddock, the low man among republican candidates.

On the first joint ballot, cast January 20th, Thayer received 18 votes, Dundy 14, Paddock 8, Mason 6. Of the fourteen opposition votes — Alexander Bear was absent on sick leave — five went to candidates of their own kind — two to Henry C. Lett, and one each to Church Howe, J. Sterling Morton, and J. N. H. Patrick. The remaining eight were divided equally between Mason and Paddock. Dundy and Thayer were the regular candidates and so ineligible to democratic accretion. The second ballot stood, Thayer 17, Dundy 14, Paddock 8, Mason 6. Barnes, one of Dundy's supporters, voted this time for Turner M. Marquett. The third ballot stood, Dundy 15, Thayer 14, Paddock 9, Mason 6.

The fourth ballot was cast the next day, Thayer receiving 21 votes, Dundy 19, Paddock 6, Mason 3. On the 22d the fifth and decisive ballot was cast as follows: Paddock 38, Thayer 11. Baker voted for Morton and Crawford for Patrick, and Bear was still absent; all the rest of the democrats and independents went to Paddock,²⁸⁶ who unexpectedly was the beneficiary of Dundy's withdrawal.²⁸⁷ Most of the democrats and independents from the first gave their support to Mason and Paddock, presumably because both of the latter had shown decided symptoms of democracy. They were progressive enough to recognize the need of reforms and independent enough to

²⁸⁶ *Senate Journal*, 1875, p. 182. The *Omaha Daily Herald*, Jan. 24, 1875, says that 26 republicans, 10 democrats, and 2 independents voted for Paddock. This accounts for the entire number of anti-republican members — 15.

²⁸⁷ The *Daily State Journal*, Jan. 23, 1875, said that it was supposed that when Dundy decided to withdraw he would strive to unite the scattering forces, including the fifteen independents and democrats, on Henry M. Atkinson, of Nemaha county, but instead they went to Paddock. The *Omaha Daily Herald*, Jan. 23, 1875, said that Crawford voted for Thayer on the fourth joint ballot by arrangement with republicans, and "that vote beat Dundy." The conclusion seems far-fetched, but as Mr. Crawford was one of the few democrats who had theretofore steadfastly refused to vote for any republican, possibly his break to Thayer precipitated the concentration of all the anti-Thayer members upon Paddock. The same paper asserts that Dundy's friends voted for Paddock but

stand for the interests of their own section of the country against the increasing encroachments of their party which was dominated by eastern power and animated by eastern interests.

While Paddock fell below Dundy and far below Mason in mental ability, he was more popular and probably better fitted than either of them for efficient general service as a senator. Mason was too rugged and lacked plasticity for the pettier parts, at least, which practical statesmanship must play; while Dundy, on the bench and off, possessed that doubtful quality of being so true to his personal friends as to greatly interfere with his duty and loyalty to his constituency at large. Democrats and independents naturally favored Mason and Paddock because they had both manifested a spirit of political independence or progressiveness — which are practically nearly identical. Paddock had "Johnsonized" and accepted a nomination as member of Congress in 1866 upon a combined democratic and insurgent republican ticket and had supported Greeley for president in 1872; and Mason, while often striving for republican nominations for office, had also supported the liberal republican and democratic candidate for president.

Though Paddock's election, which involved the defeat of Thayer, who never broke with the Lincoln or any other ring, meant cleaner state politics, yet the statement that Thayer "was killed by an overdose of Stout and Kennard administered by Drs. Balcombe and Rosewater,"

only to beat Thayer; that they tried to force Atkinson on the democrats and conservatives; and that the election of Paddock was also a defeat for the Hitchcock-Cunningham combination.

Two days before the election Thayer's supporters became discouraged because his vote did not increase and agreed to go to Dundy in sufficient force to elect him; but Paddock's friends, led by Nathan K. Griggs, from his advantageous position as president of the senate, persuaded the Thayer men to hold together for another ballot and after that Paddock's friends would go to him rather than to Dundy. Thayer's vote rose to 21, and then Dundy's men became alarmed and forthwith signed an agreement to support Paddock, which was carried out the next day. This paper had 33 signatures. Abbott, who was of the Swiss soldiery, had transferred his support elsewhere, but on being convinced by Griggs that Paddock would surely win on the next ballot, he agreed to desert and lead off for Paddock, his name being the first on the roll.

and that the defeat was in effect²⁸⁸ "a complete slaughter of the Stout and Kennard brand," was extravagant; for the corrupt and corrupting Stout influence lasted many years more. The just complaint that the dominant senatorial aspirants were barnacles and the hopes for a new deal were rewarded in the new choice — or rather in the defeats it involved. Dundy and Thayer were done for, and the defeat of the Hitchcock-Cunningham combination, coupled with the demand made at the time by the *Republican* and the *Bee* for an investigation of the charges that bribery had been used in Hitchcock's election, foreshadowed his defeat in the next contest. While the election of Paddock was scarcely a democratic victory it was a republican defeat; but the democrats ascribed too much importance to it. The ephemerally named mouthpiece of the party at the capital professed to regard this mere temporary check as a permanent disability. "Victory has perched on the democratic banner in Nebraska in the election of Governor A. S. Paddock as senator. The backbone of the republican party has been broken, the rotten rings of corruption have received their death blow. . . . The fight was a hard one but right has triumphed." As a consequence, Nebraska was soon to be numbered among democratic states.²⁸⁹

The influence or training of the Civil War had given the republican party a military aggressiveness and discipline and an audacious opportunism, and had so strongly fortified it, withal, by popular passion and prejudice and the reactionary condition of bounding industrial prosperity that, however glaring its faults, it was not seriously vulnerable. It seemed to possess the unnatural quality of Milton's angel (Satan) which

"Vital in every part

Cannot but by annihilating die."

Even though overwhelmed by popular condemnation at the national election of the following year, it yet held the field and the spoils of partisan victory. In Nebraska this condition was emphasized. The state had but one resource — agriculture. Its growth was absolutely dependent upon, could only follow the

extension of railroads. It followed, therefore, that the politicians of the dominant party and the railroads pooled their interests. This close partnership had an economic basis and, however pernicious on the one hand, was for a time not without material advantage to the state. At any rate, the dependent people were either too worldly-wise or too morally timid to entertain any moral scruples against this arrangement which might have knocked at the closed doors of their consciences. This natural, if not defensible, acquiescence developed into a persistent habit which brought on injustice, oppression, and great public corruption. There is just now — 1908 — a convulsive and noisy reaction against these long encouraged evils which wise management on the part of the people might have largely avoided. So the hopes of the democrats were destined to be dashed. Their own leaders, moreover, led in a like direction.

Mr. Paddock continued his long-time liberal inclination in the senate — manifested in his opposition to the coercive republican policy in the reconstruction of the rebellious states, and to the radical protectionist policy. But his attempt to serve two masters, though with some vigor in behalf of his democratic allies or makers, was necessarily unsatisfactory to the latter, who criticised him with overdue severity. The personally ambitious democratic leaders were averse to helping republicans into place and power because they had symptoms of democracy — a policy which the minority rank and file were inclined to, partly because it gave them pleasure to displace a whole-hearted with a half-hearted republican and partially from the public-spirited motive of advancing in some degree western interests and progressive principles. The *Herald*, accordingly, discouraged democratic support of Paddock, alleging that "he turns too many corners in politics;" that he ought to have stayed with Johnson but instead "now reposes in the bosom of Grant:"²⁹⁰ and though when the election

²⁸⁸ *Omaha Daily Herald*, Jan. 23 and 24, 1875.

²⁸⁹ *Lincoln Spy*, quoted in *Omaha Herald* (weekly), Jan. 29, 1875.

²⁹⁰ *Weekly Herald*, Jan. 1, 1875.

had taken place that journal assumed credit for it as "a triumph of the democrats and conservatives" which had been won by their votes,²⁹¹ yet after a few months of trial it disowned and denounced him for recreancy. "Elected by democratic votes as a conservative and declaring himself 'in accord with the democratic party on the main issues of the day and time,' he secured their votes, without which he knows, and we know, his election would have been impossible." His last words to Dr. Miller (editor of the *Herald*) before he left for Washington were, "I am a republican; you understand that: but no caucus will control my action. You know my views."²⁹²

Notwithstanding his obligations and promises Senator Paddock became a caucus republican. But many stronger politicians and statesmen than Paddock have thus sacrificed obligation and profession on the altar of our tyrannous two-party system. Under the freedom of the modern logical group system there would have been an effective alliance of all those who stood for the imminent and vital questions of western and southern interests. As it was, the member of Congress who could not get under one or the other of the blanket mortgages which covered respectively the republican and the democratic party was a pariah. Paddock, therefore, naturally elected slavery to his old party and therefore cut himself off from effective service of his section and the constituents which had created him their representative.

Immediately after the senatorial election Thayer was appointed governor of Wyoming, chiefly for the purpose of removing him as far away as possible from further interference with the senatorial succession; but in part, also, in recognition of his fixed aversion to doing anything else but hold public office. Henry M. Atkinson was propitiated with the important

²⁹¹ *Weekly Herald*, Jan. 29, 1875.

²⁹² *Ibid.*, April 23, 1875.

²⁹³ The *Omaha Herald* (weekly), Jan. 15, 1875, contained a letter from J. Sterling Morton to S. S. Cox, then a member of the democratic house of representatives, urging him to bring about an investigation by Congress of the federal courts and that of Nebraska in particular which, he asserted, "has been operated notoriously as a machine in politics." The accounts of the United States marshal, approved by

office of commissioner of pensions. Judge Dundy continued until his death to covet the senatorship. The routine and drudgery of his judicial place became irksome to his scheming temperament; but, though desiring an active political career, he was too shrewd to risk the comfortable life tenure of the judgeship by a resignation in advance. In this campaign democratic leaders resumed their attack upon his character, and Atkinson shared with Dundy this marked but not pleasurable distinction.²⁹³

This second defeat of Thayer ended his importance as a political figure. He was taken up for the governorship ten years later when his over-ripeness, physical and mental, which increased his normal habit of conformity, made him useful to the dominating political influences. While Tipton, his colleague in the senate, was so independent that he was all but erratic and could not be confined to the party rut, it was Thayer's natural habitat, and he never got out of it. He was mentally rather dull and his abilities in general were not of a high order, and though an imposing physical appearance of the military style and some supplemental martial gifts made him successful as a subordinate military commander, he lacked the alertness, breadth of view, plasticity, and independence essential to statesmanship. Very luckily for himself he lived just at that time when military deportment and ambition passed for the most and, joined with the soldier's disposition not to reason why as a part of the rigid political machine, was an open sesame, also, to high civil office. Still, his military stiffness in time made him unpopular with politicians who called him "peacocky." Popular sympathy for General Thayer on account of his rather forlorn old age, shrewdly manipulated by the selfish "system," resurrected him for the governorship in 1885. After serving the cus-

Dundy, also required investigation. The *Herald* selected Dundy among the aspirants for the senatorship as the particular subject of its characteristic ex-coriation. In noting Atkinson's appointment as commissioner of pensions, the *Herald*—March 26, 1875—describes him as a "genteel rascal"—"one of the most desperate men in the business" [of politics], and "an unscrupulous political gambler." Charles A. Dana, in his *New York Sun*, mercilessly pursued Atkinson with charges of fraud while he was surveyor general of New Mexico.

tomary two terms in that office, he was awarded a pension of \$100 a month which kept him comfortable in his extreme old age. This closing incident of his career illustrates his utter dependence upon the bounty of public place. While no one opposed or begrudged this gratuity, and it was bestowed under President Cleveland's administration, characteristically hostile to special pensions of this sort, yet it was a favor due largely to political conditions. The career of General Amasa Cobb, for example, was in the main a counterpart of General Thayer's, except that at the close of the war and his long service in Congress he went to work in private business and continued at it to the end of his long life, saving only his term as justice of the supreme court. Thus, through wholesome activity, he achieved and deserved independence and competence — the chief comfort if not the main merit of a life.

This burden of the barnacles illustrates a subjective element of the social condition of Nebraska which in turn exerted an important and pernicious influence; and, owing to peculiarly dependent economic conditions heretofore adverted to, was more persistent here than in the more easterly states. There was a practical alliance, offensive and defensive, between the politicians — especially those of the dominant party — and corporate interests which profoundly affected the moral spirit of the people and the administration of public affairs. There was intermittent protest within as well as without the ruling party almost from the first, and Tipton and Van Wyck, and, less positively and persistently, Lake, Mason, Paddock, and some others led in the appeal for reform "within the party" and for recognition of western interests. For the reason suggested the repressive influence was more effective than in adjacent Iowa or even in Kansas, and the occasional victories of progressive revolt were more frequent and positive there than in the like typical western state of Nebraska. This marked ebb and flow of the tide of popular independence and progress until, at last, under the stimulus of all parties it apparently became general and normal about the beginning of the new century.

illustrates an important feature of the development of the state.

There was a culmination of the long gathering capital removal sentiment in this legislature, and a clear majority of its members came to Lincoln with the intention and expectation of carrying out that project. Even the southeastern counties were fiercely and explicitly hostile to Lincoln. Otoe county, which had led in the struggle for removing the capital to Lincoln, now led in the attempt to get it away again. This hostility was due in part, no doubt, to displeasure or disgust with the Lincoln political junta, but chiefly to the ripened realization of the original economic mistake of erecting a barrier to the growth of Nebraska City which it was now apparent Lincoln was destined to be.

Before the session began it was asserted that it was very well settled that the present legislature would remove it to some point in the western part of the state. Removal would cause no loss in public buildings because "the university will fall down next year anyhow; the capital should be donated to Lincoln — the lower part for a livery stable, the upper as a block-house — the upper windows would be good port-holes. The penitentiary, after Boss Stout takes out the windows, will make a first class ruin." The new lunatic asylum, it was conceded, was a good building.²⁹⁴ The *Tecumseh Chieftain* favored removal for the ostensible reason that a location nearer the center of the state was desirable and that the building would have to be remodeled. The *Nemaha Journal* and the *Kearney Times* asserted that when the last ballot for the election of a United States senator was taken, Mr. Griggs, president of the senate, requested occupants of the chamber, the hall of the house of representatives, to refrain from stamping for fear the building would collapse.²⁹⁵

²⁹⁴ *Nebraska City Press*, quoted in *Omaha Daily Herald*, Dec. 18, 1874. A Lincoln correspondent of the *Nebraska City Chronicle*, as late in the session as Feb. 13 (quoted in the *Herald* of that date) said: "It now seems certain that the capital must go this winter. From telegrams received from your place it seems that Nebraska City is alive on the subject of removal and is willing to let her slide."

²⁹⁵ Quoted in *Omaha Republican*, Feb. 13, 1875. Mr.

Opinion that removal was certain was stronger in Omaha than elsewhere because there desire was more largely its factor. There was confident proclamation from that not unprejudiced quarter that the popular desire for removal was general, that two-thirds of the members of the legislature favored it, and that its accomplishment was commonly expected. Lincoln was really insured by the condition which Omaha removalists recognized, namely: that its only hope lay in the fact that the legislature could not agree on a particular place for the new capital.²⁹⁶ But there was a commercial element in Omaha's removal zeal. A syndicate of speculators of that town had bought about 4,000 acres of land at Clarks, in Merrick county -- "a stopping place for slow trains" on the Union Pacific railroad. The bill provided for commissioners to select the site and erect the buildings. It was drawn to deceive the public but intended for Clarks.²⁹⁷

The first bill introduced (H. R. 102 by Moudy, January 28th) authorized the legislature to choose five commissioners within five days after the passage of the act, who, on or before May 1, 1875, should select from actual view a suitable site of not less than ten acres for the capitol, also a site of not less than two acres within convenient distance of the capitol, for a governor's mansion. The commissioners might select the site within the wide range of Adams, Buffalo, Colfax, Hall, Hamilton, Kearney, Merrick, Platte, and Polk counties. The bill required that the site should be provided without cost to the state and that residents of the town where it was to be situated must execute a bond in the sum of \$250,000, conditioned that a capitol to cost not less than \$175,000 nor more than \$200,000 and a governor's mansion not less than \$25,000 nor more than \$30,000,

Griggs confirms this report with the modification that the danger was confined to the crowded balcony which was not properly built.

²⁹⁶ *Omaha Republican*, Feb. 6, 1875.

²⁹⁷ *Ibid.*, Jan. 30, 1875, for copy of bill.

²⁹⁸ *Daily State Journal*, May 29, 1875.

²⁹⁹ *House Journal*, 1875, pp. 187 and 216. On the latter page the bill is called 104 by mistake.

³⁰⁰ *Senate Journal*, 1875, p. 351.

³⁰¹ *Daily State Journal*, Jan. 29, 1875. In the *Journal* of Feb. 17, I. N. Taylor, to whose farm in

including outbuildings and fences, should be erected without cost to the state by November 1, 1876. The commissioners were to advertise for plans and specifications, the cost of which should also be paid by the donors of the site. The foundations of the buildings were to be of stone and the walls of the superstructure of brick. If the site should not be within a town already named, the commissioners were required to name the new town. The donors were to pay the commissioners for their services at the rate of \$8 per day.

This was really the Clarks bill in disguise²⁹⁸ but Kearney hoped to be chosen under its provisions and Moudy, who introduced it, and General Alexander H. Conner in the lobby, were among its leading promoters. A motion by Barrows, of Douglas, to refer this bill, under suspension of the rules, to a special committee was lost. After its second reading, February 1st, Nance again moved its reference to a special committee of five, and the next day the speaker announced the committee -- Nance, Howe, Barrows, Beals, and Munn.²⁹⁹ January 29th, Senator Guy C. Barton, of North Platte, who afterwards became manager of the Grant Smelting Works at Omaha, introduced the "original Columbus Bill" (S. F. 53), and after it had been read a second time and printed it was indefinitely postponed on Burr's motion, February 11th -- the only opposing vote being that of Senator Bear, of Norfolk, Madison county.³⁰⁰ The partisans of Columbus showed their hand and "prepared their bill in a plain straightforward way." It provided that the buildings should be placed within two miles of the town.³⁰¹ Senator Bear was not satisfied with Barton's relinquishment of even a slight chance of bringing the capital to a county contiguous to his own, and, accordingly, on the 13th, he

Columbus it was hoped the capital would go, predicted that removal was only a question of time. Those in favor of removal were willing to concede the retention of other state buildings in Lincoln, but unreasonable resistance to the tide of events would provoke a spirit which would tear in pieces and scatter the present group of institutions. This ardent but not disinterested removalist promised to wheel a barrel of apples from the depot at Columbus to the capital, wherever it should be, if by February, 1885, there should not be more population and wealth west, than east of the 6th meridian.

again introduced the original Columbus bill — now S. F. 126 — “while Burr was napping and did not question its originality.”³⁰² The bill passed a second reading and was referred back to Bear who in turn reported it for passage, but it got no further on its way.³⁰³ February 6th, Lucas, of Pierce county, introduced a removal bill (H. R. 184), and on the 10th Clark, of Boone county, followed with another (H. R. 205). Both were referred to the special committee on removal, from which neither emerged.

The history of 1873, when the Kearney ring and the Columbus ring killed each other, was repeated in 1875. The divided rival aspirants blocked one another while the alert Lincoln partisans, Napoleon-like, whipped them in detail — with argument and other influences less legitimate but perhaps more effective. We know that in some instances removalist members were bought off with money; but while Lincoln was neither lacking in the practical skill in employing this very practical method, nor embarrassed by such moral scruples as might have interfered with its freest exercise, yet the jarring rivalries of the various removal interests constituted an all but sufficient defense. The very hazardous enterprise of establishing the capital at Lincoln had so impressed public sentiment that it shrank from trying a like experiment so soon. And then the time was unpropitious. It was at the climax of the actual devastation of the grasshopper period, whose resultant present poverty and future fears discouraged experiments and discredited speculation such as the proposed removal involved. In such conditions it counted a great deal that the state institutions were housed and at a point which with already completed and prospective railroads would soon be

the most accessible in the state. The removalist cause was roughly, though not unjustly, summed up thus: “For no good to the state is the removal advocated. The reasons for removal are that a lot of land-sharks, dead-beats and carpet-baggers, having the example of the former Lincoln before their eyes, want a new deal.”³⁰⁴

Though some members required and received direct payment in lawful money as the consideration of waiving their patriotic and dutiful intention to remove the capital to a more nearly central site, many were satisfied with reciprocal sops in the shape of enactments favorably affecting their pockets but in a less direct way. Moudy was at least partially appeased by the grant of a state road from Kearney Junction on the Union Pacific railroad southward to the Kansas line, to be laid out without expense to his own county of Kearney which it would centrally intersect. A gift of the unappropriated saline lands — about 12,000 acres — to the Midland Pacific Railway Company, “for the purpose of building and extending its lines of railway from Nebraska City to Omaha, and from Brownville to a connection at St. Joseph, Missouri, with other railroads so as to form a continuous line of railway from Omaha to the south line of the state and thence to St. Joseph.” contributed powerfully toward smothering the cry for removal, loudest in the populous eastern border counties which were the expectant beneficiaries of the grant.³⁰⁵ An appropriation of \$10,000 for establishing an asylum for the blind at Nebraska City tended directly to soften the harsh aggressiveness of members from that particularly disappointed quarter. The partisans of Lincoln naturally held a good hand of palliative cards, and they were played off with skilful finesse so as to

³⁰² *Omaha Herald* (daily), Feb. 16, 1875. Senator Burr, of Lincoln, Lancaster county, was the anti-removalist watch-dog in the senate. The *Daily State Journal*, Feb. 14, 1875, states that this bill was the same as house bill number 2 and precisely like that (S. F. 53) indefinitely postponed on Thursday (Feb. 11th). The *Journal* must have meant 205, introduced by Clark, instead of 2. Misprints are so common both in the journals and the newspapers at that time that it is difficult to ascertain simple facts of this kind correctly.

³⁰³ *Senate Journal*, pp. 376 and 601.

³⁰⁴ *Fremont Tribune*, quoted in *Daily State Journal*, Feb. 3, 1875. The kiting speculation of the removal schemes is illustrated by the offer of Plum Creek, Dawson county, whose citizens subscribed \$500,000 worth of land to a capital fund, modestly “counting it not at its full value but as though it were worth not more than \$100 to \$1,000 per acre” (*Daily State Journal*, Feb. 4, 1875). Cozad was present also promoting his plan of removal to the little town he founded and gave his name (*Ibid.*, Feb. 5, 1875).

³⁰⁵ *Laws of Nebraska*, 1875, p. 166.

take the most advantage of the internal rivalry of the disunited removalist forces. This was the last direct attempt at removal until 1911. On the last day of the session the senate adopted, without division, a resolution which doubtless expressed the dominating public opinion; and the constitutional convention of the following summer adopted its main suggestion. The resolution was as follows:

WHEREAS, the location of the seat of government is a question in which all the people are equally interested; and WHEREAS, the agitation and efforts to remove the seat of government are at all times attended with results tending to prevent good legislation, and a strong temptation exists to resort to corrupt means to carry out plans and schemes where great financial interests are involved; therefore, BE IT RESOLVED by the senate of the state of Nebraska that the question of the relocation of the seat of government should be provided for in the fundamental law, and no relocation should take place except by a direct vote of the people.^{305a}

The question was incidentally involved in the opposition in the next legislature to an appropriation for beginning a new capitol; but the success of that measure settled it for a long period and probably for all time.

The anti-removalists rightly contended that the coming constitution ought to forbid the erection and donation to the state of any buildings, other than for benevolent or educational purposes, by private persons or corporations or by counties or municipalities.³⁰⁶ Bribes of this kind were calculated to induce members of the legislature to disregard the paramount consideration — that the seat of government should be fixed at a place most advantageous to the whole people of the state. The principal removal bills of this session were grossly impregnated with bribery of this kind. Such offers were more alluring in those days of general poverty than they would be now, and the framers of the constitution of 1871 had guarded against them by a provision that the capital should not be removed at all until 1880 and then only by a law fixing definitely the new location to be confirmed by reference to a popular election.

The law providing for a constitutional con-

vention and the provisions for relief for sufferers from the depredations of grasshoppers were the most important enactments of the session. The convention was to be composed of sixty-nine members and to be held at the capitol on the second Tuesday — the 11th — of May, 1875. The western counties fared better in the apportionment for the convention than in the membership of the legislature. The legislature authorized the issue of state bonds to the amount of \$50,000, to run ten years and bear ten per cent interest payable semi-annually, for the purpose of buying "seed grain for distribution among the citizens of this state made destitute by the ravages of grasshoppers in the year 1874." The act authorized a tax of one-tenth of a mill on the grand assessment roll annually for the payment of the principal and interest of the bonds.

The homestead exemption was amended so as to restrict it to the value of \$2,000. This provision has continued to the present time. The property rights of women were enlarged by adding to the continued separate holding of all that they owned at the time of marriage or might afterwards acquire by descent or gift, all "which she shall acquire by purchase or otherwise." But the school suffrage of women was restricted by an amendment which confined it to unmarried women who had reached the age of twenty-one years and owned property subject to taxation; whereas, before the change, "every inhabitant" of a district — which included all women of the age of twenty-one — could vote at the district meetings.³⁰⁷ By an amendment to the act of 1869 which provided for organizing the university, the chancellor was left off the board of regents which thereafter was composed of three members from each of the three judicial districts with the governor and state superintendent of public instruction as *ex officio* members. The office of treasurer was abolished and the state treasurer was constituted the custodian of the

^{305a} *Daily State Journal*, Feb. 26, 1875.

³⁰⁶ *Ibid.*, March 2, 1875.

³⁰⁷ *Laws of Nebraska*, 1875, p. 116, and general statutes of Nebraska, 1873, p. 965.

university funds.³⁰⁸ This act comprised a Draconian provision that the regents might, "by discharging professors and otherwise reducing the expenses of the university, apply the amount so saved or reduced from the expenses of 1874, in building a dormitory." An act granting block 29 of Lincoln to that city for "market purposes" some time afterward aroused severe though unjust criticism. The block was originally devoted to the use of a state historical society but because no society competent to receive the grant had been organized, it would have been included in the remainder of unsold lots which another act of this legislature authorized the governor, auditor, and secretary of state to appraise and sell at public auction, the proceeds of the sale to be turned into the public treasury, which, owing to the pinching poverty of that grasshopper period, particularly needed replenishment. The city had given up its original "market square" to the public use as a site for the postoffice, and since the commissioners named in the bill to sell all unappropriated lots were determined to include this historical block, the members from Lancaster county properly thought that it would be wise and just to retain this block for public use as a market place in lieu of the block they had relinquished for another public purpose. This action was additionally justified by the consideration that at forced sale in that period of depression the block would yield very little to the public treasury. The supreme court of the state decided that the intended grant to a historical society had lapsed by non-user and that the state might dispose of the property at its will.

A joint resolution prayed for the passage of a bill which had been introduced by Senator Hitchcock, authorizing the sale of the Fort Kearny military reservation, the proceeds to be used for the erection of an asylum for the blind; but the act of Congress of July 24, 1876, provided for the offer of "said land to actual settlers only at minimum price, under and in accordance with the provisions of the homestead laws."

³⁰⁸ *Laws of Nebraska*, 1875, p. 154, and general statutes of Nebraska, 1873, p. 1049.

Another memorial to Congress was the John the Baptist of the present general demand for the election of United States senators directly by the people. "Your memorialists, the legislature of Nebraska, would respectfully represent that they express the will of the people of this state in asking for an amendment to the constitution of the United States which shall provide for the election of United States senators by the whole people, and not by delegated authority." During the last decade the federal house of representatives many times expressed by formal resolution the demand of the people of the whole country for an amendment of the constitution providing for the reform, but the senate itself persistently ignored this positive popular demand until the special session of Congress in the year 1911. This remarkable lack of political efficiency is owing largely to a lethargic constitutional habit. Our political confinement for more than a century within a rigid constitution which it is very difficult, indeed virtually impracticable, to amend, is in turn responsible for this unfortunate condition which has inculcated a pernicious popular habit of relying upon a forced construction of the constitution by our politically as well as judicially habited supreme court for the little progression in polity we have been able to achieve. The people of the several states are now quite generally recognizing and avoiding this denial of direct, concerted action, though without authority of the constitution and in violation of its spirit, by dictating to the state legislature their choice for senators.

The only important effect of a joint resolution which informed the president and the Congress that the legislature heartily endorsed the president and General Sheridan for assuming responsibility for the action of General De Trobriand in driving out of the capitol certain democrats who claimed seats in the Louisiana legislature, but had been denied certificates by the returning board, was to disclose the identity of the fifteen anti-republican members whom it drew together in opposition to the resolution. The passage by both houses of the bill which placed railroad property in a class

by itself and specified a maximum rate of taxation for it, indicates the nearly complete control of the state government by railroad corporations which had now been established and which continued almost uncontested until the republican revolt of 1907. An amendment by the house of the senate revenue bill providing "that no railroad shall be assessed at a greater amount than \$10,000 per mile," was referred to a conference committee which comprised Barton, Hoyt, and Chapman of the senate, and Thurston, Crawford, and Howe of the house. The committee recommended "that the senate concur in said amendment," Chapman alone dissenting.³⁰⁹ But, remarkably and inexplicably, Governor Garber proved to be a missing link of the otherwise complete chain of procedure. He vetoed the bill, not only on account of some technical irregularity but because in his opinion it was class legislation "and repugnant alike to the letter and spirit of our laws. . . . Laying aside the legal and tech-

³⁰⁹ *Senate Journal*, 1875, 502.

³¹⁰ *Ibid.*, p. 623. It is the present opinion of the president of the senate, who himself voted against the amendment, that Jefferson B. Weston, who, though not an opponent of railroads, was long-headed and inclined to be just, convinced the governor that the measure was unwise. The people were in a restive spirit on account of the grasshopper devastation and, as the veto suggested, there was danger that this palpable favoritism might "react upon the corporations, by exciting legislation adverse and hostile to them." John M. Thurston was the chief champion of the amendment in the conference committee.

A tax of one mill was authorized for 1875 and 1876 toward building the penitentiary; the immigration bureau was abolished and the act of 1873 to reconstruct the state board of immigration was repealed; the issue of ten years, ten per cent bonds to the amount of \$50,000 to purchase seed grain for grasshopper sufferers was authorized; Lincoln and Fremont were excepted from the registration act of 1873; appropriations in various sums, mainly \$25 and \$50, to large numbers of persons, and sums from \$2 to over \$463 each to 68 newspapers to pay obligations incurred by the board of immigration; and \$5,897 and interest at 10% from October 1, 1873, for repairs of the capitol in 1873 and 1874; 1,000 acres of any public land except school, university, saline, and agricultural land, were granted to Saline county in lieu of the same amount formerly granted for building a bridge across Blue river, but which was not confirmed to the state; the name of block 43, city of Lincoln, "heretofore called and known as market square, and sometimes as market space," was changed to "Union Square" (this is the site of the postoffice); construction of a south wing to the asylum for the insane at a cost not to exceed \$35,000 was authorized; a joint resolution was

nical objections that may be urged against this measure, it does not appear to me to be expedient. It would reduce the grand assessment roll of the state a million and a half to three million dollars. It would relieve the railroad companies of at least \$75,000 in taxes and place the burden upon the people." The governor very pertinently reminded the subservient legislative body that the people had been persuaded to vote large subsidies to the railroads largely by the argument or promise that they would be repaid by the resulting great increase of taxable property.³¹⁰

The relentless determination or policy of the white masters of the commonwealth to dispossess the Indians even of the small remnant of their original domain which they held as reservations was manifested in two memorials to the federal Congress. The first urged the passage of the bill, already introduced, providing for the sale of the Otoe and the Pawnee reservations. The second memorial was a very insist-

adopted urging Congress to pass an act directing that title to land in lieu of such sections 16 and 36, set apart as school lands, as had been lost by pre-emption and otherwise, be conferred upon the state. The preamble recited that some of these substitute lands had been selected by the state authorities "at least fifteen years ago, and are among the most valuable lands in the state, and could have been long since sold and thus made a great source of revenue to the temporary school fund"; also that more than 39,000 acres in all had been selected and that these selections were still waiting the approval or rejection of the land commissioners. The maximum rate of the general state tax was increased from 2½ mills to 4 mills; that of the school tax was limited to 1 mill, whereas before it was only limited to a minimum of ½ mill. The limits of the sinking fund tax were changed from not more than a mill to not less than ½ a mill nor more than a mill; ordinary county tax, including support of the poor, was limited to not more than 6 mills; road poll tax, \$2 or one day's work, and land tax not exceeding \$4 for each quarter section, payable in money or labor at \$2 a day.

A joint resolution was adopted reciting that Dwight J. McCann, who was elected a member of the board of regents of the state university in 1871, had removed from the state "and has not attended a meeting of the board of regents for eighteen months, last past," and declaring this office vacant. A similar declaration was made touching J. B. Maxfield, who had removed from the second judicial district, which he represented on the board, to the first district. The two houses in joint session elected Charles A. Holmes to succeed Maxfield for the long term, and E. M. Hungerford for the short term, vacated by Maxfield's removal. B. H. Barrows was chosen to succeed McCann for the long term, and Samuel J. Tuttle for the short term. Alexander Bear was elected for the third judicial district.

ent — almost truculent — protest against the action of the federal government in assuming the authority in the treaty of 1868 to grant the Sioux the privilege of hunting in that part of the state lying north of the North Platte river and recognizing it as unceded territory. The same memorial protested also against the removal of the Red Cloud and Spotted Tail agencies from Dakota to a location within the northwestern borders of Nebraska.

Investigation of official malfeasance still continued to be an important duty or diversion of the legislature. Because it was "reported that divers sundry abuses are practiced in the penitentiary" and "barbarous and unknown punishments inflicted upon convicts confined in said penitentiary and that the management of the same is inefficient," and also because "a serious revolt has recently occurred in said prison," a committee of the house, consisting of Enyart, Folda, Baumer, Fisher, and Lucas, made an extended investigation of the affairs of the prison. The majority report of the investigating committee found that cruel and unusual punishment had been inflicted upon prisoners and barbarous and inhuman practices had been resorted to in the management. The report recommended "a thorough and complete reformation in the treatment of the con-

victs;" that the stocks and the bull-ring should be abolished; that "the prisoners should not be confined on seats in one position during the Sabbath day; and that Nobes, deputy warden, and three of the guards "be discharged for cruel, inhuman, and barbarous conduct." Folda and Lucas made separate reports, the former recommending the removal of the warden, Woodhurst, who had held the office since Dec. 6, 1873. Lucas minimized the abuses which the other members of the committee acknowledged and condemned. Senator Perky testified that the attempt of the senate committee to investigate the prison was stifled and that Senator Burr — of Lancaster county — was an obstructionist.³¹¹

A joint committee of the two houses for investigating the charge that the plans and specifications had been changed after their adoption and that they were not filed with the proper state officer applied a rather dull coat of whitewash. The committee³¹² found that the plans were changed in 1873 but to the public advantage. The reputation of the alleged offender, W. H. B. Stout, suggests a presumption of the truth of the charges which the diluted whitewash of the committee scarcely overshadows.

³¹¹ *House Journal*, 1875, p. 690.

³¹² *Ibid.*, p. 727. The committee comprised Chapman and Bear of the senate, and Holmes, Beals, and Pinney of the house.

FURNAS'S DEFENSE

During the political campaign of 1872 in which I had the honor to be the Republican candidate for the office of Governor of this state, it will be remembered that the *Omaha Herald*, an opposition paper, charged me with the criminal offense of bribery:

"That while a member of the Territorial Legislature in the winter of 1856-7, R. W. Furnas stipulated to receive and did receive the sum of \$3000 in gold in consideration for his vote on the question of the removal of the capital from Omaha."

The man who was a member of the Territorial Legislature in those days, was fortunate beyond precedent if he escaped a charge of some such character. The fate of the bill for the removal of the capital from Omaha, at the time in question, was supposed to depend upon one vote — mine. Hence, those with whom I differed were not slow to insinuate, and by innuendo, charge that I was influenced by improper motives. The charge of bribery, however, was never

before definitely made. Coming now as it did, from a party and locality to whom inured, by reason of my position, all the benefits that followed the retention of the capital at Omaha, it was to say the least, an act of shameful ingratitude without example, or parallel in the history of public men, or public affairs, and could not otherwise than be regarded by me as wilfully malicious, and intended as a direct attack upon my private character. Considering the direct source from which the attack came, and the circumstances under which it was made, it is possible I gave it more importance than it merited. Believing, however, as an honorable man charged with a heinous crime, I owed a duty to myself, my family, the party of which I was considered a representative, as well as the state, which could only be performed by resenting the foul outrage, I commenced the suit, known as the "FURNAS-HERALD LIBEL SUIT" — not for damage; but for vindication merely. If pecuniary gain had been desirable, or expected, the amount — merely formal in this case — would have been different, and the party applied to, one warranting possibility of recovery. The

[NOTE 312, continued.]

result of that suit is known—a failure on the part of the jury to agree. While that result was not what I desired, expected, and claim in justice, it should have been, I have here no regrets or opinions to express. I am content to leave that with eye and ear witnesses who saw and heard the trial. Failing to obtain justice, at my own instance, the suit was dismissed, instructing my attorney to file with the courts the following reasons therefor:

Knowing my entire innocence of the charge made against me by the defendants in this case, the suit was brought not only to vindicate my own private character but for the common good and credit of society. It was commenced at the only place this character of suit could be brought and with no expectation of being forced to trial with the then and present surroundings. At the first opportunity application was made for change of venue, not from the Judicial District but merely to an adjoining county in the same District. This I submit was due the case, under the circumstances, without reference to either of the contending parties as individuals. The reasons given for originally asking a change of venue were these: Omaha was and is the home of the defendants, who were and are the editors and publishers of a daily newspaper, in which capacity they had been persistent in creating a public opinion purposely prejudicial to the plaintiff by the publication of numerous editorials and depositions, taken solely in the interests of the defense. Omaha is the place where the alleged crime is said to have occurred, and out of which had grown great and prevailing excitement. The plaintiff resides in another portion of the state, between which localities it is well known there has for many years existed a bitter local feud. Under all these circumstances it was unreasonable to believe other than that intelligent citizens in Omaha, competent to sit on a jury having under consideration a case of this magnitude, were either unfavorably prejudiced, or had read, formed and expressed opinions which, under the ordinary rulings of our courts, disqualified them for such positions, thus virtually depriving the case of an intelligent jury.

Again, it was and is believed by the plaintiff that such were and are the social and political relations between the defendants and the court officer having principally in charge the making up and handling of the jury, that there were and are good grounds for a belief that partiality would be and was exercised for the defense and against the plaintiff. Change of venue was denied. Trial was had, and the result, no verdict for either party. The proceedings of this trial convince the plaintiff beyond doubt in his own mind, as to the truthfulness of the before mentioned facts and circumstances and that a trial under such circumstances is the merest farce in form of law. In this opinion he feels too, that he is sustained and

supported by every unbiased person who witnessed the proceedings in this trial. Application is made the second time for a change of venue, reiterating the reasons therefor as originally given, together with glaring facts, apparent through the whole proceedings of trial prejudicial to plaintiff, and the result as predicted by every intelligent eye witness. Change of venue is again denied. From the fact that in this state there is no statutory regulation governing as to change of venue, the whole matter entirely discretionary with the Judge, and therefore appeal or exceptions of no avail, and being satisfied that another trial under such circumstances could only render this case the more ridiculously and shamefully farcical, with no earthly hope of securing justice, at my own instance I order the case dismissed.

It had been conceded by all parties, that B. P. Rankin knew more of the old capital removal manipulations than any other man then, or now living. In fact the charge was, that it was he with whom I had "stipulated to receive" and from whom I had "received" the "\$3,000 in gold." It was claimed by the author of the charge against me, that Rankin's testimony, if taken, would convict me. I believed that whatever there was of those old matters, was known by Rankin, and that if called upon through the forms of law, he would tell the truth. The truth I did not fear. Before taking his deposition I addressed him substantially the following letter, and received in reply that which follows it:

LINCOLN, Jan. 19, 1873.

COL. B. P. RANKIN, San Jose, Cal.:

Dear Sir: You are, of course, aware of the charges which Dr. Miller, of the *Omaha Herald*, made against me last fall, during the state campaign, and that I had brought suit for libel.

The verdict received at the hands of the people was quite satisfactory to me, and I really believed the Doctor, after the election was over, would have done himself the honor, and me the justice, to retract the false charge and save us both the trouble, vexation and expense of litigation. This, however, he is not disposed to do, and therefore the suit must proceed.

As before said, as for myself personally, I feel abundantly vindicated by the verdict of the whole people of the State. I feel however that my family have an interest in my character and reputation. I owe them a duty; I owe a duty to my personal friends who stood by me manfully; to the party I represent; society, and the State, and that duty shall be performed.

I will be further vindicated, though it cost me my last dime, and last breath. I know—you know—the charge Miller makes is false. He knows it, and I will not submit to such an outrage.

The Doctor has claimed until late, that he relied upon your testimony, and that he would have your deposition taken. I have reason now to believe he will not do so.

You have doubtless seen and read Moffat's deposition. All I now have to say in relation to him is, I have no recollection of ever seeing him, or being in

[NOTE 312, continued.]

the bank of which he was clerk, at any time or for any purpose.

As you and I roomed together, boarded at the same house, and were much together that winter, it is barely possible I might have dropped in with you as we were passing, but have no recollection of having done so.

You know I was never influenced in my action or vote on the old Capital question, or any other, by any pecuniary considerations—" \$3000 in gold " or any other sum.

As the matter now stands, I will want your testimony, by deposition, or would prefer that you come to Omaha in person. Will you do me the favor to write me all your recollections of what you know in relation to the old Capital removal scheme. I know you will do me justice in this, to me, now all important matter.

Friends here, I am quite sure, on both sides, really desire this difficulty settled without further excitement or expense.

In fact, the leading attorneys, Judges Mason and Wakeley have made an unsuccessful attempt to adjust.

I believe a statement of facts from you would tend greatly to this end. I did not commence this suit for money—do not want the Doctor's money. I simply want vindication.

Now Colonel, the matter is before you. I only ask you to do me justice. May I hear from you freely and frankly?

Yours,

ROBT. W. FURNAS.

SAN JOSE, CAL., Feb. 16, 1873.

R. W. FURNAS:—

Dear Sir: Pardon my delay in not writing to you. I have been very busy; besides I did write you a very long letter, attempting to give you fully my recollection of the "Old Capital removal scheme," but after reading it over, everything was so confused and uncertain, that I tore it up. I will only say now that I have no recollection of ever talking to you about money in connection with your vote or of giving you any in consideration of it, either upon that or any other question. I read my letter which was published in the Republican during the canvas. I wrote it in honesty and endorse it now.

I am very, very sorry that you and Dr. Miller are in trouble. If I had been at Omaha, I am satisfied the charges would never have been made. I would have satisfied Dr. Miller, for I do not believe that he intended to make false charges. If he did he is sadly changed from the friend I prized sixteen years ago. I do hope that the case will be stopped and nobody be injured but me. I was to blame in the matter for taking this money from the town company; but as I worked faithfully for them, they cannot blame me. I was not a member of the legislature, but was lobbying for Omaha that winter.

This letter is strictly private. Do not show it to anyone, if you please.

As ever, your friend,

B. P. RANKIN.

At my instance Rankin's deposition was taken. The sum and substance of his testimony was in this explicit, and definite language, copied verbatim from the court record:

"I never promised to pay, and never did pay to plaintiff (Robt. W. Furnas) or any one for him, either before or after his vote upon these measures, any money or anything of value, for his vote upon

these or other measures, while a member of the legislature."

After the disposition of the libel suit, I addressed the following letter to Mr. Rankin, and received in reply that which follows it :

LINCOLN, NEB., July 10th, 1873.

COL. B. P. RANKIN: You have seen the result of trial in libel suit. I need not refer to its details. I thank you for your testimony. I am utterly dumb-founded at the depositions of Jackson and Moffat. I cannot think they could have an object in defaming me—have reason to believe they are honest men. But this I know—you know—God knows—I never met these gentlemen under the circumstances they narrate. And, as you truthfully testify, I never stipulated with anyone, nor received anything from any one in consideration of my vote upon the capital question, or any other. You know I never went with you to the bank under the circumstances referred to by Jackson and Moffat. You owe it to me, to truth and justice—to say so. I do not ask you to criminate yourself or others, I simply desire that as I am innocent of the charge made against me, you do me the justice to say so definitely, unequivocally. The only evidence against me is that of Jackson and Moffat, and there is not a word of truth in it, in fact, as you well know. Your mouth is the only one on earth that can silence that testimony—you are the only living man that can see that I am justly dealt with. I simply ask you to do me justice—nothing more. This you can do, and I believe you will. This suit is calling upon me heavily, financially and mentally. But I mean to be fully vindicated, though it cost me my all.

Very truly yours,

ROBT. W. FURNAS.

SAN JOSE, CAL., July 16, '73.

R. W. FURNAS: I received yours of the 10th inst. on yesterday. I have suffered with you during the progress of the libel suit. I know and feel keenly the injury done you, but I do not see how I can serve you further than I have done already. Indeed, I think my testimony, as it now stands, is the best possible for you. I have sworn positively that I had no authority to act for you in any of the transactions out of which the suit arose—that you were not aware of anything I did. What more can I say? I have already taken upon myself the odium of the entire dirty business. I have virtually said in my deposition that I had abused your confidence to make money out of the position which I occupied as your friend. Is not this enough? The confession was full of shame and mortification, but justice to you required that I should make it, even though I knew it would be published to the world and injure me far more than it would you—and indeed the result of the trial leaves me in a far worse position than it leaves you. Your friends feel that you are innocent, while friends and foes must conclude that I acted basely in betraying your friendship while sleeping together. Your oath and mine uphold you, while my dishonor is fastened upon me by my own sworn testimony. Your conscience is clear, while mine rankles with the thought of the wrong which I have done you. I would sacrifice my life rather than play the part I once played in those matters, and I would rather that my right hand should have palsied than have signed that deposition which has been used on the trial and published to the world. But it was, and

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is the only reparation I could make for the grievous wrong I did you and myself.

But I cannot truthfully do anything more. You say you don't want me to criminate myself. I do not know what you mean by the remark. If you mean a forgery of your name upon the certificate of deposit, your thought is very unjust to me, however badly I have acted. I did not put your name on any certificate, and, if asked under oath whether, if any certificate was presented at the bank by me with your name endorsed upon it, whether that endorsement was genuine, I would be compelled to swear that it was genuine, for I know that I never forged your name. Yet I feel sure that no certificate was ever presented by me or any one, with your name. There is a possibility that some paper was given by the bank, and I have a slight recollection that the pledge (which was offered in evidence) was tacked upon some paper but whether a certificate or not I don't know, and I may have endorsed *Furnas* by *Rankin*, as evidence that the money was paid. But nothing was done to deceive the bank officers I am very sure. I mean that I never wrote your name with a view of deceiving others, or pretending that you had written it. This I can swear to positively. I am as much astonished as you at Moffat and Jackson's testimony. I feel sure they are both mistaken. But I have already said as much in my testimony. Do you want me to swear that they lie? Can't you see that such evidence on my part would weaken everything else which I have sworn to? Your lawyers ought to see this at least. They both stand unimpeached. I am placed under a cloud by my own admission, but as my testimony is mainly against myself, it may have weight with the jury, but the moment I come in conflict with two witnesses of good standing, all will go by the board and nothing which I have sworn to will have any weight with the jury, even although the testimony is against myself. I am lawyer enough to know that the worst blow which I could give you would be to swear that Moffat and Jackson lied. It would destroy all else which I might say. Destroy my testimony, and you are not corroborated by a single witness. As the evidence now stands, the jury may well believe that Jackson and Moffat were both mistaken and in some way deceived. If I were your lawyers I would have their depositions taken again, and cross-question them more closely, because I think they are both honest, and I feel sure that they are in some unaccountable way mistaken. But don't have me testify again. It cannot be as well for you. I don't mean that I can tell anything against you, for I cannot, but I am sure that a better cross-examination might have been made by the defendants, the effects of which would have impaired that little weight my evidence had in the case.

Then, again, why should I testify what I did with the money or with whom I divided it, if with any one. I have sworn that you know nothing about it. That is all that would be admissible in the case. Why do you want me to get at war with any one else?

I judge from what I see in some of the papers that Mason must have told some one that I told him that I divided the money with Hanscom. I did nothing of the kind. I refused from the first to talk with Mason about any connection of other persons with the transactions, and I am sorry that he concluded, and more sorry that he told any one that I had implicated Hanscom or anyone else with my own bad conduct in that matter.

Now, my friend, I have written you a long letter, and I hope you will conclude from it that I have done the best I could to repair the wrongs I did you in early manhood. May I not urge you to ask me to do nothing which could only have the effect to crush me more effectually than I am already crushed by the developments of the trial. I feel that my early shortcomings deserve all that I suffer, but why, voluntarily, or even at the solicitation of one whom I esteem, and have injured, why should I wantonly strike myself more fatally than the necessity of your case requires.

I know you suffer, but God pity you if your nerves have been shattered worse than mine by this trial.

Please write me and say that you agree with me in what I have written.

You may show this letter to your family and to Mason, but I charge you to show it to none others.

Truly your friend,

B. P. RANKIN.

I again addressed Rankin, asking permission to publish the foregoing letter, or that he would prepare one for publication, stating that I had or would order the suit dismissed, closing with this sentence:

"Now Rankin you know my feelings, situation, and desires. As before said, what I desire of you is a full and frank statement of the whole matter, so far as I am concerned; such as you feel you can make, for publication. Don't care where you got the money or what you did with it; only that I am clearly and definitely vindicated. I hope you can see your way clear to thus aid me."

To this letter I received the following reply:

SAN JOSE, CAL., Aug. 5th, 1873.

R. W. FURNAS,

Dear Sir: I have read your favor and carefully considered its contents. I cannot consent to write an article for publication, nor am I willing that you should use the one I wrote you for any public purpose. I do not now remember the contents of that letter. I only know that it was written with the warmest sympathy for your troubles. But I do not want it or any portion of it published.

My reasons for declining to write an article for publication are:

My evidence is full and complete, and exonerates you as fully as I possibly could do from all complicity or any connection with the money transactions connected with the capital removal bill. I could not possibly state more fully than I have, that you know nothing about the money negotiation, and that you received none of the money. Of course, my deposition is at your disposal, if you feel called upon to prepare a defense before the people. That deposition is a part of the records of the case, and is public property.

No one (except yourself) can feel as keenly as I do any stain which those old transactions may have made upon your public character. Whatever fault there was, it was mine. I have already said this under oath. I hope you will ask me not to do more, while the only effect of my taking part in the controversy hereafter, will be to hurt me and do you no good.

If you conclude to publish a defense, send me a copy. But before so doing, I would reflect well. Eighteen years of upright and useful life is your best vindication against the attacks of political adversaries. Your conscience at least does not upbraid

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you, and its approval is far better than the huzzas of the multitude. Again, you may be sure that such attacks, when made, will some day react. How true it is that, "Time at last sets all things even." Your vindication will come some day, and you will be all the brighter by reason of the temporary obscurity.

Yours,

B. P. RANKIN.

The correspondence between Rankin and myself was not intended for publication. On the contrary, it will be seen that his letters to me were written under the injunction of privacy. Failing in all my efforts to induce Rankin to do what he ought to have done in the premises, I take the responsibility of their publication. Submitting to the public, whether, under the circumstances I wrong him, or violate confidence in so doing. Making all the admissions he has in his deposition, as to receiving the money, the declaration that I did not know what he did, was not sufficient in this case. If I had been with him in the bank as an innocent by-stander, or if some one had personated "R. W. Furnas" by which Jackson and Moffat had been deceived, he owed it both to me and himself to say so. His deposition and letters to me of July 16th and August 5th, when shown to Jackson and Moffat, convinced them that they had been deceived, and they freely say so under their own signature and for publication, with only the single provision, that Rankin's letters shall also be published.

The depositions of Moffat and Jackson were, of course, as surprising to me as to my friends. I had but two theories in relation to their testimony. They were either *particeps criminis*, or had been deceived and imposed upon. I believed them honest men. They were neither residents of the state, and could have no interest in the pending political contest, nor could have any object in seeing me wronged. I therefore inclined to the latter theory, and visited them in person. After reading them Rankin's letters in addition to his deposition, which they had read, they cheerfully and voluntarily acknowledged their mistaken opinions, and gave me the following letters for publication:

ST. LOUIS, MO., Dec. 29th, 1873.

GOV. R. W. FURNAS, Lincoln, Nebr.

Dear Sir: Since the trial of your suit with the *Herald* for libel, I have seen the deposition of B. P. Rankin, and also his letters to you all of which, of course, are since I gave my deposition in the case. As an act of justice to you, I want now to say that I am satisfied none of the money mentioned in my deposition went into your hands and that I sincerely believe you were made the victim of as wicked a cabal as ever was invented by man.

Respectfully yours,

JAS. A. JACKSON.

DENVER, COL., Oct. 27, 1873.

GOVERNOR R. W. FURNAS, Lincoln, Nebr.

Dear Sir: In the matter of the controversy between you and Dr. Miller, of the *Omaha Herald*,

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relative to the old Nebraska capital removal scheme, I had until recently, believed that you were a recipient of a portion of the money raised at that time to be used to influence the votes of members of the Legislature as referred to and narrated in my deposition, given and used in the late trial known as the "Furnas-Herald Libel Suit."

After having read the testimony of B. P. Rankin, given in the above case, as well as his letters to you on the subject, which you have submitted to me, I am convinced beyond a doubt that I was mistaken in my belief, and I deem it both a duty and pleasure, and but just to you and the people of your State, to say that I do not believe you ever received a dollar of the corruption fund referred to, or that you knew at the time, of its manipulation or existence. On the other hand, I believe you have been the victim of a base scheme on the part of another at that time, to make money for himself under pretense of paying it to you. At the same time, I am still confident that you were in the bank at the time I paid the money to Rankin. No conversation, however, took place at the time between you and myself or between you and Rankin, and I am now satisfied that you were an innocent by-stander, and brought in there by Rankin for a purpose.

You are at liberty to publish this letter only on condition that Rankin's letter, which you have shown me, and which is the basis of my change of belief, is published with it. I am, very respectfully,

Your obedient servant,

DAVID H. MOFFAT, JR.

I am, and have been willing to admit the possibility, and even probability, of having been in the bank room at the time referred to by Mr. Moffat. If so, however, I was, as he says he now believes, "an innocent by-stander." Mr. Rankin and myself roomed together in what is known in Omaha as "Pioneer Block," and boarded together at the old Hamilton House. In going to and from our meals, we passed the bank building daily. I however, have no recollection of ever having been in the bank at any time, for any purpose, or ever having seen Mr. Moffat, until I met him in Denver, at the date of the letter he has furnished me.

THE PLEDGE

The following is a copy of "a pledge" given by me to Rankin, and which has been the "bug-ga-boo" of my enemies. It was written by Rankin and signed by R. W. Furnas:

"I hereby pledge myself to oppose any and every bill for the removal of the Capital from Omaha City at the present session of the Legislature of Nebraska; for the division of Douglas county and for the change of the county seat of said county."

While to make or sign such an agreement, at that or any other time may have been imprudent; and while, as events have since shown, it was made the basis of an unprincipled scheme on the part of another, or others, by which they were pecuniarily benefited, as well as the origin of a cloud which has unjustly hovered over me for years, when the facts are known, there is really nothing in it. It was not given for a consideration—none expressed, none ex-

[NOTE 312, continued.]

pected, none received. It was simply one of those transactions which usually takes place in all Legislative bodies, and to which obliquity has never attached—"you support my bill, and I'll support yours." Not always reduced to writing, but resorted to by all working, successful legislators. The practice, while not commendable I admit, always has and always will exist in Legislative assemblies.

The circumstances under which this was given were these:

From a conviction of duty and right, I had taken a position upon an important question—opposition to the removal of the Capital from Omaha, on constitutional grounds—and it was supposed the whole matter depended on my vote. My position was publicly given and was known to every member of the Legislature days before this pledge was asked or given. Extraordinary efforts were being made to force me to vote contrary to my convictions. Non-residents had gone into the county I represented, and held meetings among my immediate constituency, seeking instructions to me. The citizens and property holders of Omaha—those who had "made their homes and invested their property"—were greatly exercised and evinced great anxiety for fear I would yield to the pressure. Under these circumstances I was asked to sign this "pledge." Without giving a thought or reflection, other than presuming the people, whose "homes were at stake," would feel more secure of my vote by reason of having me "in black and white" as it was termed, than to rest on my publicly avowed determination, it was signed. True, MR. RANKIN did say at the time, that in the event the public printing, which had been awarded me by the Legislature, and which was then threatened would be taken away from me, was interfered with, he as an individual would see that I lost nothing, or words to that effect. This, however, had no effect in inducing the signature obtained. My position had been taken after careful consideration and from convictions of duty, and would have been maintained in any event. It was gratifying to me to know that I was sustained in my position by a decision of the Supreme Court of the United States, in the case of Kansas; at the time by public meetings and resolutions in my own county, and afterward my whole course and action in this matter, endorsed by a re-election to the Legislature by a majority vote of three to one.

This is all there ever was of this "pledge" matter, the oft repeated reports to the contrary notwithstanding, that there were in existence "receipts" and "certificates of deposit," as evidence against me. During the Convention at which I was nominated, and since, when boasts have been made that such papers could be produced, I have offered one thousand dollars

for them, or for like papers with my signature, or for any man who had ever seen such papers! That proposition is still open.

CERTIFICATE OF DEPOSIT

It has also been stated that there was a bank record evidence against me; that a deposit was made to my credit; a certificate of deposit issued in my favor, or some kind of written evidence. Those manipulating this feature of the attack, however, have not been able to agree as to what it was, some asserting one thing and some another.

The books of the "Bank of Nebraska," in which the transaction is said to have taken place, were last fall during the campaign, in the hands of the Omaha National Bank, and were examined by friend and foe. As evidence on this point, I submit the following certificate of William Wallace, Assistant Cashier, who carefully examined said books:

I have thoroughly examined the books of the old Bank of Nebraska, for the years 1856-7, and find that Robert W. Furnas never had any money to his credit in said bank, either on open account or in a certificate of deposit, his name not appearing anywhere in said books. I have also looked at all the other accounts in the ledger of said Bank of Nebraska, including certificate of deposit and miscellaneous accounts, where there was any likelihood of a transfer being made to said Furnas, and do not find anything to show that he ever had a dollar through that source, directly or indirectly.

The books of the "Bank of Nebraska" are now, and have been in the possession of the Omaha National Bank since 1865.

WM. WALLACE.

Omaha, Oct. 4th, 1872.

MY VOTE ON THE CAPITAL QUESTION

It has been asserted by those seeking my injury, and is perhaps believed by others not knowing otherwise, that I changed my vote on the capital removal question. Such is not the fact. My vote was not changed. It was first, last, and all the time the same. As evidence sustaining my assertion in this respect, I refer to the journals of the Council of 1856-7, both the published and manuscript copy on file with the Secretary of State.

In conclusion I reiterate what I have before said. I never stipulated with B. P. Rankin, or any other person for "\$3,000 in gold," or any other sum, or character of money, or valuable of any kind whatever, or received any such from him, or any other person in consideration for my vote upon the capital or any other question, while a member of the Territorial Legislature of 1856-7, or at any time; that I did not even know at the time, and in fact until near a year afterward, of the existence of the so-called "corruption fund" testified of, and contributed to, as sworn to by "old Pioneers"—"actors in those

[NOTE 312, concluded.]

scenes," who "took the responsibility like men" and "contributed their money to save their homes," by "purchasing the venal vote"—a penitentiary offense, under the then, as now existing laws!

The foregoing facts and papers are presented without note or comment to the people among whom I have lived and labored for the greater portion of the past quarter of a century; from whose hands I have received many and flattering evidences of confidence and esteem—even by their suffrage to an elevation to the highest position within their gift—with an abiding faith that impartial consideration and judgment will be given; a tribunal not clad in legal habiliments, nor trammelled with legal technicalities; whose ermine is above suspicion and whose jury-box

is free from unscrupulous manipulations, or trained talesmen.

ROB'T W. FURNAS.

Lincoln, Jan. 3d, 1873.

[The year of the above date should be 1874 instead of 1873.—ED.]

The *Daily State Journal* of October 7, 1872, gives a list of three indictments in the United States court at Omaha against Benjamin P. Rankin, for participation in the forging of papers in connection with a suit on his official bond in 1860-61. The *Journal* pertinently asks, "Is there any doubt now who forged that endorsement"—of the pledge by Furnas on his certificate of deposit. In *The Omaha Daily Herald*, June 1, 1875, Dr. George L. Miller, who had recently visited Rankin at his home in San José, says he is "leading a changed life," is strong-minded and warm-hearted, and has great influence as a lawyer and citizen.

CHAPTER VI

CONSTITUTIONAL CONVENTION 1875 — CONSTITUTIONS COMPARED — ELECTIONS OF 1875 — TURBULENT POLITICS OF 1876 — RISE OF VAN WYCK — MORE SCANDALS

The sixty-nine members of the constitutional convention were elected Tuesday, April 6, 1875. While party distinctions were not strictly observed in their selection, the statement that "in every district of the state party has been ignored in selecting candidates for delegates to the convention"³¹³ was not sustained by results. It was not difficult for the two leading counties — Douglas and Otoe — to agree upon an equal division of their representation, since they were politically doubtful at elections. The *Omaha Herald*³¹⁴ approved the *Bee's* proposal that the seven members from Douglas county should comprise three democrats, three republicans, and Judge Lake, who at that time could not be accurately classified. The conventions of the several parties accepted the plan, but the democratic convention recommended Clinton Briggs instead of Judge Lake for the odd member, and the republicans adopted the recommendation. Two republicans and two democrats were chosen for Otoe county, and a like division was made of the two members for Dodge. Richardson county conceded one member — Frank Martin — of her four to the democrats, and Cass did likewise in the person of her distinctively democratic war horse, Jacob Vallery, Sr. On the other hand, the

safely democratic counties of Cuming, Platte, and Sarpy chose members of their political complexion.

The election of Beach I. Hinman, democrat, of Lincoln county, was a concession to fitness, while that of a democratic member for Dixon, and also for Seward, was probably due to the chance of politics in those uncertain counties. York chose an independent because it was then so inclined. All the rest of the members were chosen by and of republicans because they had full power so to choose. The convention comprised fifty republicans, sixteen democrats, and three independents.³¹⁵ Of the rather small number of democrats, Brown, Boyd, Calhoun, Hinman, Martin, Munger, and Stevenson were well equipped for effective and corrective work. Abbott, Boyd, Grenell, Hinman, Kirkpatrick, Manderson, and Maxwell assisted in a very important degree in doing the preparatory work of this convention by virtue of their service in the convention of 1871. The *Omaha Bee* advocated the election of the delegates by the legislature on the ground that stronger men would be chosen by this method than by popular election; but the *Herald* properly opposed that plan.³¹⁶ The people no doubt chose a convention more nearly representative

³¹³ *Nebraska Advertiser*, April 1, 1875. This paper presented Jefferson H. Broady, a democrat, for the member apportioned to Nemaha and Richardson counties jointly, and William Bridge and Wesley Dundas, republicans, for members from Nemaha county. "Mr. Broady was chosen for the float member by unanimous action of republican and democratic conventions held in Richardson county, by general solicitation of both said parties in this county;" but the independents, under the leadership of Church Howe, put forward candidates of their own party — J. G. Ewan and J. H. Peery — who were elected. Broady had no opposition.

³¹⁴ *Omaha Daily Herald*, March 5 and March 24,

1875. The democratic convention chose James E. Boyd, Charles H. Brown, Henry Grebe; the republican convention, Charles F. Manderson, John I. Webster, William A. Gwyer.

³¹⁵ There were 24 lawyers, 23 farmers, 3 millers, 1 contractor and pork-packer, 1 grain-dealer, 2 surveyors, 7 merchants, 3 county clerks, 1 editor, 1 wagon-maker, 1 minister of the gospel, 1 judge, 1 physician.

³¹⁶ *Omaha Herald* (weekly), Jan. 29, 1875. The *Bee's* proposal that the delegates should be chosen in equal numbers from each of the two political parties was a partial offset to its reactionary mode of electing them.

of their spirit and wishes than the legislature would have chosen, and that was more important than the mere question of ability. No representative newspaper would now suggest delegating a function of that nature to a legislature, because in the interim there has been a great increase of self-confidence among the people and a great decrease of popular confidence in legislative bodies.

The convention met on the 11th of May in the hall of the house of representatives at Lincoln and was called to order at three o'clock in the afternoon by Bruno Tszchuck, secretary of state. Alexander H. Conner, of Buffalo county, was temporary president, and Guy A. Brown, of Lancaster, temporary secretary. The committee on credentials was composed of twelve members,³¹⁷ one from each senatorial district. John L. Webster, of Douglas county, was chosen for permanent president; Guy A. Brown, of Lancaster, secretary; Cassius L. Mather, of Webster, assistant secretary; Phelps Paine, of Seward, sergeant-at-arms; J. W. McCabe, doorkeeper and postmaster; and Edward Bragg, Richard Miller, and R. C. Talbot, pages.³¹⁸ Abbott, Conner, Gere, Sterns, and Robertson were the committee on rules. A committee of twelve members — one from each senatorial district — was appointed to report the best practical mode of procedure.³¹⁹ On the second day a committee of five on rules reported in favor of adopting the rules of the convention of 1871 with slight alterations. A committee was appointed to hear evidence in the case of the contest for membership from Franklin, Gosper, and Phelps counties.³²⁰ Pastors of the city were invited to act as chaplain in regular turn without compensation.

Though a sensible public sentiment and the

³¹⁷ The names of the members are Calhoun, Doom, Dunlap, Ewan, Frady, Gere, Gwyer, Reese, Robinson, Smith, Walling, Weaver.

³¹⁸ On the first ballot for president, Webster received 39 votes; Chas. F. Manderson, 17; Chas. H. Van Wyck, 5; A. H. Conner, 1; W. A. Gwyer, 3; S. M. Kirkpatrick, 1; S. H. Calhoun, 1. On the second ballot, Webster received 44; Manderson, 20; Van Wyck, 2; Kirkpatrick, 1; Gwyer, 1. On motion of Van Wyck, Webster was declared the unanimous choice of the convention. Brown was elected secretary on the second ballot, receiving 39 votes against 26 for Webster Eaton, and 4 for J. N. Cassel. Geo.

election as delegates of a goodly number of democrats of ability prevented domineering partisanship, yet a republican faction organized the convention. Charles F. Manderson had a long distance eye on the seat in the United States senate occupied by Mr. Hitchcock, and with the alert purpose of precluding prominence of his local rival the senator put forward John L. Webster to contest against Manderson for the presidency of the convention. While Webster easily won on the general vote, it was ominous for Hitchcock that his representative did not get a single vote from Douglas county where all three of these ambitious men resided.³²¹ Reaction of Manderson's defeat probably promoted somewhat his subsequent elevation to two terms of the senatorship, while his victorious indirect opponent was put off with but one. Manderson's turn came during and through the distinctively pro-corporation regime of his party; but Webster managed to miss the senatorial mark until the arrival of the unfavorable reform movement which passed him by for lesser men who could easily and promptly adapt their principles or professions to the sudden change of the political wind.

The convention considered three plans of procedure. The first was to take the old constitution as a model and through the aid of a small number of the committee make such alterations and additions as seemed desirable; the second was to work upon the rejected constitution of 1871 in the same way; the third to proceed *de novo* without any specific model. By the first two methods most of the work would have been done in committee of the whole. The last plan was adopted, chiefly because the larger number of committees it involved humored the natural ambition of the

W. Roberts, of Lancaster county, and E. E. Ebright, of Nemaha, were the opponents of Paine for sergeant-at-arms.

³¹⁹ The members of the committee were Martin, Broady, Van Wyck, Smith, Briggs, Hopewell, Hunter, Munger, Becker, Dunlap, Pierce, and Laird.

³²⁰ Harrington, Laird, Broady, Gwyer, Maxwell.

³²¹ Omaha *Herald* (weekly), May 14 and 21, 1875. Webster, the *Herald* said, was "but a chief spoke in the political wheel of which Cunningham, Hitchcock & Co. are the hub." The defeat of Manderson was intended to kill him off.

members to take a conspicuous part in the procedure. The report of the committee of twelve on procedure was therefore rejected and that of the committee of five on rules proposing thirty-two committees, which should proceed to construct a new constitution, was adopted. The reasonable brevity of both the convention and the constitution indicate that the difference between the two plans of procedure was not of great importance.³²²

The work of the convention was concluded on the 12th of June and the constitution was adopted by the great preponderance of 30,202 votes against 5,474 on the second Tuesday — the 12th — of October, which was also the day of the general election under the old constitution. The new constitution provided that executive officers should be chosen at the general election of the following year — 1876. Those who were elected in 1874 — governor, secretary of state, auditor, and treasurer — filled out their regular terms, and their successors were chosen at the same time as the new officers — lieutenant governor, superintendent of public instruction, attorney general, and commissioner of public lands and buildings. By provision of the constitution the six regents of the university, judges of the supreme, district, and county courts, and elective county and precinct officers were chosen at the first general election —

³²² Jefferson H. Broady's recollection (1908) supports this view. There was much public impatience caused by this course, of which the following criticism by the *Nebraska Advertiser* (May 20, 1875), is a fair reflection:

"The constitutional convention starts out with no favorable indications of a short, economical and satisfactory termination. The labors of the body are laid out with thirty-two ponderous standing committees, ranging from seven to thirteen members each. A proposition to take up the late constitution, upon which was spent over three months of time, and at a cost to the people of forty or fifty thousand dollars, and strike out the objectionable features which caused the people to reject it before, and submit the instrument thus amended . . . was very decisively voted down, and the course marked out as herein given.

"Badly as the people of this state want and need a new constitution, we very much mistake their temper and will, if they submit to one cumbered with countless legislative and other fanciful features. The existing constitution, with few amendments, or the one last rejected, shorn of its objectionable features, cannot be bettered with six or twelve months' labor on the part of the convention."

But after the close of the convention the *Advertiser*

October 12th. A district attorney for each of the three new judicial districts was also elected at this time, but the tenure lasted only until the expiration of the regular term of the three who had been elected under the old constitution in 1874. The nine regents of the university, elected by the legislature under the old constitution, were legislated out of office by the new, but four of them, William Adair, Charles A. Holmes, E. M. Hungerford, and Samuel J. Tuttle, were elected on the republican ticket at the first ensuing election. Republican legislatures had chosen two democrats — Alexander Bear and James W. Savage — as members of the preceding board; but under the popular election system there was no such wholesome principle, and every board was solidly partisan until the republicans lost control of the state in 1894.

Notwithstanding the mandatory order of the act which authorized the convention, that the journal and debates should be printed and distributed "as journals of the senate and house of representatives are now distributed,"³²³ the members decided to save the expense of preserving the debates and so did not employ a shorthand reporter. There are two palliatives for this deliberate violation of the law. The habit of losing public records was so well fixed that the chances were against the survival of

was obliged to admit that its criticisms were not of much practical importance. In its issue of July 1st, it says: "The *Omaha Bee* has the following good and truthful compliment of the constitutional convention: 'Whatever may be said and thought about the work of the late constitutional convention, we must concede that it has been the most economical public body that has ever assembled in Nebraska. Although the convention was in session about thirty days, it did not consume more than two-thirds of the legislative appropriation, which was originally considered very small.'"

The *Daily State Journal* of June 12, 1875, joined in the general praise of the economy of the convention: "The convention that adjourns today is the most economical representative body that ever met in Nebraska. The total expenses of thirty days' session, including incidental, printing and perquisites, clerk hire, etc., is only about \$9,000, and there are sixty-nine members, seventeen more than the last constitutional convention and [or] the members of both houses of our present legislature. The appropriation of \$14,000 [\$15,000] is, therefore, sufficient to cover all that is needed to print the constitution in pamphlet form, and the journal of the session."

³²³*Laws*, 1875, p. 138.

the debates if they had been recorded. A justification of more weight is that the very voluminous debates of the recent convention of 1871, which were preserved, fully reveal the various attitudes of delegates toward the questions involved in constructing the fundamental law of a state in that decade. On the other hand there was economy of time and strength as well as expense in the new plan. Conscious that they were not talking to the general public or to posterity, delegates talked less and more to the point.

The new constitution was about two and one-half times as long as that which it succeeded; but it varied but little, in substance or length, from the rejected constitution of 1871. Judged by the original conception of American constitutions — that they should be merely the fundamental basis of the government and of such statutory law as might be required in the course of time — the constitution of 1866 was long enough. But the popular distrust of representative bodies which has been increasing since that time, as evidenced by the increasing length of later state constitutions, by the general adoption of direct primary elections, and the growing use of the initiative and referendum, was responsible for the incorporation in the new constitution of many provisions which otherwise would have been left to legislative enactment. The latest state constitution — that of Oklahoma — illustrates the constantly growing tendency. It is as much longer than the Nebraska constitution of 1875 as the latter is longer than its predecessor of 1866. The earlier conception of a constitution was well expressed by Judge Thomas M. Cooley:

“But since, while constitutional provisions are in force, they are to remain absolute and unchangeable rules of action and decision, it is obvious that they should not be made to embrace within their iron grasp those subjects in regard to which the policy or interest of the state or of its people may vary from time to time, and which are, therefore, more properly left to the control of the legislature, which can more easily and speedily make the required change. A constitution is not the cause but consequence of personal and political freedom; it grants no rights to the people, but is the creature of their power; the instrument of their

convenience. It is but the framework of the political government and necessarily based upon the pre-existing condition of laws, rights and habits of thought. These instruments measure the power of the rulers, but they do not measure the rights of the governed. It is easier to tell what a constitution is not than what it is.”

The first radical departure from the earlier simple construction was that of the California constitution of 1879 which contains about 27,000 words — upwards of fifty per cent more than the Nebraska constitution of 1875. The great excess over the ordinary model consisted of provisions in form and character like legislative enactments and mostly of antimonopoly bearing, due mainly to popular impatience of the subserviency of legislatures to the pernicious influence of capitalistic corporations. The contiguous state of Washington followed with a constitution of 20,000 words; and North Dakota in 1890 reached the limit of expansion with 28,500 words until Oklahoma distanced all in 1907 with 106,000. Constitutional conventions express the popular will and sentiment more faithfully than legislatures because their members are chosen for a single, specific purpose and their work must be submitted to the approval of the people. This clumsy and inflexible legislation is to be regretted rather than condemned, because it meets a condition which the original theory of constitution-making wholly missed. If state legislatures had proved to be in fact fairly representative of the popular will, then the short and simple constitution of 1866, with some minor amendments, would have been far superior to such instruments of the later type. If the legislative referendum should be proven practicable, then voluminous constitutions would be a hindrance rather than a help to the attainment of popular government.

Spirited expression of academic sentiment against what seems now but a slight tendency to depart from the old principle of construction was not wanting. Democrats at that time were wedded to conservative formalism, and Charles H. Brown and Jefferson H. Broady consistently opposed the legislative innova-

tion. But the republican *State Journal*³²⁴ and *Nebraska Advertiser* assumed the same attitude. "Every evidence thus far is that the convention is not engaged really in making a constitution, but in legislating — attempting to exercise a power not vested in them. Either ignorant themselves or assuming that the people are too ignorant to know the difference between framing a constitution and enacting laws."³²⁵ Precautionary warning was proper but there was no call for these extravagant protests.

There is no reason for thinking that any mandate or advice of the constitution touching the regulation of railroad business has had any appreciable effect upon the legislature which has responded only to the mandate of public sentiment. The legislature ought to have passed an apportionment bill at the session which just preceded the convention, thus saving that body from a distinctively partisan task and the constitution from its incongruous and unnecessary bulk. The legislation in the constitution is mainly comprised in those two measures.³²⁶ The excess in its length over the constitution of 1866, outside those two subjects, is in the much greater detail of the provisions for the executive, the judiciary, education, and the schedule. This minute attention to detail is, however, due to the same motive and spirit which are manifested in the legislative features. The only other important new principle incorporated into the new constitution was that forbidding special legislation in a long list of specified cases and "in all other cases where a general law can be made applicable." The section containing this prohibition, with the exception of the provision relating to the bonding of municipalities, which is added, was copied from the constitution of 1871. The constitution of 1866 merely prohibited the passage of special acts conferring corporate powers and provided that "corporations may be formed under general laws."

³²⁴ *Daily State Journal*, June 5, 1875; *Nebraska Advertiser*, June 3, 1875.

³²⁵ *Nebraska Advertiser*, June 10, 1875.

³²⁶ Differences in the provisions relating to corporations in the constitutions of 1871 and 1875 are pointed out in page 118, this volume.

After all the lands available for such a purpose had been bestowed upon railroad companies, the new constitution provided that "lands under control of the state shall never be donated to railroad companies, private corporations, or individuals." While this was chiefly a response to a subjective reaction, perhaps there was expectation that the swamp lands scheme would be productive.

The important incidental changes consisted in the enlargement of the legislative, executive, and judicial departments and an increase in compensation of members and officers. The offices of lieutenant governor, state superintendent of public instruction, attorney general, and commissioner of public lands and buildings were added to the executive department. The salaries of the four executive officers under the constitution of 1866 were as follows: Governor, \$1,000; secretary of state, \$600; treasurer, \$400; auditor, \$800. Under the new constitution the salary of the governor, auditor, and treasurer is \$2,500; all the rest of the executive officers receive \$2,000, except the lieutenant governor, whose compensation is twice that of a senator. Under the old constitution these officers were not prohibited from receiving fees or other perquisites, and it was expected that the treasurer's meager allowance would be swelled by interest on loans of the funds in his custody. The new constitution prohibits all state officers from appropriating any fees or perquisites to their own use. Long-continued and wanton disregard of this inhibition demoralized the civil service and caused great losses of the public funds.

The number of judicial districts was increased from three to six, with a judge for each, and an independent supreme court with three judges was established — an increase over the old regime of three districts and six judges. The legislature was authorized to increase the number of judicial districts once every four years, after 1880, by a vote of two-thirds of its members. The length of the term of the judges of the supreme court remains the same as under the old constitution. The salary of judges was increased from \$2,000 to \$2,500.

There was no provision for county judges in the old constitution.

Under the constitution of 1866 the upper house of the legislature consisted of thirteen members and the lower of thirty-nine; but after ten years from the adoption of the constitution — that is, in 1876 — the legislature might increase the senate to twenty-five and the house to seventy-five members. The new constitution limited the membership of the senate to thirty and of the house to eighty-four until 1880, when that of the former might be increased to thirty-three and of the latter to one hundred. The legislature raised the number of both bodies to the maximum at the first opportunity — in 1881. The provision for compensation of members in the new constitution was copied from its predecessor, but at the general election of 1886 an amendment was adopted which increased the per diem from three dollars to five dollars and the number of days for which compensation might be received in any one session from forty days to sixty days. The amendment also limits the number of days for which members may be paid during their entire term of office to one hundred.

The state university was organized and, until 1875, governed without any constitutional paternalism; but a provision for its government was legislated into the new constitution. This unfortunately involves an elective board of regents. Members of this important body should have special qualifications. Under the convention system these officers were often tossed as a salve to some disappointed county or individual without due regard to fitness. It is not likely that under the present direct primary system the choice will be more discriminating.

The new constitution designated certain state officers to constitute a board of public lands and buildings and another set of such officers for a board of education. Under the old constitution the same end was reached by legislative enactment.

The constitution of 1871 hit a juster range of salaries than that of 1875. The members of the legislature were to receive four dollars a

day, without limitation of the number of days; the governor three thousand dollars a year and all the remainder of the state officers two thousand dollars, except that the allowance for the lieutenant governor is the same in both constitutions. It would be difficult at least to overthrow the assumption that in 1871 the superior dignity of the governor made his services worth a thousand dollars a year more than those of the other state officers; but there seems to be no good reason for rating the governor, auditor, and treasurer five hundred dollars higher than the other state officers in 1875. The attorney general, for example, is probably the hardest worked, and ought to be the ablest, of them all. But the convention of 1871 was palpably wiser than its successor in allowing a salary of thirty-five hundred dollars instead of twenty-five hundred for judges of the supreme court. The salaries of district judges were the same under both constitutions, but the convention of 1871 conceded that the legislature might well be entrusted with authority to readjust these salaries by providing that they should stand as specified in the constitution "only until otherwise provided by law," while in the constitution of 1875 all salaries are rigidly fixed.

The convention of 1875 followed that of 1871 by incorporating in the constitution that barren formalism which confines the power of introducing appropriation bills to the house of representatives. This distinction is a mere echo of a constitutional principle which was recognized in England as early as the fourteenth century.³²⁷ It was an acknowledgment by the crown, grounded in expediency, of the growing self-assertion and power of the commons represented in the lower house of parliament. The chief and sufficient reason for the rule was that the lords, by virtue of their life tenure, were not responsible or responsive to public opinion and therefore could not justly be entrusted with power of taking public money. The distinction was then logical and vital, whereas in our state legislature, whose mem-

³²⁷ Stubbs, *Cons. History of England*, Vol. III, p. 270 (Oxford, 1903); Blackstone's *Commentaries*, Vol. I, p. 169 (N. Y., 1862).

bers are elected at the same time in the same manner and for the same term and from the same class, it is an innocuous memory. Indeed, it may well be doubted whether the increased expense and clogging of business which flows from the mere arbitrary and artificial division of this homogeneous body into two segments is offset by its assumed advantages of greater scrutiny and deliberation. This dual system is also a projection from a time when class distinctions were universally recognized in political organization and other social relations.

The only allusion to the location of the capital in the constitution of 1866 is a provision that the first state legislature should meet at Omaha. The constitution of 1871 provided that the capital should remain at Lincoln until 1880, "and until otherwise provided by law designating some other place therefor, which shall be submitted to and approved by a majority of the electors voting thereon." The present constitution provides that the seat of government shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for as may be prescribed by law. Of these two provisions the former was probably the safer for Lincoln. It would have been difficult for the legislature to settle upon a specific new location and in turn still more difficult to procure the assent of a majority; whereas, under the present constitution, the legislature might adopt a plan fairer in appearance by which all aspirants would be voted upon together at as many successive elections as would be necessary to eliminate those having the low vote, thus reaching a final contest for a majority between the two highest, but only after every other had had a fair chance.

³²⁸ *Nebraska Constitutional Conventions*, Vol. I, p. 206. The amendment was opposed by Robinson, of Lancaster county; Thomas, of Nemaha; Estabrook, of Douglas, and Mason, of Otoe.

³²⁹ The preamble of the federal constitution runs thus: "We, the people of the United States, in order to form a more perfect union, etc., do ordain and

While the preamble of the constitution of 1866 is not as fine in form as that of the federal constitution, yet it is concise and dignified and superior to that of the constitution of 1875, which, though commendably brief, is clumsy in construction, and that of the constitution of 1871 is verbose sermonizing. Probably the worst verbal blemish in the constitution of 1875 is the utterly indefensible substitution of "persons" and "people" for "men" in a clause adapted from a noble passage of the declaration of independence. For example: "All persons are by nature free and independent;" "to secure these rights . . . governments are instituted among people!" Mr. Hascall attempted to perpetuate this vandalism in the convention of 1871 but was successfully opposed by some of the ablest members.³²⁸ The committee on the bill of rights reported it in this bad form, and it appears to have passed without protest. Manderson gave much attention to the verbal form of this part of the constitution, and as he was a champion of the cause of suffrage for women the use of words of common, instead of masculine gender no doubt suited his purpose.

The attempt to improve upon the style of the federal constitution in the preamble was no less unfortunate than that of improving the style of the declaration of independence.³²⁹ Section 24 of the bill of rights, which provides that "the right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied," was a characteristic innovation of Maxwell, and it has caused no little expense and delay in obtaining justice, without compensating advantage.

MISCELLANEOUS NOTES ON THE CONVENTION

In discussing the section governing the location of the capital, Manderson said that if the question of removal was one of five or ten years he would favor its staying in Lincoln; his constituents generally favored removal; but he was in favor of establishing this constitution for the United States of America." The "improvement" in the preamble of the constitution of 1875 is clumsy indeed: "We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government." The committee on bill of rights comprised Harrington, Manderson, Broady, Frady, Hawley, Carns, Griffin.

of submitting the question to the people. Brown said that he had no evidence of corruption in the last legislature over the removal question except as confessed by the Lancaster delegation. This, it seemed to him, was an argument against leaving the capital in Lincoln. He objected to fixing its location by the constitution. Dawes was opposed to removal and said that the question was a constant source of corruption in the legislature. Reese favored leaving the question to the people. Broady said it was a cause of corruption in the legislature; Van Wyck agreed with him and wanted it left with the people. — *Daily State Journal*, June 11, 1875.

Laird, Martin, Maxwell, and Weaver favored abolition of the grand jury; Broady, Brown, Munger, Pound, and Warrington opposed. — *Ibid.*, May 26, 1875.

Brown, Carns, Hayward, Hopewell, Kirkpatrick, and Weaver spoke in favor of devoting the entire school fund for the support of common schools to the exclusion of high schools and normal schools. — *Ibid.*, May 27th.

Briggs moved to strike out the limiting word "male" from section 1, article 7, and strenuously supported his motion with the usual arguments. Hallner said the adoption of the motion would array the Scandinavian vote against the constitution. Henry wanted the question submitted to a vote by the women themselves. Martin thought women ought not to be dragged into the exercise of suffrage against their will. Not one in twenty of his acquaintance, he said, desired it. — *Ibid.* Briggs, Dunlap, Eldridge, Ewan, Frady, Gere Harrington, Henry, Kirkpatrick, Manderson, McPherson, Reese, Thorne, Walling, and Zediker — 15 — voted for the motion. Manderson was a positive champion of woman suffrage in this convention as also in that of 1871. The *Daily Herald* — May 28, 1875 — says that Briggs and Manderson were enthusiastic advocates of woman suffrage.

Gere, Maxwell, Pound, and Reese wanted the minimum price at which schools lands should be sold fixed at less than \$7 an acre; Pound moved a minimum of \$5; Harrington wanted it put at \$10; Clark and Matthews favored a high figure, Kirkpatrick, low. A motion to fix it at \$10 "failed by only one or two votes." Manderson proposed an article on education providing for a board of education consisting of three members, one from each judicial district, who should elect a state superintendent. The board should have control of school lands; the state university; normal schools; deaf and dumb, and blind asylums. The bill of rights was adopted by all the members present. — *Daily State Journal*, May 27, 1875.

J. F. Zediker was seated in place of F. A. Harmon. In the dispute over the time at which judges of the supreme court should be elected, Laird and

Martin argued for the regular general election and Maxwell for the off year. Manderson and Weaver thought the question of adopting the off year depended on whether or not there would also be county elections that year. Manderson urged high salaries for these judges and said that the low salaries fixed in the constitution of 1871 was one of the cudgels of the corporations against it. Maxwell was again for low salaries as in the convention of 1871. He said that Judge Cooley, of Michigan, served as judge of the supreme court for a salary of \$1,500, and Judge Dillon served in Iowa for less than \$1,500. There was danger that if salaries should be put up, unworthy men would be put on the bench. We had been unfortunate in our governors; but would \$2,000 have made them any better? Briggs advocated a salary of \$3,000 for district judges. He did not expect the judges to accept passes but that they would pay their fare as some members of the convention had done. He was for high salaries all the way through. Reese said we might carry the constitution with high salaries if we had the help of Manderson's facts and eloquence. Judges had served for \$2,000, and now we were to have six instead of three, and \$2,500 was enough all around. Doom said prices were on the decrease and there was no need of war-time salaries. Wilcox said if the governor had had enough salary there would have been no excuse for his stealing. Brown favored high salaries. The governor had only \$1,000 but the people made up for it by giving him \$4,000 for a private secretary. The people favored high salaries. Douglas county pays one-ninth of all the taxes but her people favor high salaries. Abbott and Laird favored high salaries, and Conner and Hallner opposed them. Fixed at \$2,500. — *Ibid.*, May 28th. The committee of the whole reported salaries as follows: Governor, \$4,000; secretary, auditor, and treasurer, \$3,500; superintendent of public instruction, attorney general, commissioner of public lands and buildings, \$2,000. — *Ibid.*, June 2d. Maxwell favored fixing the salaries in the constitution and keeping them low; Boyd wanted them left to the legislature. Hinman wanted to fix the governor's salary at \$4,100. — *Ibid.*, June 3, 1875. Manderson, from the committee on executive, reported for governor, \$3,000; secretary, auditor, and treasurer, \$2,500, all the other executive officers \$2,000. Both reports wanted the legislature to have authority to readjust these amounts after each period of five years. — *Ibid.*, June 4th. Van Wyck, from the committee on revision and adjustment, submitted the salary lists which were finally adopted. — *Ibid.*, June 10th.

McPherson, Munger, Gwyer, Sterns, Valery, and Reese — the committee on internal improvements — made a radical report on the subject of voting aid to corporations and the control of

railroads. The latter particularly invaded the province of the railroad committee which, with Boyd, an active railroad man, at the head, was naturally conservative if not reactionary. The most important provisions of this report have recently been incorporated into law by the federal and state governments, and though they were then rejected, they anticipated present laws and rules by thirty years. The proposed article prohibited the state from paying or assuming debts or liabilities or giving credit to or in aid of any public or private internal improvements, but all such improvements should be governed by general laws and no tax should be levied upon the people for them except by concurrence of three-fifths of the votes in any county, municipality, or directly interested district. All railroads should be public highways and railroad companies should be common carriers. Every railroad should have the right to intersect, connect with, or cross any other and must receive and transport each other's passengers, tonnage, and cars without delay or discrimination. Individuals, associations, and corporations should have equal right to have persons and property transported over railroads with no undue or unreasonable discrimination in charges or facilities. There should be no greater charge for short, than long hauls. No company doing the business of a common carrier should directly or indirectly engage in mining or manufacturing articles for transportation over its lines nor engage in any other business than that of common carriers nor hold lands except such as were necessary for its business. No officer or agent of railroad companies should be interested in furnishing supplies or material to such companies or in transporting as a common carrier over the lines of such company. Discrimination, abatement, and drawback were prohibited. No railroad company then in existence should have the benefit of future legislation except on condition of complete acceptance of all the provisions of this article. No railroad or other transportation company should grant free passes or papers at a discount to any person except officers or employees of the company. — *Daily State Journal*, May 28th.

CAPITAL REMOVAL

May 29th, Mr. Gere, chairman of the committee on miscellaneous provisions, reported the proposed article of which section I was: "The seat of government shall remain at Lincoln until removed by a majority of the electors of the state voting upon the question at a general election, designating some other place under such rules and regulations as may be prescribed by law. — *Ibid.*, May 30th.

The *Journal* contended that the people of Lincoln had contributed land worth \$300,000 for state buildings. The *Omaha Republican* (quoted in the *Journal* June 10th) said land wasn't worth over \$3

per acre until the state gave it value. The *Journal* retorted that only "three or four farmers and perhaps half a dozen store-keepers, doctors, lawyers and mechanics" were living on the site at the time of the donation. The state asked the people who afterward became the people of Lincoln to buy or induce the sale of these lands. They did so on the faith that the capital, university, penitentiary, and lunatic asylum were "permanently" located on the land.

June 9th Mr. Gere offered the following: Sec. 1 — "The seat of government of the state shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon, at a general election [or elections] under such rules and regulations as to the number of elections and manner of voting [and places to be voted for] as may be prescribed by law (Provided, The question of removal may be submitted at such other general elections as may be provided by law)." June 10th the committee of the whole reported the section with the proviso. The bracketed clauses were added afterward.

The *Journal* of June 5th said that in the discussion of the proposition submitted by the committee on miscellaneous provisions in the committee of the whole the objections raised were: 1st, that it would permanently locate the capital in Lincoln; that is, the people would always prefer Lincoln to any other place; 2d, that the proposition would defeat the constitution. People in the vicinity of other places desiring the capital would vote against the constitution. The *Journal* answered that people of the eastern part of the state did not care much about the new constitution. Their principal desire, enlargement of the judiciary, would be accomplished after 1876 by legislation and the reapportionment would be against them. The west could not be suffering so much for a new constitution as it pretended if it would let the capital question stand in the way.

Van Wyck, Briggs, Reese, Hallner, Pound, Gere, Hayward favored the proposition to submit the question to the people. Brown, Warrington, Hinman, Stevenson, and Boyd opposed. Doom explained that Gere (chairman) did not draw up the section but he himself did. Brown was opposed to saying anything about it in the constitution; with so many provisions the constitution would be buried. Briggs favored retaining the capital at Lincoln and removing the question from the legislature. Stevenson said the provision would bury the constitution. People would have to shell out to every legislature to prevent an election. Pound said that agitation in the legislatures was a crying evil. Not a single question in the last two legislatures but had been tainted with this one. Warrington said that four-fifths of the electors west of the sixth meridian would vote against the constitution with this pro-



C. H. here.

vision in it. In five years the west would be as thickly populated as the east. Hinman said the proposition would not take the question from the legislature.

Gere said the present law says that the capital is permanently located at Lincoln. This is an implied contract, but if the people vote to remove, let them say *where* the capital is to be removed to. People will not vote against the privilege to settle the question themselves. Boyd said the majority of the people favor removal. The difficulty of selecting a place is sought to be taken advantage of in this section. He was sure that it would defeat the constitution. Conner favored an independent article so as not to endanger the constitution. Laird was afraid the submission of the proposition as part of the constitution would defeat it. He favored either submission separately or without limitation as to the place. The *Herald* (weekly) June 18, 1875, says the separate submission proposition was carried 35 to 28, the South Platte generally, including Gere, voting against it. There were nineteen South Platte nays.

June 9th, the *Journal* notes discussion of the question of the trial of impeachment by courts or the senate. Maxwell said in a case of impeachment tried by the senate in this state, the accused was acquitted on charges clearly proved and convicted on a charge where the proof was doubtful; but he didn't approve of a judge of the supreme court being tried by district judges. Abbott thought trial by judges would drag courts into politics. Gere favored the change as very much less expensive. The Butler impeachment cost \$10,000. Calhoun favored change. Robertson preferred the old plan.

June 10th. Prints table of members—50 republicans, 16 democrats, 3 independents; 24 lawyers, 23 farmers. Cummins was the oldest, 64; Warrington the youngest, 25. Gwyer, Laird, Smith, and Hinman spoke against the provision for expression of popular vote on election of United States senators; Broady, Brown, Stevenson, and others for it. Failed of indefinite postponement, 33 to 34.

June 11th. The single liability of stockholders in corporations—except banks—was adopted by a vote of 40 to 19.

June 13th. Quotes from the *Bee's* stricture which called the convention a "mob"—"has almost exhausted itself in personal strife." Apportionments were "rotten borough." The *Journal* says it was an "eminently orderly body, respectable alike by the character of its individual members, and the courtesy and dignity of its proceedings, and, as well, by standing aloof from and above any just suspicion of corruption, or of trickery or demagogism."

In his valedictory address President Webster said that Omaha newspapers denounced the number of members of the legislature as excessive. The *Herald*

said 75 to 85 in both houses were enough. Mr. Webster said that by cutting off supernumerary executive officers, like the prison inspectors and trustees of insane, blind, and deaf and mute asylums, and reduction of the number of university regents, at least \$5,000 was saved annually.

June 18th. The *Journal* said: "A careful review of the instrument will convince any candid mind that there is very little legislation in it, in addition to that commonly found in state constitutions." The *Journal* reiterated that the increase of members of the legislature from 75 to 85, the lowest number contended for, to 114 was more than offset as to expense by the substitution of the commissioner of public lands and buildings in place of "several boards of trustees and inspectors of state institutions now holding office." The constitution was not so long as that of 1871 and had fewer objectionable features; the members of the convention talked less than those of 1871. Leading minds talked little but did their work in getting the constitution in shape and excluding crudities and superfluities, in committees; hence speeches were usually trivial. Named Briggs, Van Wyck, Conner, Calhoun, Manderson, Smith, Broady, Pound and others, whose quiet labors were decisive during the last week. They "cared more for the record made by the instrument itself than for the evanescent fame of oratorical displays on the floor." Low salaries for officers was the chief fault of the constitution. Though framed "in a year of depression and gloom," yet when prosperity comes it will be found to be penurious. The argument that the present capitol will not hold so many members is untrue as any mathematician can demonstrate.

June 19th. Says the *Bee* claims injustice to Douglas county in the apportionment and estimates from vote of last fall, population of Otoe, 9,000; Lancaster, 11,000; Richardson, 10,000; *Journal* figures out Douglas has 1.66 to 1 for the other counties.

June 20th. Alludes to the claim that under the United States and Sioux treaty of 1868, the latter have hunting privileges over the northwest one-fourth of the state, and white trespassers cannot enter that territory. The United States had no right to grant such a privilege after admission as a state. While Taffe was member of Congress, survey of this part of state was stopped on account of the treaty.

The *Omaha Herald* (daily, May 28, 1875) copies from the *Lincoln Star* of May 25th a statement that the *State Journal* charged \$77 for fifty-five desk labels for the legislature—forty for the house and fifteen for the senate—while the Southwestern Printing Company charged only \$10.80 for sixty-nine similar labels for the constitutional convention. The *Journal* labels were of paper while the others were of card board.

Ibid., June 5th. Contends that eighty to eighty-

five members are enough for the legislature. *Ibid.*, June 12th. The apportionment is outrageous. It cheats the thickly settled parts of the state. Territory is represented instead of people. *Ibid.*, June 15th. The apportionment was the result of a corrupt combination. *Ibid.*, June 16th. The salary of judges of the supreme court was fixed at \$2,500 presumably so that fourth class, instead of first class lawyers should have a chance to get on the bench. *Ibid.* (weekly), June 16, 1875. Protested against a legislature of more than seventy-five to eighty-five members. The enlarged legislature—114 members—would require a new capitol to accommodate it, and Boss Stout, "if he has his health," would steal half of it. The *Nebraska City Chronicle* opposed the adoption of the constitution because under it the cost of the state government would be increased by \$46,000. Church Howe was opposing adoption. Boyd introduced the proposition for the double liability of stockholders of banks.

The vote on the capital removal section was 20,042 for, 12,517 against; for the vote of preference for candidates for U. S. senators, 25,059 for, 6,270 against. Douglas county significantly gave only 416 votes for, and 1,667 against the capital section.—*Daily State Journal*, Nov. 4, 1875. For a story of the device to fool Omaha about the capital tickets, consult the *Journal* of October 15, 1875, or Thomas P. Kennard.

The republican state convention for 1875 was held at Kearney, September 15th. Charles H. Gere, chairman of the central committee, called the convention to order and William H. Morris, of Saline county, was elected temporary chairman over William J. Connell, of Douglas county. Under the permanent organization E. H. Rogers, of Dodge county, was president, and there were six vice presidents. On the first ballot to nominate candidates for judge of the supreme court Thomas Appleget, of Johnson county, received 30 votes; Alexander Conner, of Buffalo, 73; Daniel Gannt, of Otoe, 98; Samuel Maxwell, of Dodge, 88; Amasa Cobb, of Lancaster, 85; George B. Lake, of Douglas, 128. After this ballot the convention declared that Lake and Gannt were unanimously nominated. On the sixth ballot the votes stood, Maxwell, 100; Cobb 57; Conner, 15; and Maxwell was declared the choice of the convention. For regents of the university the convention nominated Charles A. Holmes, of Johnson county;

Samuel J. Tuttle, of Lancaster; J. W. Gannett, of Douglas; Seth P. Mobley, of Hall; E. M. Hungerford, of Harlan; William Adair, of Dakota. The nomination of this full list of judges and regents was made in anticipation of the adoption of the new constitution at the next general election.

Charles H. Gere was again elected chairman of the state committee. Edward Rosewater's motion that a committee on resolutions be appointed was laid upon the table, and no platform was adopted by the convention. At the close of the other business of the convention, Mr. Rosewater moved that a vote of thanks be extended to the Hon. P. W. Hitchcock for his kindness in accompanying the members of the convention and furnishing them with a federal escort for their protection. The resolution was amended by striking out all after the word Hitchcock and inserting "Hon. A. S. Paddock and Hon. L. Crouse for their labor in the service of the state." Rosewater's revenge for these two snubs came soon in the defeat of Senator Hitchcock for reelection. The *State Journal* complained bitterly that Cobb, the candidate of a leading county, should have been defeated; and it alleged that he needed only four votes for success which were due from a certain county but were withheld by the chairman of the delegation contrary to instructions by the county convention.

The democratic convention was held at Fremont, September 16th. It decided to nominate but one candidate for judge of the supreme court and its choice fell upon E. W. Thomas, of Nemaha county. The nominees for regents of the university were Tobias Castor, of Saline county, James Thorn, of Otoe, D. C. Olin, of Washington, T. J. Hamilton, of Seward, T. J. Foley, of Lincoln, Alexander Bear, of Madison. Under the plan of election by the legislature Mr. Bear was a member of the board of regents. Under the election system these officers who ought especially to be nonpartisan have always been nominated by partisan conventions and chosen accordingly. The platform demanded retrenchment and reform in all departments of state and national governments and a sound

currency, coin or its equivalent, as essential to stability in business and a restoration of prosperity — steps toward specie payment and no step backward. It deprecated "all attempts to commit the democratic party to a system of paper money based upon an unconstitutional exercise of federal power as a crime against the common welfare and a wanton violation of a cardinal article of the democratic creed."³³⁰

At the election 31,377 votes were cast for Lake, 29,498 for Gannt, 27,908 for Maxwell, and 15,106 for Thomas, the democratic candidate.

The first democratic convention of 1876 was held at Lincoln, April 19th. Miles Zentmeyer, of Colfax county, was temporary chairman, and Stephen H. Calhoun, of Otoe, was permanent president. George W. Ambrose, of Douglas, was chairman of the committee on resolutions which demanded the prosecution of plunderers of the coffers of the nation; declared that gold and silver were the true basis of sound money; demanded return to specie payment "as soon as can be done without detriment to the commercial and industrial interests of the country;" and called on all political committees and candidates in the state to abstain from using money in state elections except in payment for printing. The use of money in political campaigns, they declared, was a great source of corruption in state and nation. This was a prelude to the corrupt practice acts which continuing conditions in question have been calling into existence in recent years. Dr. George L. Miller, of Douglas county, Dr. Alexander Bear, of Madison, Gilbert B. Scofield, of Otoe, Tobias Castor, of Saline, F. A. Harman, of Franklin, and Charles McDonald, of Lincoln, were chosen for delegates to the national convention. A motion instructing them to support Samuel J. Tilden as a candidate for the presi-

dency was laid upon the table, though under the leadership of Dr. Miller such instructions were unnecessary. A majority of the democrats of the state favored the nomination of Tilden, though there was a strong minority in opposition.

The republican convention for choosing delegates to the national convention was held at Fremont, May 23, 1876. The spirit of progress — or rebellion, for social progress involves rebellion — which in 1872 broke out in open revolt, was active in this convention. It was manifested in the election of Charles H. Van Wyck as temporary chairman over Amasa Cobb, the candidate of the conservatives or reactionists, by a vote of 87 to 77. Mr. Van Wyck's address to the convention on assuming the chair was a mild beginning of his subsequent career of chronic insurgency. "We know well," he said, "the influences that have been at work during the last few years to the detriment of the republican party; and we today witness an uprising of the people declaring that they have decided to take the power into their own hands. This feeling is . . . beginning to raise us into the atmosphere of political and financial honesty. The republican party must save the nation again . . ." Precisely the "insurgent" song of the present hour. The persistent inclination of this aggressive local leader to profess reform within the old party was an excuse, if not a justification, for the bitter assaults which the leaders of the alliance movement made upon him many years later. But in the meantime this insurgent note, artfully and persistently repeated, sang him into the United States senate — five years later.

Two sets of delegates sought admission from Douglas county. One of them represented the interests of Senator Hitchcock and included Thomas M. Kimball, William A. Gwyer, and Isaac S. Hascall; the other represented the field of rivals and aspirants for Hitchcock's office, led by Charles F. Manderson, Alvin Saunders, Clinton Briggs, and John M. Thurston. Three of these eventually realized their ambition, and the other — Briggs — was an

³³⁰ The *Nebraska Advertiser* of September 23, 1875, remarked that, "The so called democratic convention which assembled at Fremont last week was composed of delegates from nearly half the counties of the state — 24 out of the 63. Eighty members answered to the roll call. The democracy of Nemaha, having turned over the party to Church Howe, was not represented." Nevertheless Howe and his team mate, Hayden, were successful candidates for members of the legislature at the succeeding election.

unsuccessful candidate in the next struggle in which Saunders was chosen to succeed Hitchcock. Thurston's leadership, which became more dominant than that of either of the others of the group, was then just budding; but Manderson alone was able to command a second term. The convention had no mind to engage in the factional fight over the senatorship and so excluded both sets of Douglas county claimants. The powerful and pugnacious opposition to Hitchcock in his own county and the preponderant strength against him in the convention foretold his defeat at the next session of the legislature. It was little more or less than a rush of the outs to oust the ins — in common political parlance, "dog eat dog." The organ at Lincoln denounced the disturbance, which was hurting the party, with an unwonted temerity. It was "the Omaha delegation nuisance." In a friendly leaning to the incumbent it observed that the Hitchcock delegates were "untitled gentlemen," while the hostiles were "a galaxy of judges, including the chief justice himself [Lake], an ex-governor [Saunders], and an ex-general [Manderson], with a private or two thrown in."³³¹ No opposition to James G. Blaine was manifested, and a resolution instructing the delegates to the national convention to use all honorable means to procure his nomination for president was adopted unanimously.³³²

The democratic state convention was held at Creighton Hall, Omaha, September 6, 1876. W. P. Connor, of Fillmore, was temporary chairman, and F. J. Mead, of Saunders, permanent president. S. B. Miles, of Richardson county, and Milton Montgomery, of Lancaster, were vice presidents, and Stephen H. Calhoun, of Otoe, was chairman of the committee on resolutions. Endorsement of the St. Louis national platform was the main feature of the resolutions. They denounced the republican party for arming the Indians to take the lives

³³¹ *Nebraska State Journal*, May 26 (weekly), and June 2, 1876.

³³² Mr. Van Wyck was nominated for chairman by Nathan K. Griggs, and Judge Cobb by Thomas J. Majors. N. R. Pinney, of Otoe; Luther M. Osborne, of Washington; Robert G. Brown, of Clay; M. B. Bayha, of Cuming; Albinus Nance, of Polk;

of taxpaying white men and for protecting Indians while leaving our white frontier without protection from them. The convention nominated for governor, Paren England, of Lancaster county; lieutenant governor, Miles Zentmeyer, of Colfax; secretary of state, Joseph Ritchie, of Madison; treasurer, Samuel Waugh, of Saline; auditor, G. P. Thomas, of Burt; attorney general, D. C. Ashby, of Franklin; superintendent of public instruction, J. M. Jones, of Washington; commissioner of public lands and buildings, Henry Grebe, of Douglas; for presidential electors, S. H. Calhoun, of Otoe; St. John Goodrich, of Douglas; M. C. Keith, of Lincoln.

The greenback party held a convention, composed of delegates from fifteen of the sixty counties, at Lincoln on the 26th of September. L. O. Barker was chairman, and W. H. Morris, of Saline county, Allen Root, of Douglas, J. F. Gardner, of Richardson, A. G. Wilson, of Cass, Marvin Warren, of Jefferson, were the members of the committee on resolutions, and J. F. Gardner was nominated for governor.

The republican state convention met at Lincoln September 26th. Its procedure hinged mainly on the senatorial succession, and the anti-Hitchcock faction elected Turner M. Marquett temporary chairman over Charles H. Gere — who, being editor of a typical party organ of the period was therefore ostensibly the friend of the incumbent — by a vote of 144½ to 141½. There was a long wrangle over the temporary organization, two sets of delegates from four of the counties contesting for seats; so that the nomination of candidates did not begin until the third day. After the composition of the convention had been determined, Mr. Gere was chosen permanent chairman by acclamation. Up to the opening day of the convention Crouse was looked upon as the principal candidate for the nomination for member of Congress — to succeed himself; ³³³ but he kept out of the contest with the purpose

Henry S. Kaley, of Webster, were elected delegates to the national convention.

³³³ The *Daily State Journal*, September 26, 1876, named Crouse as the leader and Welch, Chase, Gerrard, Barton, and John L. Webster as his principal competitors.

of striving for the senatorship. There was a large field of competitors, the first ballot yielding 88 votes for Frank Welch, of Madison county; 74 for John C. Cowin, of Douglas; 36 for Charles A. Holmes, of Johnson; 26 for Guy C. Barton, of Lincoln; 24 for Leander Gerrard, of Platte; 15 for Champion S. Chase,

³³⁴The Omaha Bee, quoted by the *Daily State Journal*, October 4, 1876.

³³⁵Contemporaries of Mr. Welch, now living, say that he was a man of good character, and that his ability was not above, and perhaps not below the average of members of the body to which he was elected. But the bellicose Dr. Miller, editor of the *Herald*, painted a horse of another, and quite livid color. "The nomination of Welch, a sixteenth-rate man for Congress was, according to such high authority as Mr. John C. Cowin, and hundreds more of the leading men of the Republican party in all parts of the state, procured by sheer bribery. The fact is known of all men. Mr. Stewart of Tecumseh said he was a drunkard by occupation and a gambler by profession. He was never more than half qualified for an average bartender for which he appears to have been originally intended. Hitchcock owed him for political bootblacking. Welch was his tool, and he thrust him into the contest on Pro Rata and he was ground out a would-be congressman. Cowin went into the convention with forty or fifty majority. He came out defeated by a very large majority, owing to a shameless purchase of votes by bribery and corruption. Cowin charged his defeat to Hitchcock, Cunningham, Strickland, Frank Walters, Frank Welch & Co." (*Omaha Daily Herald*, October 4, 1876.) The *Omaha Bee* (weekly, October 4, 1876) declared that Jay Gould, at that time putatively puissant in Union Pacific politics, picked out Gere for chairman of the convention and that Welch was nominated by Gould's influence. Gere, in turn, appointed "Stool-pigeon Gwyer" for chairman of the committee on resolutions.

Samuel C. Bassett, who in 1871 acquired the farm in Buffalo county on which he still resides, gave the following account of the convention for publication in the *Sunday State Journal*, March 27, 1910. Mr. Bassett's story illuminates political methods and conditions in that heyday of corporation control:

"On Saturday, September 23, 1876, the Buffalo county republican convention for the election of delegates to the republican state convention, was held in Kearney and greatly to the surprise of the writer, he was chosen as one of the delegates to the state convention. For months there had been a bitter factional strife in the republican party, usually designated Hitchcock and anti-Hitchcock, United States Senator Hitchcock being a candidate for reelection to the senate and opposed by the railroad interests. Nebraska at that date had one congressman and the nomination for congressman was made at the state convention. Also there was to be nominated a 'contingent' congressman, and I smile to myself as I write the word 'contingent.' How ambitious we all were in those days. Delays were intolerable. Tradition, precedents, insurmountable legal obstacles were brushed aside as of little or no importance when additional recognition of our importance as a state was to be attained or another representative in the

of Douglas. The nomination of Welch on the fourth ballot was another anti-Hitchcock incident.³³⁴ The withdrawal of Crouse was a misfortune for the state and for himself, because he was far more capable than his successor in the house and missed promotion to the senate.³³⁵

national congress secured. I have often wondered how our 'contingent' congressman lived and paid expenses when thus serving the state at the national capitol. He was never 'recognized' by the speaker and of course not on the congressional payroll. Doubtless it is best for all concerned that the unrevealed secrets as to how he lived and paid expenses be not revealed even in this day and generation.

"In the preliminary canvass in the county, L. R. Moore, a banker in Kearney, had been mentioned as a possible candidate for state treasurer. Mr. Moore was classed as a railroad candidate. N. H. Hemiup was also a candidate for attorney general. Immediately after adjournment of the county convention the writer was approached by the deputy county clerk and informed that in electing the writer as a delegate to the state convention it was understood that I should give my proxy to the station agent of the Union Pacific railway at Kearney and the deputy county clerk had the proxy made out and ready for signature. While the writer was pleased at being chosen a delegate he at once realized that he could not afford to go as this was the year following the grasshopper raids and the expense of the trip would be too great under the circumstances, railroad fare being five cents a mile, making about \$15 for the round trip. As the writer had voted with the Hitchcock faction, he at once saw that this was a railroad scheme and refused to give a proxy to a known railroad man. This was on Saturday and the state convention was called to meet on the Tuesday following. On the next day, Sunday, Judge Hemiup sent word that transportation for the delegates had been arranged for and as this was the largest item of expense, arrangements were made to go. . . . Monday morning the pony was mounted and ridden to Lowell, some ten miles distant, and there left until the return. Taking the B. & M. at Lowell the writer was handed a round trip pass, his first introduction to the free pass evil. Judge Hemiup had secured headquarter rooms at the Commercial hotel in Lincoln, but the writer being a member of the grange, went direct to the office of the secretary of the state grange and arranged with the secretary, P. E. Beardsley, to make his headquarters there and to sleep on a table in the office, and Mr. Beardsley was so kind as to bring blankets from his own home for covering. This delegate was not the only delegate to that convention who slept on the floor of a convenient office, in fact sleeping on the floor was no novelty to homesteaders in those days.

"The Buffalo county delegates were Rice Eaton, A. L. Webb, L. A. Groff, L. B. Cunningham and S. C. Bassett. The convention was held in the academy of music, a hall on the second floor, lighted at night with numerous kerosene lamps and when filled with prespiring politicians, and clouds of tobacco smoke, is it any wonder that stomachs of homesteaders, used to the pure air of their broad prairies,

Claiming that the population of the state was entitled to an additional member of the house,

fanned by the gentle breezes, rebelled? The convention was called to order on Tuesday at 2:30 p. m. There had been a spirited canvass by C. H. Gere and T. M. Marquett for chairman of the convention, resulting in Mr. Marquett being chosen temporary and Mr. Gere permanent chairman. A. G. Kendall and George L. Brown were named as secretaries.

"There was also chosen a sergeant-at-arms and later additional sergeants-at-arms were appointed in order to protect the delegates from the numerous lobby which at times so swarmed about the delegates that it was impossible to proceed with the business of the convention. At 4 p. m. the convention took a recess until 7:30. L. R. Moore was balloted for as one of the candidates for lieutenant governor, receiving twenty-two votes, but none from the Buffalo county delegation. The ballot on nomination for attorney general was not reached until long after midnight. The candidates were George H. Roberts, N. H. Hemiup and others. On the first ballot Judge Hemiup received seventeen ballots out of a total of 259. After the first ballot the Buffalo county delegation wished to withdraw Judge Hemiup's name but to this the judge would not consent, saying that the 'plan' was for him to get a few votes on the first ballot and then begin to gain and that he was 'dead sure' to be nominated.

"On the second ballot Judge Hemiup received twelve votes and his delegation got into the band wagon, voted for General Roberts, who was nominated. It was then 3 a. m., but General Roberts being called for mounted the platform and made a speech of an hour's length. Of this speech I can still recall the story which he told of the 'Trojan Horse.' It can not be recalled that the 'Trojan Horse' story had any application to circumstances surrounding his nomination, but whether it had or not we were all too tired and sleepy to care, and at the close of his speech, 4 a. m., adjournment was taken to 9:30 a. m.

"The most bitter fight of the convention was over the nomination of congressman, the principal candidates being Frank Welch, General J. C. Cowin, C. A. Holmes, Guy C. Barton of Lincoln county, and Leander Gerrard of Platte county. A majority of the Buffalo county delegation supported Gerrard and on the third ballot attempted to change from Gerrard to Welch, but were ruled out. On the fourth ballot Welch was nominated. T. J. Majors of Nemaha county was nominated for 'contingent' congressman. In this long drawn out convention delegates became tired and hence it came about that when the ballot on congressman was reached, the Union Pacific station agent at Kearney, who was promptly on hand at the opening of the convention, secured a proxy and voted for the candidate of his choice, the railroad candidate, but just which one of the numerous candidates was so classed cannot now be recalled.

"It is believed that the intense interest manifested and the extreme bitterness of feeling often exhibited at this convention has not been equaled at any succeeding political convention held in the state. It was at this convention that the railroad interests obtained a grip, a control of, an influence and power in the politics of the state, which was not loosened or relaxed, for any appreciable length of time, no matter what political party was in power, until the

Thomas J. Majors, of Nemaha county, was nominated as a contingent representative. By

abolition of the free pass evil in 1907. This convention did not adjourn until Friday, being in session four days and all of one night, the last act of the convention being to adopt a party platform.

"There were no end of caucuses held by politicians in the headquarter rooms at the Commercial hotel and in connection with the holding of one such caucus the writer first 'met' Edward Rosewater, editor of the *Omaha Bee*. Mr. Rosewater was not a delegate to the convention but took an active interest in all its proceedings. Going to the headquarters of Judge Hemiup in the Commercial hotel during an evening recess of the convention, the incident of 'meeting' Mr. Rosewater occurred. The stairway in the Commercial hotel, at that date, was at the rear of the office with a broad landing midway to the second floor. When I reached this midway landing Mr. Rosewater was being pushed and kicked by a large powerful man, from the head of the stairway, landing in a heap on the midway landing. I assisted him to his feet and inquired if he was hurt or injured. He said 'no,' and passed on as though nothing serious had happened. The man who did the kicking claimed that Mr. Rosewater had been caught listening at a door of a room where a political caucus was being held. . . .

"Nebraska was young as a state in 1876 and was being rapidly settled so that no one, be he a political leader or not, had then what might be called a state acquaintance. Hence it was that men who aspired to leadership in the state and more especially in the republican party, exerted themselves to become acquainted with delegates, from out in the state, in attendance at this convention. Not only did these would be leaders welcome an introduction to such delegates but some of them sought such introductions and exerted themselves to further the acquaintance. There was no 'cold formality' on their part, but the greetings were hearty and genuine. Thus it was that the writer was introduced to scores of delegates, the names of only a few of whom can be recalled and these only for the reason that friendships dating from that time were formed, the value of which cannot be determined or estimated, nor the time and place forgotten. This number can be recalled: C. H. Gere, editor of the *State Journal*; T. M. Marquett, attorney at law; T. J. Majors, then and still a genial 'statesman' from Nemaha; and C. H. Morrill, a farmer from Polk county. General C. H. Van Wyck took an active part in all the proceedings of the convention and to him an introduction was given but for some unexplained reason, there was formed on my part a personal dislike, and although I met him many times, an acquaintance was not cultivated. An introduction was had to Edward Rosewater, but neither he nor I ever attempted to cultivate an acquaintance. I was never a reader of, or subscriber to, the *Omaha Bee*, but instead took the *Omaha Republican* until in the late 70's, when subscription was made to the *State Journal*, and which has continued without interruption to date. Church Howe was not a delegate to the convention. He was at that time master of the state grange, and, as I recall, affiliated with the greenback party. Of the Buffalo county delegation Rice Eaton was editor of the *Central Nebraska Press*; L. B. Cunningham, editor of the *Kearney Junction Times*, L. A. Groff, an attorney at law,

the census taken in the spring of 1876 the population was 257,749,³³⁶ which, though too far below the lawful ratio to win another seat in the house, was near enough to inspire ambitious politicians with hope that it might do so, and Majors was renominated for the contingent honor over William H. Ashby, who suffered the then great disadvantage of having worn the losing colors in the sectional war while the race of his competitor was expedited by the fact that his colors had triumphed.³³⁷ The incumbent executive officers were renominated. The nominations for the offices created by the new constitution were, Othman A. Abbott, of Hall county, for lieutenant governor; Professor S. R. Thompson, then principal of the normal school at Peru, for superintendent of public instruction; F. M. Davis, of Clay county, for commissioner of public lands and buildings; George H. Roberts, of Harlan county, for attorney general. The platform demanded that the Union Pacific Railroad Company should make pro rata charges on the basis of its own through tariff on all business originating on connecting lines in Nebraska and without discrimination as to those lines; and it asked the

A. L. Webb, a dealer in hardware, and the writer then and still a farmer.

"During this same week the Nebraska state fair was being held in Lincoln, and at this same date occurred my first visit to the state fair."

A delegate to the convention from Douglas county comments on Mr. Bassett's story as follows: "The convention was noted chiefly as a great battle between the Burlington and Union Pacific railroads. The Burlington lines in Nebraska were from Plattsmouth to Kearney; they were delivering their through freight to the points beyond here [Kearney] and receiving their through freight to the points east of here to and from the Union Pacific, transferring the business here, the Burlington insisting that the Union Pacific should receive and deliver this business at a proportion of the through rate from Omaha to the point of destination beyond here and vice versa—in other words if the rate from Omaha to San Francisco, say 2,000 miles, was \$500 per car the rate from Kearney to San Francisco, 1,800 miles, should be \$450; it was known as the 'pro rata' question, and I think there was a bill before congress to make this a law. When, therefore, the convention of 1875 convened, the Union Pacific put

national house of representatives to admit an additional member from Nebraska on account of the "great increase of population since 1870." The convention was very stormy and very long, lasting five days.

The election was merely perfunctory, the republicans winning with unhealthy ease—as they continued to do with increasing unhealthy effect upon the body politic until the populist revolution of 1890.³³⁸ Welch, republican candidate for Congress, received 30,900 votes; Hollman, democrat, 17,206; Warren, greenback, 3,580; for contingent member, Majors, 31,467, Dech, 2,832. The greenback party, though small, and its monetary theory unsound, yet represented the protesting and progressive element and was the forerunner or nucleus of the later triumphant populist uprising. The free silver propaganda was close kin to the greenback, and it is a curious fact that after the silver leaders at last were obliged to abandon their theory because it died on their hands, they took up the greenback principle. The national democratic platform of 1908 illustrates instinctively this "return of the native."

forward Frank Welch as their candidate for congress and the B. & M. put forward John C. Cowin, and as Frank Welch was nominated it virtually killed the pro rata question. Every delegate to that convention was classed as either a Burlington or a Union Pacific man. In other words, all were classed as railroad men. Hitchcock was a railroad man and was fought by Rosewater as such."

³³⁶ *Senate Journal*, 1877, pp. 103, 879. By the state census of 1875 it was 246,280. The population of the United States by the census of 1870 was 37,558,371. The apportionment act fixed the number of members of the house at 283, the ratio being approximately 136,000.

³³⁷ Though Ashby's nomination was stoutly opposed in the convention, on the ground that he had been a rebel soldier, yet Majors was nominated only by the slender margin of 131 to 126.

³³⁸ The votes for candidates for the office of governor were divided as follows: Silas Garber, republican, 31,947; Paren England, democrat, 17,219; J. F. Gardner, greenback, 3,022. Only five counties, namely, Cedar, Cheyenne, Cuming, Sarpy, and Stanton gave democratic majorities (*Senate Journal*, 1877, p. 23).

CHAPTER VII

BLUNDERS IN PROCEDURE — THE LEGISLATURE OF 1877 — DEFEAT OF HITCHCOCK FOR SENATOR
CAPITAL REMOVAL — HOWE BRIBERY SCANDAL — THE MCCANN EMBEZZLEMENT —
INCREASE IN POPULATION — LEGISLATION AND POLITICS, 1877-1883
— OMAHA LABOR RIOT OF 1882

On the 1st of December, 1876, Governor Garber called the 6th legislature elected under the constitution to meet in a special session at ten o'clock in the morning of the 5th of that month, and on the 5th he called for another special meeting at three o'clock in the afternoon of that day. These were the 12th and 13th sessions and the 8th and 9th special sessions. The federal statute at that time required the electors to meet and cast their votes on the first Wednesday in December of the year in which they were appointed; but the state statute provided that the vote for representatives in Congress should be canvassed by the legislature in joint session and that the vote for presidential electors should be canvassed in the same manner. The legislature convened in regular session in January, 1877, too late to canvass the electoral vote; hence the necessity of a special session for that function.

The democrats attempted to obtain an injunction against the session in the district court of Douglas county, and James R. Doolittle, of Wisconsin, and Abram S. Hewitt and John Morrissey, of New York, came to Omaha to aid in this enterprise. But the judge, James W. Savage, dismissed the suit for want of equity.³³⁹ The democrats, with the exception of Enyart,

³³⁹ *Daily State Journal*, December 5, 1876.

³⁴⁰ *Daily State Journal*, December 5, 1876. Church Howe, a quasi democrat, was present.

³⁴¹ *House Journal* of the eighth special session (erroneously called the twelfth special session on the title page of the *Journal*), p. 6. The canvass found that the vote cast for the republican candidates for the office of electors was, Silas A. Strickland, 31,883; Amasa Cobb, 31,915; Alexander H. Conner, 31,909; for the democratic candidates, Stephen H. Calhoun, 16,959; St. John Goodrich,

Munn, and Tomlin, of Otoe county, refused to attend the session;³⁴⁰ but the seven republican senators and twenty-five members of the house—five more than a quorum—were present, and the joint assembly proceeded to canvass the returns over the objections of Church Howe, which showed that under the law as it stood the canvass of the vote for presidential electors could be made only at the regular session in January, 1877.³⁴¹

After the electors had been chosen, the eligibility of one of them—Amasa Cobb—was in doubt, and the afternoon session was called to provide against that danger. It proceeded to do so by again electing Cobb under the provision of the federal constitution that "each state shall appoint (electors) in such manner as the legislature thereof may direct." Senator James C. Crawford formally objected to the proceeding for three reasons: (1) that the joint convention has no knowledge of any vacancy in the office of elector, and so no power to fill it; (2) that the laws of Nebraska, which have never been repealed, require the election of electors by the people on the 7th of November; (3) that the joint resolution under which it is proposed to appoint an elector is void because it was not read at large on three separate

17,360; M. C. Keith, 17,413. The highest vote for a greenback candidate was 2,336 (*House Journal*, eighth special session, p. 12). At the afternoon session all the democrats, including Howe, were reported absent or not voting, but additional republican members of the house gave a vote of 24 for Cobb, making with the seven votes from the senate, 31 in all. The *Senate Journal* records that "the president of the senate (Griggs) being absent and his office vacated," Guy C. Barton was elected in his place.

days and does not repeal the existing law providing for the choosing of electors.

This expensive and otherwise troublesome incident arose from the second blunder of its kind by the legislature. Governor Butler had been obliged to call a special session of the legislature just before the election of 1868 because no provision had been made for the election of presidential electors. The act passed at that session provided that the votes cast for the candidates for the office of elector should be canvassed in the same manner as for candidates for the office of representative in Congress, which, according to the revised statutes of 1866, still in force, was to be done by the governor, the secretary of state, and the auditor, within sixteen days after the election. This left ample time for the electors to meet for the purpose of casting their votes on the first Wednesday in December, according to the act of Congress. But the act of the legislature of 1869 governing elections — which, with the act of 1868 providing for the choice of electors, was incorporated in the revision of 1873 — provided that votes cast for candidates for representative in Congress should be canvassed by the legislature which, under the constitution of 1866 and that of 1875, did not meet in regular session until the January following the general elections; and the provision of the act of 1868 that the votes cast for candidates for the electoral college should be canvassed in the same manner as those for members of Congress remained unchanged; hence the hurried call for the extra session to canvass the vote in December, 1876.³⁴²

After Amasa Cobb had been chosen as an

³⁴² *General Statutes*, 1873, pp. 357, 366.

³⁴³ Article 2, Sec. 1, Constitution of the United States.

³⁴⁴ The plaintiffs were St. John Goodrich, Stephen H. Calhoun, and M. C. Keith, and the defendants were Silas A. Strickland, Amasa Cobb, and Alexander H. Conner, candidates for the office of elector on the democratic and republican tickets respectively. The petition alleged that Cobb was ineligible because he was disbursing officer of the United States in the construction of the federal postoffice at Lincoln; that envelopes addressed, "Bruno Tzschuck, secretary of state" and with the words presidential election returns printed on the corner thereof, had been sent to the county clerks of the state for the purpose of inducing them to transmit to said

elector in the regular way it was discovered that no "person holding an office of trust or profit under the United States shall be appointed an elector,"³⁴³ and the fact that General Cobb was disbursing officer of the treasury department in the matter of the construction of the courthouse and post office at Lincoln probably made him ineligible. A comedy of errors seemed to monopolize the stage. The democrats did their utmost to turn the comedy into tragedy by applying for an order in the district court of Douglas county restraining the republican electors from meeting and casting their votes on the 6th of December, on the ground that the votes cast for them at the election had not been legally canvassed.³⁴⁴

The organ at the capital, with didactic solemnity, derived from the incident and imparted to its partisan pupils the lesson that the mistake which republicans had made in assisting in the election of a democratic judge — who had assumed jurisdiction of such a monstrous case — must never, never be repeated; and the subsequent dismissal of the case by Judge Savage invoked only an ungracious apology. Party power broke through the complicated meshes which its skill could not untangle, though without injustice; because the republicans were equitably entitled to the electoral vote of the state. This, alas, can never be said of the electoral votes of some other states which were nevertheless counted for them in that momentous year.³⁴⁵

It seems, however, that the irregularity of 1876 was not as flagrant as that of 1872, for there was an attempt to regularize it; but we are told that "four years ago the secretary of

Tzschuck statements of votes cast for electors; that on or about November 20th the governor, the attorney general, and the secretary of state, and others to the plaintiffs unknown, canvassed the abstracts sent by the clerks; that on or about November 25th the governor notified the defendants that they were elected. Plaintiffs prayed that the acts of the governor, the secretary of state, and the attorney general be declared illegal and unauthorized; that defendants be enjoined from attempting to exercise any power or authority as electors; and that they be enjoined from meeting in the meantime on the 6th of December. The petition was signed by E. Wakeley, John D. Howe, G. W. Ambrose, attorneys for plaintiffs (*Daily State Journal*, December 5, 1876).

³⁴⁵ *Daily State Journal*, December 6, 7, 1876.

state and the acting governor, James, set the precedent of interpreting the new law as not making any change in the old way of canvassing the electoral vote, and opened the returns on the day required by act of Congress and canvassed them under the old provision," and that "the clause in the law holding that the vote for electors shall be canvassed in the same manner as the vote for congressman, meant as the vote for congressman was canvassed at that time."³⁴⁶ Now one of the coexistent parts of the statute provided that "returns [of the votes for electors] shall be made, the votes canvassed and certificates issued in the same manner and by the same officers as required by law in the case of electing a representative in Congress." The correlative part of the statute required that the county clerks of the several counties of this state shall . . . make further abstracts of the votes cast at any election for member of Congress, governor, secretary of state, state auditor and state treasurer, etc., and transmit the same by mail or otherwise to the president of the senate, in care of the secretary of the senate, who shall preserve them unopened until the meeting of the legislature, when he shall deliver them to the president of the senate, who shall open them and publish them according to the constitution, and give to the person having the highest number of votes a certificate immediately."³⁴⁷ The constitution referred to in this statutory procedure was that of 1866, since the statutes were enacted while that instrument was in force. The section of the constitution — 3 of Article III — with which the procedure must accord directed that the returns of every election for governor, secretary of state, treasurer, and auditor should be transmitted to the

seat of government, directed to the president of the senate, who, during the first week of the session, should open and publish them and declare the result in the presence of a majority of each house of the legislature. Section 5 of the same article makes it very clear that the canvass should be made at the next regular session after the election. The editorial apology for the illegal canvass of 1872 overlooked this very material provision. "The constitution provides for a legislative canvass but does not say when. The law provides that the vote for member of Congress shall be opened and canvassed by the president of the senate in joint convention of the legislature. It does not say at the next meeting, or the regular meeting of the legislature."³⁴⁸ But the constitution does say so; and though it was not operative at this time — 1876 — it still served to interpret the statute in question which remained in force; furthermore, the constitution was in force in 1872 when the canvass "under the old provision" violated it. If the corresponding provision of the constitution of 1875³⁴⁹ had any bearing, interpretative or otherwise, on the statute which was framed upon the constitution of 1866, that also plainly required the canvass be made at the opening of the regular session.

Under "the old provision" — of 1868 — the canvass was made by the secretary of state, assisted by the governor and the auditor. Why the petition for the injunction of 1876 should have recited that the governor, secretary of state, and attorney general had assumed the office of canvassers is not explicable; though, rather curiously, to cure the defect in the law, by an act of the legislature of 1877, these officers were constituted the canvassing board.³⁵⁰

³⁴⁶ *Daily State Journal*, Nov. 18, 1876. The "new law" referred to was the election law enacted in 1869, which overlooked the act of Congress providing for the meeting of electors in December. "The act of Congress" said nothing about the opening and canvassing of the returns; that part of the procedure was left to the state by the federal constitution.

³⁴⁷ *Revised Statutes*, 1873, sec. 19, sec. 57, chap. 20.

³⁴⁸ *Daily State Journal*, December 6, 1876.

³⁴⁹ Sec. 4, art. 5.

³⁵⁰ Two years later this board was enlarged and the governor, secretary of state, auditor, treasurer, and attorney general were authorized to canvass the votes for presidential electors, judges of the

supreme and district courts, and regents of the state university (*Laws*, 1879, p. 257). The act of Congress, February 3, 1887, changed the time for the meeting of the electors to choose the president to the second Monday in January (*Stat. at Large*, Vol. 24, p. 373). The legislature of 1889 changed the time for the meeting to correspond with the change in the federal law. As a result of this change of time, it would now be practicable for the legislature to canvass the vote for electors, since it meets on the first Tuesday in January. An act of Congress passed in 1872 fixed the Tuesday next after the first Monday of November as the day for the election of representatives in Congress in 1876 and thereafter (*Ibid.*, Vol. 17, p. 28) and also for the choosing of

The 7th legislature convened in the 14th session and the 5th regular session, January 2d, and finally adjourned February 15, 1877.³⁵¹ George F. Blanchard, republican, of Dodge county, was elected temporary president of the senate, receiving 19 votes to 9 for Church Howe, of Nemaha county. Albinus Nance, of Polk county, was elected speaker of the house, his principal competitor being Dr. Alexander Bear, of Madison county.

The principal event of the session was, of course, the election of a senator of the United States. As the popular preference for candidates for this office is now expressed at primary elections in most of the states, the formal election is merely perfunctory, a saving of much time and distraction over the old method. On the first joint ballot, Phineas W. Hitchcock, the incumbent, received 27 votes; Alvin Saunders, 14; Clinton Briggs, 12; Lorenzo Crouse, 12; George B. Lake, 3; Charles F. Manderson, 4; Theron Nye, 3. The opposition cast 25 votes for James W. Savage, democrat.³⁵² On the first ballot taken the next day — January 18th — Saunders received 45 votes; Hitchcock, 36; Savage, 26. On a second ballot, taken after a brief adjournment, Saunders was elected, receiving the entire republican support and of ten independents — 88 in all.³⁵³

Only one United States senator from Nebraska — Manderson — has gained two full

presidential electors (*Ibid.*, 157). This was the first time fixed by federal law for the election of representatives in Congress, and it stands as the time for the general elections in the even numbered years in this and other states.

³⁵¹ This was the first legislature and the first session under the constitution of 1875, and in accordance with that instrument comprised thirty senators and eighty-four representatives. Twenty-one senators and sixty representatives were republicans, and nine senators and twenty-four representatives were democrats (*Daily State Journal*, November 11, 1876). The *Tribune Almanac* (New York) divided the senators as twenty republicans, seven democrats, and three independents, and the representatives as fifty-seven republicans, eighteen democrats, and eight independents — leaving out one representative. Albinus Nance, of Polk county, was chosen speaker of the house on the second ballot. On the first ballot the twenty-four votes of the opposition were cast for Dr. Alexander Bear, of Madison county (*House Journal*, 1877, p. 35). Brad D. Slaughter, republican, was elected chief clerk with fifty-seven votes. Twenty-six votes were cast for his opponent, John Vandine — an indication that this was the strength

terms. Tipton had a desperate struggle for reelection after his very short initial term of two years, and all the rest have been put out after one term. The charges that Thayer had been put off with only a fractional term by bribery were kept alive during the service of his successful competitor and probably caused his defeat. Mr. Hitchcock evidently attributed his misfortune to the bribery accusation.³⁵⁴ The *Herald* was vexed because it could not prevent democratic members of the legislature from giving Hitchcock the votes upon which his success depended; and this circumstance probably stimulated its habitual willingness to make as much trouble as possible for its partisan opponents. During the canvass preceding the election of 1876 the *Herald* rebuked Hitchcock's republican assailants for the exhibition of malicious greed. A few of the noisier papers of the Grant machine, it said, were making a furious fuss about the Hitchcock bribery. The *Herald*, five, four, and three years ago had charged the same thing a thousand times and was called "a liar and a libeller" for it. Hitchcock was infinitely more respectable than the little thieves who howled upon his track. This "is the best that can be said of him. They knew five years ago as well as they know now that he bought his seat in the senate." Inability to respond to the demands made upon him for money or its equivalent was causing his

of the opposition. George F. Blanchard, of Dodge county, was elected temporary president of the senate, receiving nineteen votes against nine cast for Church Howe, of Nemaha county, the democratic candidate. The two candidates refrained from voting; so that the party division thus indicated was twenty republicans and ten democrats and independents.

³⁵² In addition, J. W. Davis received two votes; Church Howe, two; E. W. Thomas, one; Amasa Cobb, one; Tobias Castor, one.

³⁵³ *House Journal*, 1877, p. 203. Savage received twenty-five votes on the last ballot. Myers was absent. The *Daily State Journal*, January 19, 1877, says Saunders received all the republican votes and "a part of the independents."

³⁵⁴ The *Daily State Journal* of March 8, 1878, quoted an interview of Mr. Hitchcock from the *Chicago Tribune* in which he declared that if one Moore, a robber in the railway mail service, had stolen the entire postoffice department east of the Missouri river he would still be a more reputable character than Edward Rosewater, his most persistent assailant.

trouble.³⁵⁵ In the sensational campaign thirty-two republican newspapers actively opposed Hitchcock's reelection, twenty-six were neutral, and only thirteen positively supported him. At that period no one politically unfriendly to railroads could attain an important political office, and probably no one not positively friendly to them ever did. But there seemed to be enough truth in the complaint that Hitchcock was over-friendly to them, even in that heyday of loyalty — largely pass-inspired — to make it an effective aid to the bribery scandal and the inevitable disappointed office seekers. Charged

³⁵⁵ Omaha *Daily Herald*, September 9, 1876. The Omaha *Bee* (weekly) of September 6, 1876, accused one senator and four members of the house, by name, of having taken bribes, in specified amounts, for voting for Hitchcock in 1871; but the bribery was not traced to Hitchcock himself.

³⁵⁶ *House Journal*, 1877, p. 536.

Following is the formal affirmative vote:

Allen	Butler county
Barnum, Guy C.	Platte county
Bear	Madison county
Belden	Dodge county
Bruno	Merrick county
Burtch	Sarpy county
Bush	Franklin county
Caldwell	Nuckolls county
Creighton, Jas.	Douglas county
Fitchpatrick	Clay county
Fradly	Pierce county
Hall	Cedar county
Harrison	Hall county
Harvey, A. E.	Furnas county
Heffernan	Dakota county
Hullihen	Knox county
Johnson	Burt county
Johnson	Hamilton county
Lambert	Antelope county
Love	York county
McColl	Dawson county
Mills	Harlan county
Moore	York county
Nance	Polk county
Neville	Douglas county
Paul	Howard county
Ries	Lincoln county
Sadler	Adams county
Selden	Washington county
Small	Clay county
Smith	Webster county
Switzer	Buffalo county
Walters	Dixon county
Wells	Colfax county
Whelpley	Colfax county
Wilcox	Douglas county — 36

Four members of the committee on constitutional amendments which had the bill in charge, namely, Switzer, of Buffalo, Barnum, of Platte, Harvey, of Furnas, and Whelpley, of Colfax, recommended the passage of the bill. The other three members, Ewan, of Nemaha, Halderman, of Pawnee, and Beardsley, of Cass, made a minority report against the bill. The report contended that the act of the legislature

with these poisons and driven home by the restless and relentless Rosewater, the sting of the *Bee* was destructive.

Another formidable attempt to remove the capital from Lincoln — the last until 1911 — was centered in the house. On the final vote the bill received 36 affirmative, and 37 negative votes. Twenty-three of the thirty-six supporters of the measure were from the North Platte section. Of the eight members from Douglas county, three voted aye, three nay, two not voting.³⁵⁶ When "Jack" McColl, introducer of the bill, was a candidate for gover-

which originally located the capital at Lincoln declared that the location should be permanent, and that it would be the height of injustice and a breach of plighted faith to remove the capital after so much had been risked and expended by people in building up the city of Lincoln on the strength of the pledge of the legislature. It called attention to the fact that, owing to the extinction of Indian titles and the removal of the Indians and the development of the vast mineral wealth of the Black Hills, the northwestern part of the state would soon develop rapidly in population and wealth, so that it would be unwise to relocate the capital until the results of these changes were better known. It contended, further, that the removal would cost from \$150,000 to \$200,000 and it would be unwise and unjust to wring this large sum from taxpayers "solely for the benefit of a few townsite speculators." It pointed out that section I of the bill provided for submission to electors the simple proposition, "for and against relocation of the capital," without specifying any point for location; and that section II provided that at the next general election the electors should designate some place, "outside of the county of Lancaster," at which the capital should be located. "It must be apparent to all that this provision may inflict great wrong, not only upon Lancaster county, but a large majority of the people of the state; for it is well known that many persons in the hope of getting the capital in their vicinity, would, at the first election, vote for removal, but, failing to get their position would prefer Lincoln to any other than their own location, while, by the provision of this bill, all those, as well as citizens of Lancaster county, would virtually be excluded from expressing their preference on this important matter." (The same tactics were resorted to by the removalists at the session of 1911.) The motion of Cadman to substitute the minority, for the majority report was lost by a vote of twenty-three to forty-nine; but before the final vote peculiar and powerful influences, the character of which old residents of Lincoln still remember, were brought to bear, saving the passage of the bill by a single vote.

January 9th a bill (H. R. 21) was introduced to provide for the erection of a wing to the old capitol and appropriating \$150,000 for its erection. It provided for the removal of that part containing the offices of secretary of state and auditor, and the senate chamber. The building was to be so constructed that it might serve as a north wing of the old capitol and yet be kept apart so that, in case of change of plan, it could be incorporated into an

nor in 1896, this incident had apparently not been quite forgotten.³⁵⁷

In the senate there was a sensational investigation of charges made by Edward Rosewater in the *Omaha Bee* of January 30, 1877, that Church Howe was the recipient of a bribe or bribes in the senatorial election of this session. Mr. Rosewater stated the case in a letter to Lieutenant Governor O. A. Abbott, president of the senate as follows:

"Lincoln, Jan. 31, 1877.

"Hon. O. A. Abbott, Lieutenant Governor and President of the Senate.

"Sir:—In compliance with your demand made upon me, as the editor of the *Omaha Bee*, in pursuance of the resolution adopted by the state senate, 'to name the specific offense which the *Bee*, in its issue of January 30th, 1877, has charged upon the Hon. Church Howe, a member of the state senate,' I will state that the offense referred to is the crime of corruptly selling his vote as a member of the legislature, for money — a crime defined by the statutes as bribery.

"My information concerning this offense is derived from responsible parties, and corroborated by Mr. Howe's personal confession to a gentleman whose veracity I consider unimpeachable. Very respectfully,

(Signed)

"E. ROSEWATER,
"Editor *Omaha Bee*."

Mr. Howe emphatically denied the truth of the charge and in turn applied very violent epithets to Mr. Rosewater for publishing them. Rice Eaton, editor of the *Kearney Press*, had previously made similar charges and procured his own indictment for criminal libel. These charges involved Howe, J. N. H. Patrick, and others, but the indictment was quashed on account of a flaw in the papers. Henry C. Lett,

entirely new building. The committee on public lands and buildings reported the bill back to the house with a recommendation that it be indefinitely postponed. The committee gave as a reason for their disapproval that the appropriations at this session were already large, amounting to nearly \$700,000, and on account of the unsettled condition of business in the state and country, this additional expense should not be considered. So the bill was indefinitely postponed (*Daily State Journal*, January 10, 1877).

A special committee of three senators and four members of the house was appointed to investigate charges against Attorney General George H. Roberts which were compiled in the preamble of the resolutions as follows: "It is charged that the attorney

of Nemaha county, testified at considerable length as to what Patrick told him — among similar statements that "in various ways Howe got several thousand dollars of our money and promised to do many things that he did not and could not do." Patrick said that he had spent ten or twelve thousand dollars during the senatorial contest and would have been thousands of dollars better off if he had never seen Howe. Lett defined the status of two leading politicians of Nemaha county at that time by saying, "I am a democrat and Howe is a middleman." S. T. Cole testified that John C. Cowin had told him at the time of the Kearney trial, in which Cowin was counsel for the defendants, that a bargain was made with Towle to transfer the Richardson county delegation to Patrick for \$10,000. Rosewater insisted that Cowin had told him that Howe had sold out to Hitchcock in the senatorial fight. There was much incriminating testimony and much denial also. The committee which took the testimony comprised Senators Powers, Carns, Ferguson, Thummel, and North, and it made the following report:

"RESOLVED, That upon consideration of the testimony, the Honorable Church Howe, a member of this body, is hereby declared innocent of the charges made against him in the *Omaha Daily Bee* of January 30th, 1877, and is hereby exonerated therefrom. Isaac Powers, Jr., chairman committee."³⁵⁸

A committee of five senators investigated charges made in the public press of the state that J. R. Webster, late attorney general; W. H. James, late acting governor; and George H. Roberts, attorney general, had been guilty of bribery in the use of money to prevent the in-

general of this state is derelict in the discharge of the duties of his office, has been, and is in the habit of becoming intoxicated, and has been guilty of malfeasance in office." The resolution was indefinitely postponed by the senate (H. J., 1877, p. 317) and in the house the committee was discharged after reporting that on visiting the attorney general they found him confined to bed by severe illness and thought it improper to proceed in the investigation until he had sufficiently recovered to be present.

³⁵⁷ There was a heavy vote against McColl in the southeastern counties, and in Lancaster he ran behind his ticket by about fifty votes.

³⁵⁸ *Senate Journal*, 1877, p. 544. Testimony, pp. 510-544.

stitution and prosecution of suits to recover money belonging to the state which Acting Governor James had received from the federal government and for which there had been no proper accounting. The committee reported that though the judgment was still unpaid yet, in its opinion, there had been no corrupt means resorted to by counsel for the state in delaying its collection but that too much leniency had been shown to the defendants. Judgment had been obtained against James, the Nebraska City National Bank, and Dwight J. McCann, its president. Mr. Wilson, an officer of the bank, said that it was an innocent party and that it had been involved in the suit through McCann's dishonesty. It appeared that the delay in collecting the judgment from the bank was for the purpose of giving the institution an opportunity to recoup from McCann.³⁵⁹

A report of the secretary of state upon the census showed that increase in the population of Nebraska from 1855 to 1860 was 542 per cent; from 1860 to 1870, 327 per cent; from 1870 to 1876, 109 per cent. An exhibit accompanying the report gave the population in 1874 as 223,657; in 1875, 246,280; in 1876, 257,747. The enumeration from which these aggregates were compiled was made by precinct assessors under the law of 1869, and it is therefore unlikely that they are reliable; but they at least served as basis for comparison. According to the federal census the population was 452,402

³⁵⁹ *Senate Journal*, p. 741 *et seq.* The *Nebraska State Journal*, of November 22, 1878, notes McCann's conviction at Cheyenne on the charge of selling fifty-two barrels of sugar belonging to the United States and converting the proceeds to his own use. He had become wealthy through business skill. Nebraska City was still his home.

The following letter, ostensibly an attempt to doctor returns of the election on the adoption of the constitution of 1871, should have prepared the public for McCann's final moral tragedy as described above; and the fact that Mr. Galey publicly acknowledged that he had received the letter, though violently denouncing any collusion in McCann's purpose, indicates that the turpitude was as bad as it seems. The letter was published in the principal newspapers of the state in the latter part of January, 1872—in the *Omaha Weekly Tribune and Republican*, January 31. Galey's explanatory letter was written to the *Statesman*, January 25. He declared that "some one, and who I know not, obtained the letter in question from my office." He denounced the pur-

in 1880. The constitution of 1875 provides for an enumeration every ten years, beginning in 1885. The direction was complied with that year and the population was found to be 740,645, but it has been disregarded ever since.

The laws passed at this session were not as numerous nor as important as those of subsequent sessions. The so-called Granger cases, originating in Illinois, Iowa, and Wisconsin, which established the principle that railroad rates could be controlled by legislation, were decided this year but not in time to stimulate legislation along that line. The only acts affecting railroads passed at this session were an amendment strengthening the law of 1876 making railroads liable for the value of stock killed in transit; another requiring railroad companies to keep stock cars clean; and another making taxes on the roadbed, right of way, depots, sidetracks, ties, and rails a perpetual lien thereon, and declaring such property personal for the purpose of taxation and collection of the tax. A bill (H. R. 77) to fix the liability of common carriers receiving property for transportation was indefinitely postponed in committee of the whole; House Roll 254, to require railroads in Nebraska to "pro rate" with one another, was safely buried in the committee on railroads of which Loren Clark, whom the *Omaha Bee* afterward made famous or infamous by its attacks upon him for corporation subserviency, was chairman. This

loiner as a villain and a thief, left it to McCann to explain his motive for writing such a letter to him, and washed his hands of all part in it.—Ed.

"(CONFIDENTIAL).

"Nebraska City, Neb., 9—27, 1871.

"Dear Galey:

"I have received a letter from Strickland [President of the constitutional convention] saying that good news from the line of the U. P. Railroad rendered it certain that we have the victory if we get a fair return from Clay, Nuckolls and Harlan counties. It is proposed to have you go down and fix the returns in proper shape, and the vote will be canvassed, and if they choose to go into the courts to test the legality of the same, we are ready. I deem the matter of *prime importance* to Lincoln and the state. If you go down, make the majorities large enough to silence opposition. Your expenses will be paid. Harlan county put 1,000 votes. All the people in the county will be for the constitution.

Yours truly,

"D. J. McCann."

committee recommended the indefinite postponement of a house resolution directing the committee to inquire into the expediency of regulating freight and passenger rates, for the reason, as stated, that the committee was informed that the senate was about to report a bill of that nature. Such a bill was introduced into the senate, where it was indefinitely postponed in committee of the whole by a vote of 18 to 8.³⁶⁰

The most important bills passed at the session were as follows: An act prohibiting the sale of intoxicating liquors within three miles of a place where any religious society was assembled for religious worship in a field or woodland; providing that the principal and interest of the grasshopper bonds of 1875 should be paid out of the state sinking fund; repealing the act of 1875 creating a state board of immigration; regulating the manner of proposing amendments to the constitution and submitting them to electors; providing for township organization; creating a commission of three members to revise the general laws of the state; authorizing the supervisors of each road district and supervisors to be appointed by mayors of cities to require each able-bodied male resident between the ages of sixteen and sixty years to perform two days' labor, at such time and place and in such manner as should be deemed most efficient in the destruction of grasshoppers. If it should appear that two days' labor would be insufficient, the supervisors might require a greater number of days, not exceeding ten. No compensation was provided for such work, and any person refusing to perform it was liable to a fine of \$10 with costs of suit. Further enactments were, for establishing the board of public lands and buildings and defining its duties; offering a bounty of \$1 for every wolf, wildcat, and coyote killed, to be paid by warrants drawn by the auditor upon

³⁶⁰ *Senate Journal*, 1877, p. 643.

This bill was Senate File 183. The senators who voted against postponement were Birkhauser, of Richardson county, Chapman, of Cass, Colby, of Gage, Dawes, of Saline, Howe, of Nemaha, Van Wyck, of Otoe, Walton, of Clay. Two democratic leaders, Charles H. Brown and Beach I. Hinman, voted aye. The bill was introduced by Colby by unanimous consent.

the state treasurer. A joint resolution was passed requesting members of Congress from Nebraska to attempt to procure such legislation as would provide for the appropriation of the proceeds of the sale of public lands in the several states devastated by grasshoppers to be used in payment of bounties for their destruction. A preamble and joint resolution was passed which recited that the state had materially suffered from frequent and continued invasions of hostile Indians for the past twelve years and asking that the control of Indian affairs be transferred to the war department for more efficient and economical administration. Another joint resolution recited that the federal census of Nebraska taken in 1870 failed to show the actual number of people in the state; that there had been a rapid increase of population since that time, that the state census of 1875 showed a sufficient population to entitle the state to two members of Congress, and asking that an additional member be awarded. A joint resolution was passed reciting, "That the records of the impeachment and removal from office of David Butler, late governor, be and the same are hereby expunged from the Journals of the Senate and House of Representatives of the 8th session of the legislature of Nebraska."

J. Sterling Morton and Dr. George L. Miller worked together in politics during the greater part of their long political activity; but during the decade of 1880-90 and until the new leader, Bryan, with his new, or, rather, more vitalized, doctrines conveniently but superficially called Bryanism, arose in the early part of the next decade, when they made common cause against him, they were the leaders of two mutually hostile factions of the democratic party. Their differences were mainly due to the overweening ambition for leadership and the domineering personal temper or temperament of both, though Miller was inclined to Randall protectionism while Morton was a radical free trader, and their railroad affiliations were not always identical. Morton, moreover, after his recovery from his greenback lapse, grew more "sound" on the money question than

Miller. As early as 1877 a quarrel between them was noticed, ostensibly over a puff in the *Herald of Dan. Voorhees*, whom Governor "Blue Jeans" Williams had recently appointed to succeed Oliver P. Morton, deceased, as United States senator. Morton pointed out that the *Herald* had formerly called the budding statesman a wind-bag and other impolite names which Miller always freely drew for editorial use from his full-stocked vocabulary.³⁰¹ Morton himself had been alike impolite to "the tall sycamore of the Wabash," who was too much bent on "doing something for silver," but stuck to it while Miller took it back.

The republican state convention for 1877 was held at Lincoln, October 10th. It was called to order by Charles H. Gere, chairman of the state committee; James W. Dawes, of Saline county, was temporary and permanent chairman; George L. Brown, of Butler county, was temporary secretary, and Daniel H. Wheeler, of Cass, permanent secretary. George B. Lake, of Douglas county, was nominated for chief justice of the supreme court on the second formal ballot.³⁰² The convention, for some reason not apparent, did not want a platform, and the usual motion for the appointment of a committee on resolutions was defeated by a vote of 119 to 131. James W. Dawes was pitted against Edward Rosewater for member at large of the state committee and was victorious by a vote of 171 to 82. This incident was indicative of the relative standpat and insurgent strength in the party. Self-contained and subservient reactionaries did not dream, much less see, that eventually they must bow to their ascendant Nemesis whom they now contumeliously spurned. Rosewater was to have his day, and a great day it would be. A delegate from Douglas county offered a resolution of sympathy with the laboring classes for their manly defense of their rights "during the recent attempt of capital to oppress labor." It was supported by Rosewater, opposed by Gere, and tabled by

³⁰¹ *Daily State Journal*, November 16, 1877. In its issue of December 14, 1877, the *Journal* noted that Frank Welch voted for silver (the Bland bill) in the house and that Paddock and Saunders were counted on to support it in the senate.

³⁰² *Daily State Journal*, October 11, 1877. On the

the convention as of course. The standpat mouthpiece characterized it as "Rosewater's communistic resolution" and declared that the Douglas delegation was composed chiefly, if not entirely, of men who bolted the organization last fall, their chief object being to destroy Judge Briggs, "a man who for a time had got in bad company."

On the 26th of October E. A. Allen, chairman, and S. F. Burtch, secretary of the democratic state committee, issued a statement that, as "only a judge of the supreme court and two regents of the university were to be nominated," they deemed it inexpedient to hold a state convention. The committee had unanimously passed a resolution urging the State Bar Association to nominate a candidate for the judgeship; but the association having declined to act on its suggestion, the committee urged all democratic county organizations to put the name of John D. Howe upon their tickets and support him at the polls. As a matter of course the lawyers, who were usually ambitious politicians and perforce, perhaps, members of the dominant party, could not afford to listen to a proposal to divide official honors and emoluments with the minority party so long as their own party was strong enough to safely monopolize them. Even recent repeated attempts, stimulated by the present comparatively strong and growing independence of partisanship, have failed to unhorse the pernicious custom of the partisan choice of judicial officers which was so firmly seated in those inauspicious times.

Judge Lake had flirted too much with various parties to be wholly acceptable to the stalwart republicanism of that day; and so the *State Journal* was willing to quote from the free lance Lincoln *Globe* a severe stricture upon his candidacy. There was much complaint, the *Globe* declared, about Lake's nomination. Ten years of incumbency was enough and many wanted a new man. Besides, Briggs had probably missed the nomination by a miscount in

first ballot Lake received 116 votes; Erastus E. Brown, of Lincoln, 64; Clinton Briggs, of Omaha, 63; A. C. Turner, 8; Amasa Cobb, of Lincoln, 4. On the next ballot the contest was between Lake and Briggs, the first receiving 137 votes and the second, 122.

the convention and Lake's managers would not consent to a recount. He was not a man of decided ability, falling below Gannt in that respect, and his written opinions fell below the standard, "contributing for him his full share of much bad law confessedly contained in the Nebraska reports." This was the opinion of "the able members of the bar." While on the bench he had been a constant candidate for the United States senatorship and for a seat in the lower house of Congress; and in 1868, failing to get the nomination of the republican party, he accepted one from its political opponents and ran against the regular republican candidate, John Taffe, in the meantime "remaining upon the bench against all precedent, so as to be sure of an office in any case." The *Globe* thought that the bar association would nominate Briggs or Wakeley.⁸⁶³

Lake received 25,569 votes against 15,639 cast for Howe, his democratic opponent.⁸⁶⁴ That palpable republican dissatisfaction with Lake's nomination should not have been manifested in a greater defection in his support at the polls is explained by the unquestioning party loyalty which would still accept or tolerate argument of this sort: "Politically the republicans of Lancaster county should vindicate the honor of the old flag. . . . Republicans of Lancaster county, stand by your guns and vote straight as you shot, and let the cry of 'bloody shirt' dismay those only who got their shirts crimsoned in the ranks of disloyalty and secession."⁸⁶⁵ More directly vital to the interests of the party organs, there would be no danger of annoying inquiry into fat public printing subsidies or other public matters of practical import, so long as public attention could be diverted by such inspiring appeals to a paramount patriotism.

A large element of the republican party at this time favored the restoration of free coinage of silver. The *State Journal*, which led in the movement, ardently supported the Bland bill — which had passed the house — "restoring the old dollar of 412½ grains as an unconditional legal tender for debts, public and private," and insisted that it must pass the senate

without amendment. This was the same radical principle which all the leading republican newspapers of the state, including the *Journal*, violently assailed Willam J. Bryan for promulgating about fifteen years later. On the 12th and 16th of January, 1878, mass meetings were held in Lincoln in the interest of free coinage. Harvey W. Hardy was president of the meetings and Allen W. Field secretary. Lorenzo W. Billingsley offered a set of drastic resolutions about the crime of '73, for restoring free silver coinage and declaring that if President Hayes should veto the Bland bill our representatives in Congress ought to endeavor to pass it over the veto. Turner M. Marquett, Oliver P. Mason, Charles H. Gere, S. B. Galey, John L. McConnell, John B. Wright, and President Hardy, all republicans, and comprising most of the party leaders of the capital city, favored the resolutions. Only Nathan S. Harwood and Genio M. Lambertson opposed and favored a gold standard. Harwood advocated a resolution in favor of the coinage of silver dollars equal in value to gold dollars; and he opposed the Bland bill because it was not honorable to pay debts in depreciated money. In reply to the assertions of the resolutions and the other speakers that the silver dollar was fraudulently demonetized in 1873, he pointed out that the provision for its coinage had long been obsolete when it was formally dropped from the statutes. John I. Redick, of Omaha, who in a few years won a reputation for changeful opportunism — not always or necessarily an unwise or discreditable tendency — was for the resolutions, of course. An amendment declaring for the repeal of the specie resumption act, presented by C. H. Gould and pressed by L. C. Pace, was defeated, it would seem inconsistently.⁸⁶⁶ Harwood and Lambertson were among the earliest and most positive advocates of the gold standard in the

⁸⁶³ *Daily State Journal*, October 17, 1877.

⁸⁶⁴ Holmes and Persinger, republican candidates for regents of the university, received, respectively, 29,698, and 28,937 votes, and Grimm and Cass, independents, received, respectively, 6,915 and 6,330.

⁸⁶⁵ *Daily State Journal*, October 31, 1877.

⁸⁶⁶ *Daily State Journal*, January 13 and 17, 1878.

great struggle for free coinage of silver which began about 1890.

The republican state convention for 1878 was held at Lincoln, October 1st. It was called to order by James W. Dawes, chairman of the state committee, and Monroe L. Hayward, of Otoe county, was temporary and permanent chairman. There were contesting delegations from Custer, Douglas, Franklin, Gosper, Lincoln, and Madison counties. Amasa Cobb, who had been appointed to fill the vacancy caused by the death of Daniel Gannt, May 29, 1878, was nominated for judge of the supreme court by acclamation; and Edward K. Valentine was nominated for member of Congress on the fourth formal ballot. The informal ballot gave Lorenzo Crouse 110 votes; Valentine, 90; Oliver P. Mason, 25; and others scattering support; the third formal, Crouse, 125; Valentine, 131; George F. Blanchard, 36; Joseph C. McBride, 6; Mason I. Thomas J. Majors was nominated for the short term, to fill the vacancy left by the death of Mr. Welch in September. Albinus Nance, of Polk county, was nominated for governor on the third formal ballot.³⁶⁷ The platform declared that "elections shall be free in the south;" with some deference to President Hayes's inclination; squinted toward reform of the civil service; denounced a gratuitous assumption that damages inflicted on the property of southern states by the war might be paid from the national treasury; declared that the ample power of Congress must be exerted to guard against extortions of corporate capital; saw signs of reviving business; insisted that the greenback should be made as good as honest coin; approved the Bland bill for coining standard silver dollars and restoring their legal tender character, but declared that coinage should be free and that the thirty million trade dollars then in circulation should be made legal tender;

³⁶⁷ John H. Mickey, also of Polk county, who became governor in 1902, presented Nance's name to the convention. The other aspirants were William Daily, of Nemaha county, James W. Dawes, of Saline, John H. Croxton, of Otoe, and Champion S. Chase, of Douglas. E. C. Carns, of Seward, was nominated for lieutenant governor by acclamation. The other nominations were S. J. Alexander, of Thayer, secretary of state; F. W. Leidtke, of

denounced the recent attempt of democrats to steal the presidency; protested against a proposition to withdraw public lands west of the one hundredth meridian from homestead, preëmption, and timber culture; demanded that, as soon as practicable, Indians now within our border should be removed to the territory set apart for their use.

Edward Rosewater characteristically convulsed the convention by introducing a resolution which declared that the recent decision of the supreme court of the United States that the Union Pacific bridge across the Missouri river was a part of the main line of the road implied that the special bridge toll of ten dollars for each car of freight and fifty cents for each passenger was contrary to the spirit of the charter granted by the United States to the Union Pacific company, was unjust and oppressive, and that the question should be clearly defined by an act of Congress and the bridge rate reduced to that charged on the rest of the line. The resolution was hotly opposed, John M. Thurston leading the attack, and S. B. Galey and W. H. Ashby assisting. James Laird, William J. Connell, and others supported it. But Nebraska politics was not yet ripe for definite, much less drastic, anti-corporation declaration such as this, and the resolution was defeated by a vote of 127 to 84. Charles O. Whedon, following his penchant for sardonically marrying incongruities, offered an amendment as follows: "Resolved, that it is an outrage for the ferry companies at Plattsmouth, Nebraska City, and Brownville to charge \$10 per car for transferring cars across the Missouri river." This was added to the Rosewater resolution as an amendment and fell with it. As reported in the *Daily State Journal*, October 4th, Mr. Whedon "argued that the Union Pacific railroad had a right to fix the amount of the toll exactly as much as a man

York, auditor; George M. Bartlett, of Lancaster, treasurer; S. R. Thompson, of Lancaster, superintendent of public instruction; Caleb J. Dilworth, of Dawson, attorney general; Frank M. Davis, of Clay, commissioner of public lands and buildings. •

Ex-Governor David Butler was back in the party this year, apparently in good standing; for chronicles of the convention recite that his speech was vociferously cheered.

has a right to fix the price of a bushel of potatoes he has for sale." The radical change of attitude toward the relation of transportation companies and the state is illustrated by the fact that in the year 1911 Mr. Whedon is an "insurgent" or "La Follette republican;" which means that he holds to the right and duty of the public, through commissions or legislatures, to absolutely fix railroad rates. The irrelevancy of the Whedon resolution lay in the fact that the Union Pacific railroad was largely a giant creature of the people who, therefore, participated in its management through the agency of the federal government, while the ferries in question were at that time regarded as simply private concerns.

The democratic state convention was held at Lincoln, September 25th. A majority of the convention was chiefly bent on effecting fusion with the greenback party and of emulating the republican devotion to unstable money. A majority of the committee on resolutions, comprising Frank P. Ireland, James C. Crawford, James E. North, George E. Pritchett, James R. Gilkeson, and A. J. Smith, reported a conservative plank in favor of carrying out the resumption act and of a currency convertible into coin at the will of the holder. Their platform included, almost of course, a declaration against the protective tariff. The two dissenters — James G. Megeath and Nat. W. Smails — offered a minority plank demanding the postponement of resumption until the needs of the country admit it, the restoration of silver to the position it occupied before it was fraudulently demonetized, the abolition of the national bank system, and the substitution of greenbacks for the bank notes, opposing any further sale of bonds for resumption purposes and insisting that the public debt should be paid according to the original contract. This report was adopted in preference to that of the majority by a vote of 69 to 53. The platform also denounced republicans for defrauding the

nation of a president justly elected, and because they had "squandered the public lands, robbed the school funds, wasted the public money in rotten contracts for rotten public buildings, and levied a tax of half a million dollars a year for ten years to enrich favorites and feed imbeciles in office." It declared for "the liberty of individuals unvexed by sumptuary laws" and "against any and all protective tariffs." The convention nominated candidates as follows: For member of Congress, long term, J. W. Davis, short term, Dr. Alexander Bear; governor, W. H. Webster, of Merrick county; lieutenant governor, F. J. Mead; secretary of state, Benjamin Palmerton; auditor, E. H. Benton; treasurer, S. H. Cummins; superintendent of public instruction, S. L. Barrett; attorney general, Stephen H. Calhoun; superintendent of public lands and buildings, Joseph McCree; judge of the supreme court, John D. Howe. Dr. George L. Miller was named in the convention for governor and J. Sterling Morton for member of Congress, but it was inclined to a new deal, and the monetary principles of these two veterans had become rather too hard to yield to greenback fusion.

A state greenback convention held at Lincoln on the 14th of August nominated a ticket of which the candidates for member of Congress, auditor, treasurer, attorney general, commissioner of public lands and buildings, and judge of the supreme court were the same as those of the democrats. There was no essential difference between the democratic and greenback money planks, and the only appreciable difference in the republican plank was its friendliness to national bank currency as well as greenbacks and a demand for the convertibility of greenbacks into coin; but the virtue of the demand for a coin basis was repudiated by the radical demand for unlimited free coinage of debased silver.³⁶⁸

The fusion of democrats and greenbackers create money and regulate the volume thereof belongs to the government. 2. We demand that the coinage of silver be placed upon the same footing with gold. 3. The repeal of the national banking law and the substitution of legal greenbacks. 4. That all government paper money shall be legal tender for all debts, public

³⁶⁸ The other nominations were Levi G. Todd for governor, O. T. B. Williams for secretary of state; Theron M. Blakely for lieutenant governor; T. J. Foley for superintendent of public instruction; and L. C. Pace for member of Congress, short term. The resolutions condensed were as follows: 1. The power to

was effective enough to alarm the dominant party and did not fall far short of defeating it. Cobb, candidate for judge of the supreme court, received 28,956 votes against 23,191 cast for Howe. Nance, republican candidate for governor, received 29,469 votes while the opposition divided its support, giving Webster, democrat, 13,473, and Todd, greenback, 9,475. All of the other opposition candidates for state offices received the fusion vote. Valentine, republican candidate for member of Congress, received 28,341 votes; Davis, democrat and greenback, 21,752; Dr. Alexander Bear, national, 110.

The 8th legislature convened in the 15th session and the 6th regular session, January 7th, and finally adjourned February 25, 1879. The senate comprised eighteen republicans, five democrats, two greenbackers, and five nationals. The democrats were Charles H. Brown and C. V. Gallagher, of Douglas county; D. T. Hayden, of Otoe; Lewis Ley, of Stanton; George A. Stone, of Richardson; the greenbackers, P. W. Birkhauser, of Richardson; J. H. Grimm, of Saline; the nationals, William B. Beck, of Burt; T. A. Bunnell, of Saunders; John A. Cuffy, of Washington; J. A. McMeans, of Jefferson; O. P. Sullenburger, of Dixon. Of the fifty-five members of the house thirty-six were republicans, nine democrats, six greenbackers, two independent republicans; not designated, two. Charles P. Mathewson, republican, of Madison county, was elected speaker.

Among the enactments of this legislature was a provision that "all impeachments of state officers shall be tried before the supreme court," except that judges of the supreme court should be tried by all the district judges. Nance county was formed, its territory comprising the

and private; that the government should redeem all bonds as fast as practicable, and issue sufficient money to supply the demands of trade. 5. The government has power to issue absolute paper money. 6. We favor the improvement of the Mississippi and Missouri rivers. 7. We demand the public lands for actual settlers. 8. We protest against convict labor. 9. We favor state legislation for affording a reasonable rate of transportation for our products. 10. We demand an investigation of the finances of the state, and the punishment of illegal use of public money. 11. We demand the abolition of the importation of coolies.

Pawnee reservation. Saline lands described as follows were set apart for the use of a Nebraska hospital for the insane: n. e. $\frac{1}{4}$ sec. 4, t. 9 n., r. 6 east 6 p. m.; s. w. $\frac{1}{4}$ sec. 34, t. 10, r. 6. The excess of the state moneys on hand over \$100,000 was to be invested in U. S. four per cent bonds. The sum of \$100,000 was appropriated out of the sinking fund to pay off that amount of the state funding bonds. A fish commission was created to consist of three members whose term of office should be three years. No salary was provided for the commissioners, but their expenses should be paid to an amount not exceeding \$500. A bounty of \$2 was provided for the taking of wolves, wildcats, and coyotes whenever any county should vote to give such bounty. By the law of 1877 \$1 was to be paid by the state for each animal killed. By the law of 1879, \$7,500 was provided for payment of bounties under the law of 1877. The contract for leasing convict labor at the state penitentiary to W. H. B. Stout, made September 22, 1877, was extended six years from October 1, 1883. Under the conditions of this law Stout was to build for the state 240 stone cells before October 1, 1883. He was to receive forty-five cents a day for each convict for the first three years of his lease, and forty cents a day for the second three years. All that part of the Omaha and Winnebago reservation not included in Cuming or Burt counties was attached to Dakota county for judicial and revenue purposes. It was provided that counties must pay \$3.33 an acre for six rows of trees planted along half section or north section lines east and west and cared for not less than five years. A general election law provided that one judge of the supreme court and two regents of the university should be elected in 1879 and every two years thereafter, for a term of six years. Judges of district courts should be elected in 1879 and every four years thereafter; state officers and members of Congress, in 1880 and every two years thereafter; county officers, in 1879 and every two years thereafter; one county commissioner in 1879 and one annually thereafter. At the general election immediately preceding the expira-

tion of the term of a United States senator, electors might express by ballot their preference for his successor. It was provided that county treasurers should be eligible to office for only two consecutive terms. The sum of \$75,000 was provided for building the west wing of a new capitol. The sum of \$10,000 was appropriated for establishing and maintaining a reform school at Kearney, provided that the city should donate to the state a site for the same comprising not less than 320 acres.

Memorials and joint resolutions were passed asking Congress to extend the provisions of the acts of 1850 and 1855, relative to swamp and overflowed lands, to Nebraska and other new states; to transfer the Indian bureau to the war department, "believing it will give greater protection to our exposed settlers," and be less expensive; to place the Santee Sioux Indians on the old Ponca reserve recently vacated by the Spotted Tail band, only six miles distant from the lands held by the Santee in Knox county, which were seized by the interior department after being settled upon and cultivated by citizens of that county.³⁶⁹ A memorial set forth that incursions of hostile Indians east of Fort Robinson had recently resulted in the loss of several lives and much damage to property; and senators and representatives from Nebraska were asked to urge upon the war department the establishment of a military post in that part of the state. Congress was asked to repeal that part of section 640, revised statutes of the U. S., 1873-4, under which railroad corporations operating within the state removed cases between such corporations and citizens from state to federal courts. Application was made for indemnity for school land sections in the Oto and Pawnee reservations. The members of Congress from Nebraska were asked to oppose the payment of southern war claims. The attorney general of the state was instructed to proceed by suit or otherwise to collect moneys loaned out of the permanent school fund in

1870 and 1871 and to report to the next legislature the condition of each case.

In his message Governor Garber reported as outstanding ten per cent, ten years grasshopper bonds of 1875 to the amount of \$50,000 and eight per cent funding bonds of April, 1877, to the amount of \$549,267.35. Of these bonds \$123,000 had been sold to the highest bidder at \$1.07, and the balance was invested in the permanent school fund. The governor reported that "for some time past the outer walls of the capitol have been considered unsafe." Last October architects had been employed to examine the building, and "they pronounced the north wall in danger of falling." It was rebuilt at a cost of \$777.98. The time was not far distant when a new building must be erected. The governor recommended that citizens of Lincoln should be reimbursed for their expense in replacing the foundation of the university, but this just request was ignored.

The commission appointed under the law of 1877 to revise the statutes of the state reported to the legislature of 1879 that they had prepared a new school law, a new revenue law, and a new railroad law. According to a statement made by John H. Ames, a member of the commission, the legislature, fearing that a comprehensive report might not be upheld by the courts, adopted only a small part of the work. The legislature of 1877 not comprehending the magnitude of the work involved expected a full report of it the following fall. The members of the committee worked two years, each receiving compensation of only \$1,500.

The republican state convention for 1879 was held at Omaha October 1st. The convention was called to order by James W. Dawes, chairman of the state committee. Monroe L. Hayward, of Otoe county, was temporary and permanent chairman. Amasa Cobb, of Lancaster county, was nominated for judge of the supreme court by acclamation. In presenting his name John M. Thurston said that Hayward's friends had pressed his candidacy for the office against his wishes. John L. Carson, of Nemaha county, and Joseph W. Gannett, of Douglas, were nominated for regents of the state uni-

³⁶⁹ By executive order February 9, 1885, the president restored to the public domain all lands unallotted and unselected by these Indians by April 15, 1885, except such as were occupied for agency, school, and missionary purposes (*18th Report Bureau of Ethnology*, pt. 2, p. 869).

versity. Charles H. Gere was a strong competitor of these nominees. William M. Robertson, of Madison county, was chairman of the committee on resolutions. The platform omitted reference to silver and congratulated the country on the successful resumption of specie payment, insisting that its credit and promises must be kept as good as gold. A ruby "bloody shirt" plank was inserted. There must be no concessions to unrepentant rebels, and fear of the treasonable utterances of rebel brigadiers in Congress was expressed, and protection of votes in the south was demanded. There were pleasing signs of returning prosperity — which had been waited for since 1873.

The greenback convention was held in Lincoln October 2d. Allen Root, of Douglas county, was chairman of the convention, and L. C. Pace, of Lancaster county, was an active member. John Saxon, of Jefferson county, was nominated for judge of the supreme court, and Thomas Gibson, of Douglas, and J. H. Woodward, of Seward, for regents of the state university. Delegates were present from fifteen counties. Captain W. H. Ashby, of Gage county, at one time or another an ardent member of every one of the parties, was chancier of this convention.

The democratic state convention, held in Lincoln, September 9th, nominated Eleazer Wakeley, of Omaha, for judge of the supreme court, and Alexander Bear, of Madison county, and Andrew J. Sawyer, of Lancaster, for regents of the university. Stephen H. Calhoun, of Nebraska City, was chairman of the committee on resolutions, which complained that the republican administration made treaties with Indians only to violate them, thus turning

³⁷⁰ The *Daily State Journal*, November 4, 1879. The republican candidates were sustained by the usual majority, Cobb for judge receiving 46,113 votes against 20,827 for Wakeley and 4,725 for Saxon, greenback. Not even religious heresy could yet much affect loyalty to the old party. The vote for regents was as follows: Carson and Gannett, republicans, respectively 46,376 and 43,392; Sawyer and Bear, democrats, respectively 23,127 and 19,971; Gibson and Woodward, greenback, received, respectively, 5,011 and 4,767 votes (the *Daily State Journal*, November 28, 1879). The campaign was reinvigorated by the return of Church Howe to the party and he worked this year with Daily and Majors for the republican ticket (*Nebraska State*

the enraged savages loose on unprotected settlers. They denounced, also, the republican policy of keeping a standing army to intimidate voters in the south. The platform lacked specific declarations as to state affairs. The *Daily State Democrat* — September 12th, approved the policy of leaving a declaration on the money question to the next national convention — not a sound precept.

The direction in the new constitution to the legislature to make laws for the regulation of railroad traffic had not yet borne material fruit, and action so far had been limited to verbal demonstration in the political campaign. The *State Journal* of October 14, 1879, quotes a positive charge of the *Nebraska City Press*, a republican newspaper, that Judge Cobb was the candidate of the Burlington & Missouri railroad. The *Journal* did not enter a specific denial of the allegation but undertook to evade it by retorting that Judge Wakeley, the democratic candidate, had been attorney of the Union Pacific railroad for many years. There was an echo of the religious controversy in the university in this campaign. A circular letter signed by five clergymen advised the support of Andrew J. Sawyer, of Lincoln, candidate for regent of the university, because he was in favor of a higher standard of morals, while Gannett, republican candidate, was an "infidel and an agitator." It was alleged in reply that Gannett was a member of the Unitarian church but a quiet, cultivated gentleman. If Carson and Gannett should be elected, the board would consist of two Methodists — Adair and Persinger; a Congregationalist — Fifield; Carson, of Presbyterian leaning; Holmes, a Universalist; and Gannett, Unitarian.³⁷⁰

Journal, November 12, 1879). The *State Democrat* (weekly) of November 7, 1879, notes a complaint by the *Omaha Herald* that a few republican preachers attempted to defeat Gannett and elect Sawyer — with some effectiveness as the result shows. Reasonable allowance for standing anti-Omaha animosity in Lancaster county leaves a part of Sawyer's home vote to be explained by the presumption that Lincoln's reputation for rather unusual orthodoxy had an early basis. The vote in the county was as follows: Carson, republican and putatively Presbyterian, 2,733; Gannett, republican and heretic, 1,959; Sawyer, democrat but Presbyterian, 1,649; Bear, democrat but not Presbyterian, 929.

The democratic convention for electing delegates to the national convention was held at Columbus, April 1, 1880. Dr. George L. Miller still adhered to the fortunes of Samuel J. Tilden and strongly favored his renomination. General Victor Vifquain, editor of the *Daily State Democrat*, was opposed to this course and had a strong following. At the Lancaster county convention, held March 30th, to choose delegates to the state convention, the supporters of Tilden were defeated. It was estimated that about three quarters of the delegates at Columbus favored the Miller-Tilden combination. The 257 votes in the convention were divided among the leading aspirants for delegates to the national convention as follows: J. Sterling Morton, 211; Dr. George L. Miller, 200; J. W. Pollock, 188; James E. North, 157; F. A. Harmon, 127; Richard S. Molony, 131, and they were declared to be the choice of the convention. From motives of policy, instructions for Tilden were not forced, as J. Sterling Morton and some others of the delegates were not primarily for him. The fact that a special train for carrying delegates to this convention left Lincoln at 8 o'clock in the morning, March 31st. and ran to the terminus of the Lincoln & Northwestern railroad, from which passengers were taken in carriages the remainder of the distance to Columbus — eight miles — illustrates the incomplete condition of the capital city's railway connection at this time.

The republican convention for electing delegates to the national convention was held at Columbus, May 19, 1880. There was a very heated controversy in the convention between the Blaine and Grant factions, which in the election for delegates divided as follows:

ANTI-GRANT TICKET

Jas. W. Dawes.....245
 J. L. Mitchell.....242

Lorenzo Crouse.....242
 D. A. Lewis.....242
 N. R. Persinger.....241
 Jas. Gaslin.....231

GRANT TICKET

James Laird.....138
 Charles J. Greene.....127
 Charles H. Gere.....126
 H. Westerfeldt.....126
 J. S. Dew.....123

Though the preponderating sentiment probably favored Blaine and was certainly decidedly anti-Grant, the convention formally refused to instruct delegates to support the favorite. Though the progressive and reactionary cleavage between the two factions was not uniform, yet the Blaine partisans as a rule represented a progressive element — as will appear by an inspection of the names of the candidates. Senator Paddock was, quite strangely, for Grant. When Garfield became president there was rather a petty controversy between Senator Paddock and Senator Saunders along this line. Saunders supported Garfield in the row with Conkling over the New York appointments and thereby won an advantage over Paddock in Nebraska appointments. When, however, Saunders procured the appointment of St. A. D. Balcombe for United States marshal, Paddock retaliated by defeating his confirmation.³⁷¹

The republican state convention was held at Lincoln, September 1st. Charles A. Holmes, of Johnson county, was temporary and permanent chairman. George W. Collins, of Pawnee, John M. Thurston, of Douglas, and James Laird, of Adams, were nominated for presidential electors. Edward K. Valentine, of Cuming, was nominated for Congress by acclamation; and Thomas J. Majors, of Nemaha, was nominated for contingent member of Con-

combination to get control of the party in the state. This faction represented the extreme civil service reform views of President Hayes, and Rosewater was its real leader. Mr. Brooks said that four-fifths of the 30,000 soldiers in the state, organized in forty-nine posts, were for Grant. The Burlington & Missouri and the Union Pacific railroads mixed up in the fight according to local interests but were not sharply divided on either side.

³⁷¹In an interview in the *Chicago Inter-Ocean*, copied in the *Daily State Journal*, June 3, 1880, Datus C. Brooks, editor of the *Omaha Republican*, said that the delegation from Nebraska was for Blaine but was made up with deference to local conditions, being a combination of Blaine, with original "liberal republicans" whose first preference was Bristow and second Sherman. These liberal republicans were followers of Saunders, Crouse, and the collector of revenue at Omaha. It was simply a

gress. All of the state officers excepting the auditor, commissioner of public lands and buildings, and superintendent of public instruction, were renominated by acclamation. The commissioner and the superintendent of public instruction were dropped because they had been in the customary two terms, and Leidtke, the auditor, was defeated on account of charges against him for retaining insurance fees. John Wallich was nominated in his place, A. G. Kendall for commissioner, and W. W. W. Jones for superintendent of public instruction. James W. Dawes was retained as chairman of the state committee. The platform declared that national sovereignty is the fundamental principle upon which the perpetuity of the nation rests; that the principle of home rule as enunciated by the democratic party was but the cautious expression of the Calhoun doctrine of state's rights; denounced the seizure of the polls by democratic officers in Alabama; congratulated the state on its general prosperity and rapid increase of population and wealth; pledged the party to the support of such legislation by Congress and the state legislature as might be necessary to effect a correction of the abuses and prevent extortion and discrimination in charges by railroad corporations; and appealed to war democrats to join with republicans "in defense of national integrity and the nation's purse." There was an incipient recognition of the now rather obtrusive railroad issue but expressed only in glittering generalities. The alarmist part of the declaration was still depended upon as a blind to real home issues. William McAllister, of Platte county, innocently introduced a set of resolutions favoring an expression of the preference of voters for candidates for the office of United States senator, in accordance with the provisions of the constitution and the law of 1879 applicable thereto. The resolution was laid on the table by a vote of 294 to 77.

The democratic state convention was held at Hastings, September 29, 1880. Frank P. Ireland, of Otoe county, was elected temporary chairman, and Nat. W. Smails, of Dodge, temporary secretary. The temporary organization

was made permanent. James E. Boyd, of Douglas county, Victor Vifquain, of Saline, and Beach I. Hinman, of Lincoln, were chosen as candidates for presidential electors, Boyd receiving 219 votes; Vifquain, 180; Hinman, 133. Robert R. Livingston, of Cass county, was nominated for member of Congress, and Thomas W. Tipton, of Nemaha, for governor, receiving 190 votes against 40 for Robert A. Batty, of Adams. Stephen H. Calhoun, of Otoe, was nominated for lieutenant governor; Dr. George W. Johnston, of Fillmore, for secretary of state; D. C. Patterson, of Wayne, for auditor; Frank Folda, of Colfax, for treasurer; E. H. Andrus, of Buffalo, for commissioner of public lands and buildings; Dr. Alexander Bear, of Antelope, for superintendent of public instruction; and George E. Pritchett, of Douglas, for attorney general. In the mutations of local factions which peculiarly affected the two most prominent democratic leaders, Dr. George L. Miller was left at home this time but J. Sterling Morton was prominent in the convention. Charles H. Brown and James Creighton, of Omaha, vigorously opposed the nomination of Tipton for governor because he was not a full-fledged democrat, but they were overwhelmingly overruled. The platform pledged democrats "to the solid principles of free trade or a tariff for revenue only, a sound currency and an honest and economical administration of government affairs their zealous, unflinching, and untiring support." Under republican fundamental laws, under republican statutory enactments, and under the administration of republican officials during thirteen years of statehood, nearly all of the 500,000 acres of internal improvement lands had been divided out ostensibly for constructing railroads but really for enriching political favorites. Taxes had been "levied upon the many for the purpose of constructing and giving railroads to the few." The principle that no citizen shall be deprived of property without due process of law had been ignored and trampled under foot by the republican system of subsidizing corporations and by the imposition and collection of taxes from the people

as a subsidizing sequence. An amendment to the constitution prohibiting the state from giving another acre of land to a private corporation was demanded. There must be no further endowment of private corporations at the expense of the public domain or by bonds. No more public bonds of any sort should be issued for the benefit of private corporations. That vast debts had been saddled upon counties, the poorest and most sparsely settled as well as the best, was bewailed. All illegal bonds should be resisted. Extravagance in constructing the university, the former asylum for the insane, the penitentiary, and other public buildings was denounced and investigation demanded. The alliteration as well as the very positive and clean-cut expression of Mr. Morton's hobby stamp very plainly his authorship upon this platform. While his attitude toward granting aid to railroads was perhaps too radical, since it might yet be good policy to encourage an extension in some parts of the state by this method, yet, undoubtedly, the people had greatly imposed upon themselves and were yet to do so by inconsiderate subsidies of this kind; and Morton's sledge hammer blows at the evil were justified. It would seem, also, that this hobby of Morton's was inconsistent with the common charge that he was wholly a "railroad attorney."³⁷²

During the campaign the opposition party attacked republicans for making a corrupt and partial penitentiary contract with W. H. B. Stout. J. Sterling Morton made the statement in the *Omaha Herald* that whereas until 1871 Stout was paying 42 cents a day for the labor of convicts, now the state pays him 60 cents a day for taking care of them and that Stout got the capitol contract because he had these convicts behind him. The *Daily State Journal* of October 13, 1880, made a long and labored defense against these charges, asserting that the change was made in 1876; that under the present contract Stout was paying the salary of the warden and other employees and was to build 240 new cells at his own expense. The defense insisted that the prison was costing the

³⁷² Platform in *Daily State Journal*, October 2, 1880.

state less under the new contract than under the old one. The query of the apology, why if the terms were so favorable to Stout no one had underbid him, was scarcely relevant, considering the notorious pull that Stout had upon politics and politicians at that time.

At the election of 1880 Valentine, republican candidate for member of Congress, received 52,647 votes; James E. North, democratic candidate, 23,634; Allen Root, greenback, 4,059. For governor, Nance, republican, received 55,237; Tipton, democrat or fusion, 28,167; O. T. B. Williams, greenback, 3,898. Thomas J. Majors, candidate for contingent member of Congress, had no opposition and received 52,985. The republican candidates for district attorney in all of the six districts were elected. It was a republican clean sweep of about two to one.

The 9th legislature convened in the 16th session and the 7th regular session January 4, 1881, and finally adjourned February 26th, the fortieth day of the session. By a provision of the new constitution the house of representatives comprised eighty-four members and the senate thirty until the year 1880, when the legislature was authorized to fix the number, which should not exceed one hundred in the house and thirty-three in the senate. The senate comprised twenty-seven republicans and three democrats, the latter being John D. Howe and George W. Doane, of Douglas county, and Thomas Graham, of Seward. Edmund C. Carns, lieutenant governor, was president of the senate, and John B. Dinsmore, of Clay, temporary president. The members of the house comprised seventy-five republicans, eight democrats, and one independent. H. H. Shedd, of Saunders county, was speaker. The legislature at this session adopted the maximum number for each house.

The struggle for the United States senatorship, though significant, was not sanguinary like the last against Hitchcock; but it was like the last in having the field, including the *Bee*, against the incumbent. While Beatrice was Senator Paddock's actual or nominal residence, he was for business and political purposes re-

garded as the son of Omaha, and so as a Union Pacific rather than a Burlington man; Van Wyck, according to his territorial location, was counted pro-Burlington. Notwithstanding that the Burlington had become more important and politically stronger since the last senatorial election when the *Journal* favored Hitchcock, yet its interest and habit lay in the support of the powers that were, so it mildly upheld Paddock. Evidently the South Platte organ did not then apprehend what an anti-monopoly archangel was being entertained unawares in Van Wyck. The first joint ballot yielded Paddock, 39; Archibald J. Weaver, of Richardson county, 15; Van Wyck, 13; Judge Elmer S. Dundy, of Richardson, 12; Oliver P. Mason, of Lancaster, 9; George W. Post, of York, 8; John F. Kinney, of Otoe, democrat, 8. There was no material change in the result of the ballots until the seventeenth, by which Van Wyck was elected with 68 votes, Paddock holding 36, Kinney 4, and 4 going to Governor Albinus Nance. The total membership of the legislature was 114—the senate containing 30 members, the house, 84—and 112 voted, so that 57 were necessary to a choice. Sixty-three of Van Wyck's supporters were republicans, so he was not dependent for success upon the four democrats and one independent who voted for him on the last ballot. Franse, of Cuming, and Lehman, of Platte, voted for Paddock on the last ballot.^{372a} The contest being the usual Nebraska spectacle of the field against the incumbent, Van Wyck, partially because he was the most positive political figure of the field, and partially because

^{372a} The four democrats who voted for Van Wyck on the last ballot were, Graham, of Seward county, Hollman, of Dakota, Watts of Lincoln, Ziegler, of Cedar. The independent was Herman, of Saline. Paddock's thirty-six on the last ballot were, Baker, of Kearney, Evans, of Butler, Gere, of Lancaster, Harrington, of Gage, Morse, of Merrick, Myers, of Douglas, Smith of Boone, Turner, of Platte, Wells, of Saline, White, of Saunders, Zehring, of Lancaster (senators); Ayers, of Buffalo, Baldwin of Dawson, Bolln, of Douglas, Brown, of Boone, Filley, of Gage, Franse, democrat, of Cuming, Frederick, of Howard, Helms, of Hamilton, Jackson, of Douglas, Kempton, of Saline, King, of Seward, Kyner, of Douglas, Lamb, of Stanton, Lehman, democrat, of Platte, McCluss, of Lancaster, McDougall, of Saline, McKinnon, of Saunders, Mickey, of Osceola, Mullen, of Douglas, Peterson, of Cuming, Putney, of Ante-

he was in closest touch with the incipient insurgency of the time, was the most practicable instrument for the main operation. Besides, Burlington politics had the advantage of Union Pacific in its more homespun quality. This was victory number two for the *Bce*.

Van Wyck brought ripe political experience to his highest office. He was a member of the house of representatives from the tenth district of New York in the 35th, 36th, 40th, and 41st congresses—from 1859 to 1863, and from 1869 to 1871. He came to Nebraska in 1874 and settled in Otoe county as a putative farmer. He at once plunged into politics in the new field, and was a member of the constitutional convention of 1875, and of the state senates of 1877 and 1879. He did not long survive his political end, dying at Washington October 24, 1895. He was at least the most conspicuous, and one of the most useful of all Nebraska's federal senators, and, up to that time, in practical statesmanship the ablest. As his term progressed he became obtrusively aggressive on behalf of tariff reform and corporation control. While he could not make much practical impression on the stone wall which capitalism in Congress then presented against assaults on its prerogative, yet he effectually stirred up an aggressive antimonopoly temper, especially in his adopted state. Of course, in the circumstances, opprobrious epithet was the principal weapon used against him, demagogue being the common name and "Crazy Horse" the less polite specific one. But what moving appeal to the masses is not demagogic? Demand governs supply in politics as in all or-

lope, Schick, of Nemaha, Scott of Saunders, Silver, of Gage, Wyatt, of Madison.

There was an even division between the North Platte and South Platte sections; but Paddock of course had the three votes of Gage, his residential county. Three of the five republicans from Douglas supported him. The ballots were all taken in the opera house. The west wing of the new capitol, the part first built, was not ready for occupancy until the end of the year—1881—and the old capitol did not afford convenient or safe accommodation for a joint session. The federal law prescribing the method of electing United States senators required only a majority of the votes cast for a choice—"a majority of all the members elected to both houses being present" (*Revised Stat. U. S.*, 1878, 2d ed., p. 3).



C. H. Vanduyck

dinary business; and until intelligent thinking, sincerity and honesty have spread apace demagogy will be an important attribute of statesmanship. The Gladstones, McKinleys, Roosevelts, Bryans, La Follettes are masterful leaders chiefly because they are masters of the art of demagogic appeal, though they may be more sincere and especially more chaste and gentlemanly about it than was Van Wyck. For he was uncomely in every aspect. His body was ill-proportioned, his movements awkward, his voice raucous, his smile disenchanting; yet unusual physical and mental force, a firm grasp of the vital issue and aggressive courage in its presentation were perhaps advantageously manifested through those unlovely media to the peculiar constituency he must affect. In short, his principles, arguments, and methods anticipated those of our present "progressive" leaders; and since he persistently and consistently presented them, and at first out of season, the charge of insincerity or demagogy is secondary if not inconsequential. That Van Wyck and Rosewater were wise in preferring to achieve reform through the overhauled machinery of the old party rather than risk it to a necessarily very crude new machine, at least cannot be disproved. A considerate view of political cause and effect discloses that, whatever his insincerity and inconsistency, on the whole, Van Wyck deserved well of his Nebraska constituency.

An appropriation of \$1,000 was made to furnish a block of Nebraska stone to be placed in the Washington monument at the city of Washington, the stone to bear a coat of arms of the state and such other inscriptions as the board of public lands and buildings might consider appropriate. Extension of time to September 1, 1882, for the construction of the west wing of the capitol was granted. One hundred thousand dollars was appropriated for building the east wing, and an option for furnishing plans and specifications at one and one-half per cent of the contract price was given to William H. Wilcox, architect of the west wing.

Since August 29, 1873, a district bounded

on the east by Phelps county, south by Furnas, west by Frontier, and north by Dawson, had been called and known as Gosper county, but no sufficient records of its creation, organization, or name existed. All official acts of the *de facto* county were legalized. The title of the act recites that the name of the county is changed to Garfield, but this is not done in the act itself. The west contiguous tier of townships, till then unorganized, was added to Nance county. The sum of \$5,000 was appropriated for the erection of a home for friendless children at such city or town as should donate the largest amount toward the enterprise.

Acts were passed authorizing the consolidation of railroads, one being within the state and another coming up to it outside of the state, in case they were not parallel and competing roads; requiring railroads doing business in the state to keep business offices therein; prohibiting discrimination in the administration of railroad business, rebates or drawbacks, and freight rates higher than those in existence November 1, 1880. A penalty of \$500 was prescribed for each offense against this law. The "Reform School for juvenile offenders now established at Kearney" was recognized and continued as a state reform school for boys and girls. There was a general revision of the public school laws of 1869, 1873, and 1875, and of the normal school acts of 1867 and 1871. A normal school board was established consisting of seven members, five to be appointed by the governor for five years, and the state treasurer and superintendent of public instruction to be *ex officio* members. Guy A. Brown was authorized to compile the statutes which should be sold at not less than \$2.50 a volume. The following memorial and joint resolution was passed: "WHEREAS, railroads are fast becoming monopolies, and are being operated in many cases to the detriment of our citizens, who are in a large majority by location compelled to patronize points not competing; And, WHEREAS, unjust discrimination and excessive charges are a detriment to the country," our senators and representatives in Congress were requested to use all honorable means for the enactment of laws to correct these

abuses. A memorial and joint resolution (H. R. 109) asking Congress to grant a charter for a railroad and wagon bridge at Omaha passed both houses but did not appear in the session laws. A bill (H. R. 121) to regulate transportation of freight and to prevent extortion and discrimination was ordered engrossed for a third reading by a vote of 51 to 25, but got no farther. A bill (H. R. 85) proposing an amendment to the constitution prohibiting the manufacture and sale of intoxicating liquor was ordered to a third reading by a vote of 50 to 30. The final vote was 49 to 28, the affirmative lacking two to complete the required three-fifths of all the members.³⁷³

The course of this bill in the house created great excitement and enough of its reputed friends to insure its defeat were evidently improperly persuaded to oppose it. A. H. Bowen, of Adams county, a leader in the temperance organization known as the Temple of Honor, which, with the Independent Order of Good Templars, very actively promoted restrictive liquor legislation at this time, alleged, in a published account of the struggle, that Ayer, of Buffalo county, Helms, of Hamilton, and Sill, of Dodge, were recreant to their pledges. J. C. Roberts, of Butler, all but immortalized himself by a like dereliction. He had all along ardently supported the measure, but was absent when the final vote was to be taken, on the excuse of sudden illness. Searchers found him in his room at the Commercial Hotel heartily enjoying a dinner whose principal dish was a beefsteak of generous size. He thereby won and doubtless deserved the nickname "Beefsteak" Roberts. At this time opponents of restrictive regulation of railroads and of the liquor traffic alike sought to justify their obstruction by appeal to the sacredness of property. Thus, Frank T. Ransom "explained" his negative vote by the contention that the adoption of the proposed amendment "would be an attempt to deprive citizens of the United States of this state of their property without due process of law."³⁷⁴ Indeed it is

³⁷³ *House Journal*, 1881, p. 782.

³⁷⁴ *House Journal*, p. 783. Church Howe, with

only recently that public opinion has repudiated this archaism; for, even in a period of rapid radical change in economic views, the people are only beginning to perceive that private property is but a conventional public institution to be changed as the social good requires and social opinion dictates.

Public meetings in support of the amendment were frequent in Lincoln during the session of the legislature, and John B. Finch, the noted temperance advocate, Oliver P. Mason, and Edmund B. Fairfield, chancellor of the state university, were prominent among the speakers who addressed them. This, to say the least, indiscreet public advocacy by the chancellor of a vexatious public question, which always engenders acrimony and usually causes a partisan political division, stimulated or precipitated the opposition which broke into internal revolution the next year and resulted in the dismissal of the chancellor and a group of the faculty comprising its ablest members. A somewhat similar obtrusive participation by members of the faculty of the university in the prohibition campaign in Lincoln in 1910 incited animosity against it, which was with great difficulty allayed by conservative political leaders. In our very complex society freedom should be closely associated with restraint.

A memorial and joint resolution to Congress (H. R. 202) relative to establishing reasonable tolls for freight and passengers crossing Missouri river bridges was recommended for passage by the committee on federal relations but was referred to the general file and died there. Another bill (H. R. 214) to establish uniform freight and passenger rates and to prevent discrimination against persons and places died in the committee of the whole. A memorial and joint resolution alleged that the Santee Sioux never owned the land they now occupy in Knox county but which was seized by the interior department for their use contrary to law after having been settled upon and cultivated by citizens of Knox county; that certain islands near the Niobrara river in

characteristic nimbleness voted for submission, and Charles O. Whedon, with characteristic pertinacious conservatism, opposed it.

Knox county withdrawn from market for the use of Ponca Indians, had not been restored notwithstanding that the Ponca had been removed to the Indian territory; and that the portion of the then unoccupied "old Ponca Reservation," incorporated in the great Sioux reservation and recently vacated by Spotted Tail's band, should be set apart for the Santee Sioux — only six miles distant from their present location. Another memorial asked Congress to make the Missouri river navigable for steamboats and barges at least eight months in the year. The famous Slocumb liquor license law (H. R. 216), so-called because it was introduced by the member of that name from Jefferson county, was removed from the committee on manufactures and commerce to the committee on cities and towns; reported back by Broatch, chairman; passage recommended in committee of the whole; Slocumb's motion that the bill be taken up on suspension of the rules, lost; passed 62 to 16 — nays, Bolln, Kynner, McShane, Mullen, and Paxton, of Douglas county; Franse, of Cuming; Frederick, of Howard; Fried, of Dodge; Gates, of Sarpy; Helms, of Hamilton; Herman, of Saline; Hollman, of Dakota; Kloepfel, of Richardson; Lamb, of Stanton; Watts, of Lincoln; Ziegler, of Cedar. These comprised eight republicans, seven democrats, one independent. Bartlett, Broatch, and Jackson, of Douglas county and Ransom, of Otoe, all republicans, voted aye. McShane voted no on the grounds, as stated by him, that a license fee should not exceed \$250; that the bill would work great injustice to Germans, and that it would injure the prosperity of the state.³⁷⁵ In the senate the committee of the whole amended the bill so that the \$500 minimum license fee should apply to cities of not over 10,000 population, as well as villages; and instead of "not less than \$1,000 in cities of the first and second class," "not less than \$1,000 in cities of the first class and cities having over 10,000 population."³⁷⁶ Howe's amendment to license the sale of beer alone for \$300, was lost by 12 to 17. The house agreed to the two amendments but rejected

the third by Tefft applying the emergency clause. House Roll 317, by Root, to prevent the increase of passenger rates on any railroad in Nebraska, did not get beyond second reading. House Roll 225, for establishing maximum freight and passenger rates and a board of railroad commissioners, was put to sleep in general file. House Roll 235, introduced by Howe, to prohibit granting or accepting free passes, was recommended for passage by the committee on accounts and expenditures but was held up in general file.

The Slocumb act was perhaps a more progressive and effective license law than any that had preceded it. The legislature of 1877 appropriated \$10,000 to be expended on a revision of the general laws of the state, and John H. Ames, of Lincoln, Alexander H. Conner, of Kearney, and Stephen H. Calhoun, of Nebraska City, were appointed commissioners to do the work. The time allowed for completing the revision — to January 1, 1878 — was too short. They began the work May 15, 1877, and reported it to the legislature of 1879. The task of revising the license law was allotted to Mr. Ames, so that he was the author of the Slocumb act which was passed substantially as he drafted it. The most important departures from preceding laws of its class consisted in giving licensing boards discretionary power to grant license "if deemed expedient," thus explicitly recognizing and establishing the local option principle, and the increase of the license fee which tended to greatly reduce the number of saloons. The Slocumb law required a minimum fee of \$500 except for cities with a population of over ten thousand in which the minimum is \$1,000; whereas the old law required a minimum fee of \$25 and a maximum of \$500 except for incorporated cities and towns which might require an additional sum of not more than \$1,000. By the Slocumb law there is no restraint as to the maximum amount of the fee which is left to the option of the several municipalities. Under the high minimum license it has been impracticable to establish saloons outside of incorporated towns where they are under direct police surveillance. The high degree of adaptability of the law is

³⁷⁵ *House Journal*, 1881, pp. 737-738.

³⁷⁶ *Senate Journal*, 1881, pp. 523-524.

illustrated by the fact that no important changes have been made in it. In 1897 a law was passed giving incorporated villages and towns the right to direct popular local option. The only important addition to the Slocumb law is the act of the legislature of 1909 limiting the open hours of saloons from seven o'clock in the morning until eight o'clock in the evening.

The republican state convention for 1881 met at Lincoln, October 5th. It was called to order by James W. Dawes, chairman of the state committee. George H. Thummel, of Hall county, was temporary and permanent chairman, and Datus C. Brooks, editor of the *Omaha Republican*, was chairman of the platform committee. Samuel Maxwell was nominated for judge of the supreme court on the first ballot, receiving 253½ votes, against 86½ for C. J. Dilworth, 39 for O. B. Hewitt, and 15 for Uriah Bruner. L. B. Fifield and Isaac Powers were nominated for regents of the state university, and James W. Dawes was chosen for chairman of the state committee, receiving 275 votes against 136 cast for Charles O. Whedon. Though this was the off year in national politics the platform wholly ignored state questions but eulogized Garfield and Arthur.

The democratic state convention for 1881 was held at Omaha, October 13th. William H. Munger, of Dodge county, was nominated for judge of the supreme court, and S. D. Brass, of Adams, and Dr. Alexander Bear, of Madison, for regents of the state university. The platform declared for free trade, honest money, economical and efficient administration of state and national affairs, and for the amendment of the so-called Slocumb law or else its unconditional repeal.³⁷⁷

The 9th legislature convened in the 10th special session May 2, 1882. It finally adjourned May 24th, the thirteenth day.

Governor Nance, in his message to the legis-

³⁷⁷ For an account of this convention see *Nebraska State Journal*, October 18, 1881, editorial page and miscellaneous notes. One of the resolutions recommended an appropriation by the legislature for the purpose of commemorating in marble Thomas B. Cuming, Fenner Ferguson, Augustus Hall, Daniel Gantt, and Phineas W. Hitchcock — judicious as a mixture but equally injudicious in scope.

lature, stated that the session had been called for the purpose of apportioning the state into three congressional districts; to amend the act of March 1, 1881, regulating the duties and powers of cities of the first class; to assign the county of Custer to some judicial district; to amend the law entitled "Cities of the second class and villages;" to provide for the payment of expenses incurred in suppressing the recent riots at Omaha and protecting the citizens of the state from domestic violence; to give the assent of the state to the provisions of the act of Congress to extend the northern boundary of the state of Nebraska; to provide for the expense of the special session. There was legislation upon all of these propositions.

The governor said that the act of Congress approved February 25, 1882, authorized the election of two additional representatives in Congress, to which the state was entitled under the census of 1880. He recited that on the 9th day of March he was officially notified by Mayor James E. Boyd, of Omaha, that a formidable riot was in progress in that city and he was requested by the mayor to furnish a military force to protect the people of Omaha from mob violence, the civil authorities being powerless. On the same day he received a telegram signed jointly by the mayor and sheriff of Douglas county alleging that the civil authorities were powerless to protect peaceful laborers and that United States troops were absolutely necessary to restore order. Another despatch of the same purport was signed by a large number of business men of Omaha. Thereupon the governor at once placed the Nebraska National Guards under orders to be held in readiness for duty, and he made a formal requisition upon the president of the United States for troops to aid in suppressing domestic violence. The president responded to the requisition of the governor and, on the morning of the 11th of March, a force of United States troops and state militia, numbering about 600 men, reached Omaha and were placed under the mayor's orders. On the arrival of the troops, laborers who had been compelled by an infuriated mob to abandon work, resumed it. "The rioters were over-

awed by the unexpected display of military force but were not subdued. For several days their riotous demonstrations continued and the troops, both state and national, were subjected to every form of insult and abuse. The final restoration without great loss of life was largely due to the forbearance of the soldiers under the most exasperating circumstances. Gradually the violence of the mob subsided and the troops, being no longer required, were withdrawn." The governor highly commended the soldierly conduct of the Nebraska National Guard which was under the command of General L. W. Colby. Moore, of York, offered a resolution declaring that it was dangerous to the peace and welfare of the state to establish the precedent of making appropriations to pay the expense of calling out troops without making careful inquiries as to its necessity and instructing the committee on ways and means to make careful inquiry as to the cause of the late labor riot in Omaha and the necessity of calling out troops to establish peace. The resolution was adopted. The committee on claims, to whom the resolution was referred, reported that the riot was of a dangerous character and required military interference. A communication from Mayor Boyd stated that in his opinion 500 policemen could not have protected men at their work and the result showed that 500 militia could scarcely more than maintain their ground, and unless the regular federal troops had been present there would have been a bloody collision between the rioters and the militia. In a communication to the committee, Governor Nance said that the mob had driven laboring men from their work on the Burlington & Missouri railroad grounds, severely injuring some of them, and laborers at the smelting works had been compelled to join the rioters. Many business men in the city were terrorized by threats of a boycott, and the city was in subjection to the will of the mob. The governor insisted that it was necessary to employ military force to stop lawless proceedings and to enforce the right of every individual to work.³⁷⁸

The trouble centered in a strike for better wages by laborers on a large grading enter-

prise in the grounds of the Burlington & Missouri Railroad Company at Omaha, but it sympathetically extended to other industries. All reasonably conducted attempts to improve labor conditions by methods of this kind are now regarded as legitimate, the vexatious question turning on the distinction between fair and unfair methods. It is significant that the Omaha papers excepting the *Bee*, the *Lincoln Journal*, and the state government were distinctly biased in favor of the railroad company, the *Bee* alone giving the other side a hearing. That the labor side was probably guilty of improper violence is another phase of this very grave and perplexing question.

The committee of the house appointed at the regular session to investigate charges of bribery and corruption, found that in regard to the charge against J. C. Roberts, member of the house from Butler county, there was a conflict of testimony, Lieutenant Governor Carns testifying that during the 16th session, Roberts, who was chairman of the house committee on railroads, made demand upon him [Carns] for the sum of \$5,000 to procure his [Roberts's] influence upon the subject of railroad legislation. Roberts, on the other hand, testified that Carns approached him and offered him \$5,000 if he would use his influence as a member of the house to assist the railroad companies. The testimony of both men was partially corroborated, but the committee was unable to decide which of the two was telling the truth. The committee said that if the allegation of Carns was true, then Roberts was guilty of a criminal offense against the laws of the state, and that if the allegation of Roberts was true then Carns had been guilty of gross impropriety in neglecting to report the whole transaction to the house at the time of its occurrence and therefore deserved the censure of the house.

The testimony adduced was voluminous³⁷⁹ and tended to incriminate both the accused men as well as others incidentally. Franse, of Cumming county, offered a resolution declaring that the charges against Roberts were not sustained.

³⁷⁸ *House Journal*, 1882, pp. 117 and 136 *et seq.*

³⁷⁹ *House Journal*, 1882, pp. 206-307.

McShane, of Douglas, offered a substitute as follows:

"WHEREAS, From said testimony it appears that Honorable E. C. Carns, Lieutenant Governor of the state of Nebraska, acted in the capacity of bearer of a proposition between the high contracting parties; and,

"WHEREAS, Said J. C. Roberts, according to his own testimony, did not indignantly resent the said proposition and report to the house; therefore be it

"RESOLVED, That the said Hon. E. C. Carns, Lieutenant Governor of Nebraska, and Hon. J. C. Roberts, member of the House of Representatives, have merited the solemn censure of this House."

McShane's substitute was lost by a bare majority of 31 to 32. After many dilatory motions had been disposed of the report of the committee as amended by Franse, finding that the charges were not sustained, was agreed to. In view of the political temper and conditions of that time the formal whitewash was to be expected; and though Roberts was inexplicably returned to the next legislature, yet neither of the men involved emerged from the cloud which this incident cast over them. The apportionment law was passed by which the counties of Cass, Douglas, Gage, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Sarpy, and Saunders were constituted the first congressional district; Adams, Butler, Chase, Clay, Dundy, Fillmore, Franklin, Frontier,

Furnas, Gosper, Hamilton, Harlan, Hitchcock, Hayes, Jefferson, Kearney, Nuckolls, Polk, Red Willow, Phelps, Saline, Seward, Thayer, Webster, York, the second district; and all remaining territory the third. The law accepting the act of Congress of March 28, 1882, completed the transfer to Nebraska of that part of the territory of Dakota lying south of the 43d parallel, north latitude, and east of the Keyapaha river and west of the main channel of the Missouri river. The act provided that it should not take effect until the president should declare that the Indian title to the territory in question had been extinguished and that it had been accepted by the legislature of Nebraska. The sum of \$11,050.10 was appropriated to defray expenses incurred by the state militia in suppressing labor riots at Omaha. A resolution was passed urging members of Congress from Nebraska to request the president to appoint Brigadier General George Crook to fill an expected vacancy in a major-generalship. The resolution recited that General Crook had been fighting Indians for more than thirty years. Another resolution requested the secretary of the interior to establish an Indian school at Geneva, provided for by act of Congress, the school to occupy the old industrial school building of the Pawnee Indians.^{379a}

^{379a} These resolutions were passed by both houses, but acting independently of each other.—*Journals of session of 1882*, pp. 31-32, 35, 124-126.

CHAPTER VIII

POLITICAL HISTORY 1882-1890 — THE PERIOD OF MAINLY UNSUCCESSFUL ATTEMPTS TO PROCURE REFORM LEGISLATION CULMINATING IN THE POPULIST REVOLUTION — FIRST RAILROAD COMMISSION — THREE CENT PASSENGER RATE — COMPULSORY SCHOOL LAW

An anti-prohibition convention was held at Omaha, September 11, 1882. James Creighton, of Omaha, was president of the convention, and C. A. Baldwin, of Omaha, Peter Karberg, of Lincoln; James Donnelly, of Ashland; Gus Kirkow, of Fremont; James E. North, of Columbus, constituted the committee on resolutions. Letters were read from General Charles F. Manderson and J. Sterling Morton expressing sympathy with the objects of the convention. A set of the old time, perfunctory resolutions were adopted, including a declaration that, "We will not support any man for any office who will not satisfactorily pledge himself to oppose any and all attempts to force upon the people a prohibitory law."³⁸⁰

A greenback convention was held in Lincoln, September 7, 1882. Levi Todd, of Cass county, was chairman. The platform declared that class legislation had exempted from taxation a large amount of the wealth of the country in the hands of the rich; denounced national banks, including the well worn complaint that they drew double interest under the law; demanded that the government should issue all money, and that it should all be legal tender; that freight tariffs should be regulated by law; denounced the appropriation of public lands to private corporations; declared that all important offices should be filled by direct vote of the people; for equal pay for equal labor for both sexes; condemned the action of the last legislature for preventing the people from expressing themselves on the temperance question.

³⁸⁰ Copied from the *Omaha Republican* in the *Daily State Journal* of September 13, 1882.

L. C. Pace was chosen chairman of the central committee. A committee of thirty-five was appointed to meet at Hastings September 27th. This committee conferred with the anti-monopolist state convention, and the two parties united on a ticket and a platform. E. P. Ingersoll, of Johnson county, president of the state farmers' alliance, was nominated for governor; D. B. Reynolds, of Hamilton, for lieutenant governor; Thomas J. Kirtley, of Franklin, for secretary of state; Phelps D. Sturdevant, of Fillmore, for state treasurer; John Beatty, of Wheeler, for auditor; John Barnd, of Buffalo, for attorney general; J. J. Points, of Douglas, superintendent of public instruction; Charles H. Madeley, of Adams, commissioner of public lands and buildings; Thomas Bell, of Otoe, regent. Dr. S. V. Moore, of York county, and Moses K. Turner, of Platte, were nominated for members of Congress in the second and third districts respectively. Jay Burrows and Edward Rosewater were members of the resolutions committee.

The resolutions declared that the present exorbitant tariff should be reduced to correspond with the actual needs of the government on a peace basis and be levied as far as possible on luxuries and as lightly as possible upon our great agricultural interests; that the government had no right to tax one portion of the people for the benefit of another. The state revenue laws unjustly discriminated between taxation of railroads and the property of individuals. Land grant railroads must pay taxes on all their lands and forfeited railroad lands must revert to the public domain for home-

steads. Corporations, the creation of the state, must be controlled by the state. Transportation companies must base charges on the cost of service and a fair profit instead of the new theory advanced by them of all the traffic will bear. Currency should be issued and controlled by the government only. The government should own United States postal savings banks, postal telegraphs, and telephones. Recent utterances of democratic and republican platforms about government control of corporations were "political claptrap." A just relation of labor with capital should be recognized and its rights protected by law. These corporation clauses would fit into the present platforms of any party in Nebraska. Senator Van Wyck was highly eulogized for his antimonopoly stand and for voting against the river and harbor bill.

The *Omaha Bee* of September 29th was defiant against the corporation control of the republican party.

The republican state convention for 1882 was held at Omaha, September 20th. Nathan K. Griggs, of Gage county, was temporary and permanent chairman, and Charles H. Gere was chairman of the committee on resolutions. The platform indulged only in glittering generalities, covering nothing specifically. On the first ballot to nominate a governor, James W. Dawes, of Saline county, received 121 votes; George W. E. Dorsey, 108; Samuel J. Alexander, 88; John B. Dinsmore, 48; Henry T. Clark, 22; W. J. Irwin, 18; Champion S. Chase, 9; Milton J. Hull, 5. Dawes was nominated in a break-up on the third ballot, and Charles H. Gere for regent of the university. George W. E. Dorsey was chosen chairman of the state committee. There was an open break at this time against Senator Van Wyck by the regulars, including the *State Journal*. The prohibition convention met at Lincoln, September 13, 1882. Ex-Senator Thomas W. Tipton was a member of the committee on resolutions. They declared in favor of the submission of a prohibition amendment and against voting for any candidate of either party who did not favor it. The

democratic state convention for 1882 was held at Omaha, September 14th. J. Sterling Morton was nominated for governor; Jesse F. Warner for lieutenant governor; Charles J. Bowlby, secretary of state; Phelps D. Sturdevant, treasurer; James C. Crawford, attorney general; Henry Grebe, commissioner of public lands and buildings; C. A. Speice, superintendent of public instruction; John M. Burks, regent of the state university. The platform denounced the issue of free passes to public officers and demanded legislation against it, and denounced railroad interference with political conventions.

The republican ticket was successful again as a matter of course. Dawes received 43,495 votes against 28,562 for J. Sterling Morton, although the latter ran about 2,000 votes ahead of the general ticket. Ingersoll, the antimonopoly candidate, received 16,991 votes, and Phelps D. Sturdevant, candidate for treasurer on the democratic and antimonopoly tickets, was elected, receiving 46,132 votes against 42,021 for Loren Clark, his republican opponent. It seems probable that a generally successful combination of progressives, such as that of 1894, might have been made, though perhaps the *Omaha Bee's* aggressive opposition to Clark caused his defeat. Successful insurgency then would have hastened reform and avoided the revolutionary radicalism caused by inconsistent delay. The woman suffrage amendment was defeated by a large majority, the vote being 25,756 for and 50,693 against. In the first congressional district, Archibald J. Weaver, republican, received 17,022 votes; John I. Redick, democrat, 12,690; — Gilbert, antimonopolist, 3,707. In the second district, James Laird, republican, received 12,983; S. V. Moore, antimonopolist, 10,012; Harman, democrat, 3,060. In the third district, Edward K. Valentine, republican, 11,284; Moses K. Turner, antimonopolist, 7,342; William H. Munger, democrat, 9,932.

The 10th legislature convened in the 18th session and the 8th regular session, January 2, 1883, and finally adjourned February 26th, the forty-second day. Alfred N. Agee, lieutenant governor, was president of the senate, and

Alexander H. Conner, of Buffalo county, was temporary president. George M. Humphrey, of Pawnee county, was speaker of the house of representatives. The senate comprised fifteen republicans, eleven democrats, five antimonopolists, one greenback, one republican-antimonopolist. The house comprised fifty-two republicans, twenty-nine democrats, eleven antimonopolists, four republican-antimonopolists, one independent republican, two independents, one greenback-antimonopolist. This remarkable variation illustrated a somewhat blind rebellion against the old party allegiance which was to assume effective form seven years later.

On the first joint ballot for United States senator Charles F. Manderson received 6 votes; Alvin Saunders, 14; Alexander H. Conner, 6; J. Sterling Morton, 16; Joseph H. Millard, 13; John M. Thayer, 11; John C. Cowin, 10; J. H. Stickel, 9; Charles H. Brown, 7; James W. Savage, 5; James E. Boyd, 5. Cowin and Millard each commanded one of the two republican votes of Douglas county. Charles F. Manderson was elected on the seventeenth ballot, receiving 75 votes against 17 cast for James E. Boyd, democrat; 14 for J. Sterling Morton, democrat; 5 for Charles H. Brown, democrat; 20 for J. H. Stickel, antimonopolist. Stickel—of Thayer county—received all antimonopoly, greenback, and independent votes except five.³⁸¹ The democrats who ought then to have been making hay, as the antimonopoly or progressive sun was just beginning to shine, by developing a consistent and persistent progressive policy, blind to the signs of the times, gave their principal support to two strong, but ultraconservative or reactionary men—J. Sterling Morton and James E. Boyd; and so permitted or forced the over-radical and unstable populists a few years later to reap the ripened progressive harvest which they themselves might have garnered. On the republican side Douglas county had the call from the first. In the seventeen successive assaults its four strongest aspirants killed off one another so that the weakest took the prize. In sixteen ballots Cowin, Millard, Saunders, and

Thayer held remarkably uniform and nearly equal support, Millard slightly leading and Cowin slightly at the rear. Eight was Manderson's favorite figure and highest, until increased to ten on the next to the last ballot. In point of deportment, at least, he was the fittest among the republican rivals and at least their peer in ability. As to political principles and social temperament, he was precisely antipodal to the rising spirit of democracy which already presented an almost formidable front and an ominous menace to the dominant bourbonism of both of the old parties. While Stickel was not the equal of his principal opponents in ability, he was either more conscientious or more socially sympathetic, or both, than any of them. Strong leaders are more often prompted by and led into progressive social movements than they are initiators of them.

Inasmuch as the east and west wings of the capitol were completed, the legislature authorized the board of public lands and buildings to take bids for razing and removing the old capitol from the grounds. The construction of the main part of the new capitol, according to plans already submitted by William H. Wilcox, at a cost not exceeding \$450,000, was authorized. The State Historical Society was recognized "as a state institution" and \$500 was appropriated for its maintenance. The counties of Brown, Cherry, Custer, Hayes, Wheeler, Sioux, and Loup were constituted. All voted in 1884, except Hayes, which followed in 1885. The old Ponca reserve—between the Niobrara and Missouri rivers west to the extension of the line between range 8 and range 9, west—was added to Knox county, the act to take effect when the president should declare the Indian title extinguished and the voters of the county should accept the addition. An act was passed authorizing counties to adopt township organization by a majority vote. The number of judicial districts was increased from six—the number fixed by the constitution and not to be changed before 1880—to ten. The old third district, comprising Douglas, Sarpy, Washington, and Burt counties, was not changed. Five hundred dollars was appropriated toward erecting

³⁸¹ *Senate Journal*, 1883, pp. 197, 387.

the monument to Abraham Lincoln at Springfield, Ill., in place of the appropriation of 1869, which had not been drawn against because the monument was not yet completed. The sum of \$13,640.50 was appropriated to reimburse the Nebraska City National Bank on account of a judgment "unjustly collected" by the state for a sum of money received by Acting Governor William H. James in behalf of the state and converted to his own use. Here the legislature arbitrarily, and doubtless improperly overruled the court; now a common complaint is heard against the courts for overruling the legislatures, state and national. A grant of three thousand dollars was made to John W. Pearman for "military services," presumably in campaigning against Indians as a major in the Second regiment, Nebraska cavalry, in 1862. The appropriation was to be paid from a balance of \$7,077.55 remaining of the amount paid to the state by the United States for expenses incurred in repelling Indian hostilities. The sum of \$6,824.14 was appropriated toward the expense of prosecuting "I. P. Olive and others for murder, and William Lee for assault with intent to murder, and Tip Larue, John Kinney, and Henry Hargraves for murder." Joint resolutions were passed to amend section 4, article 3, of the constitution so as to fix the salary of each member of the legislature at \$300 for the full term of two years in place of \$3 a day, and increasing the length of the session from forty to sixty days; also to amend section 1, article 5, so as to provide for an elective board of railway commissioners; asking members of Congress from Nebraska to procure the passage of bills abolishing all tolls on railroad bridges across the Missouri river, so that products might reach consumers as cheaply as possible; demanding such action by heads of departments or legislation by Congress as would compel railroad companies to take out patents on land grants so that they might be taxed; demanding settlement of the "Kneeval's Land Claims" against patentee settlers. The claims arose through a grant to the St. Joseph & Denver Railroad Company and many had been rejected. Congress was urged to repeal the duty on

barbed wire for fencing and the material from which it was made. The request passed the house by a vote of 65 to 2 — and the two were farmers. The vote in the senate for free trade was 28 to 2.³⁸² That these two farmers and the other two direct dependents upon farming in Nebraska should have voted to continue the enforced payment by the people of Nebraska of an enormous gratuity to the manufacturers of this necessity of Nebraska life, will now seem strange to almost all Nebraskans alike, who have come to resent the payment of such bounties to any manufacturer whatever.

Governor Nance, in his message, made the statement that the railroad commission system had been adopted in about twenty states. He referred especially to the progress in regulation of railroads in the states of Illinois and Iowa. It appeared from the report of the commissioners of Illinois for 1881 that "the right to fix reasonable maximum rates for the transportation of freight and passengers by railroads, either by direct statutes or by officers created by law, is no longer seriously questioned." But these hints, even, were incongruous and premature.

A bill to create a board of railroad commissioners passed the house by a vote of 62 to 31. The senate refused to take it from the general file by a vote of 12 to 12. The act provided that three of the executive officers of the state should be commissioners, but they should employ secretaries to do the actual work. The commissioners were authorized to fix maximum freight rates. Lyman H. Tower, a democrat and banker at Hastings, made a minority report which included all the now familiar archaisms against the constitutionality of the bill. Four bills prohibiting the use of free railroad passes were introduced in the senate and two in the house. Four of these six bills sought to confine the prohibition to officeholders. Five bills for the regulation of rates were introduced into the senate and fourteen into the house. One of these was aimed at sleep-

³⁸² The house members were D. J. Brown, of Seward, and Daniel M. Nettleton, of Clay, both farmers. The two senators were Ezra Brown, of Clay, and Dr. A. H. Sowers, of Adams.—*House Journal*, 1883, p. 522; *Senate Journal*, p. 735.

ing car rates. In addition, a bill defining the liabilities of common carriers, three memorials to Congress affecting railroads, and one to Colorado and another to Kansas, seeking co-operation in procuring railroad reform, were introduced. All this heroic endeavor resulted in the passage of only three memorials to Congress.

According to the message, the bids for the east wing of the capitol were submitted July 12, 1881, as follows: Butler and Krone, \$98,490; Robert D. Silver, \$86,400; W. H. B. Stout, \$96,800. The total cost of the west wing was \$83,178.81; of the east wing, \$108,247.92. That the contract was let to Stout—in July, 1881—though far from the lowest bidder, was a matter of course and is explicable only on the ground of corrupt political preference. The west wing was begun in 1879 and finished by the close of 1881. The east wing was accepted by the board of public lands and buildings, December 1, 1882.³⁸³

In September, 1882, the governor received a treasury draft for \$4,193.78, the amount appropriated by Congress August 5, 1882, to reimburse the state for expenses incurred in suppressing Indian hostilities. Patrick O. Hawes claimed twenty-five per cent of this sum as agent under a contract with Acting Governor James, alleged to have been made in 1872, but the governor declined to pay it. According to the message, the population of the state in 1867 was estimated at 70,000; at the present time, at 600,000. The railroad committee of the house, Grout, of Otoe, chairman, recommended the indefinite postponement of three railroad commission bills on the ground that the house had submitted to the supreme court the question whether a law clothing a commission with executive authority would be within the constitution, and the court had given an adverse decision. The committee had therefore prepared a substitute bill—H. R. 262—

³⁸³ *Senate Journal*, 1883, pp. 714-719.

³⁸⁴ *House Journal*, 1883, pp. 494, 967; *Senate Journal*, p. 980. Of the twelve opposition, or pro-railroad senators, the democrats furnished seven, far more than their pro rata share. Charles H. Brown, of Douglas, democrat; A. H. Conner, of Buffalo, antimonopoly; William H. Dech, of Saunders, greenback; R. E. Dunphy, of Seward, demo-

and in it great care had been taken to avoid constitutional objections. The bill passed the house by a vote of 61 to 31, but was safely snagged in the senate by 11 to 12.³⁸⁴ A bill—H. R. 70—for the submission to the electors of the state of an amendment to the constitution prohibiting the manufacture of intoxicating liquors, introduced by Cook, of Nuckolls county, was referred to the committee on constitutional amendments. Daniel M. Nettleton, of Clay, chairman, signed a majority report in opposition to the bill; Whitzel presented a minority report favoring its passage. The minority report alleged that “great numbers of people, citizens and voters of the state of Nebraska, have petitioned the legislature, each year, to submit this question to a popular vote.”³⁸⁵

The republican state convention for 1883 was held at Lincoln September 26th. Church Howe was both temporary and permanent chairman. Manoah B. Reese was nominated for judge of the supreme court on the ninth ballot; Francis G. Hamer was his principal opponent. Hascall, of Douglas county, announced at the beginning of the balloting that Lake was not a candidate for renomination unless it should occur that the convention could not agree upon any of the candidates who had been presented. This string of Lake's pulled out mischief for Hamer. On the first ballot Reese had 83 votes, Hamer 97, Edwin F. Warren, of Nebraska City, 79. The third ballot gave Hamer 121, Reese, 92, Warren, 80; the sixth, Hamer 142½, Reese, 103½, Warren, 103. On the ninth ballot, it being apparent that Lake had absorbed Warren's strength, Hamer turned the delegates of his own county to Reese, whereupon a stampede followed and Reese's nomination was made unanimous. Milton J. Hull, of Clay county, and John T. Mallaieu, of Buffalo, were nominated for regents of the university for the long term, and for the short

crat; William Dye, of Fillmore, antimonopoly; S. S. Reynolds, Butler, antimonopoly; Charles Lang, Dodge, democrat, were true to their reform colors; and four republicans, among them Moses P. Kin-kaid, now member of Congress from the sixth district, had the courage or temerity to vote aye.

³⁸⁵ *House Journal*, 1883, pp. 575-578.

term, Jesse M. Hiatt, of Harlan county, and Edward P. Holmes, of Pierce, in place of Isaac Powers and L. B. Fifield, who had resigned.

The platform favored a constitutional amendment providing for a railroad and telegraph commission without stating the method of choosing it; demanded that all railroad land grants not strictly earned be forfeited; declared that public lands must not be monopolized for cattle ranges, but left open for settlers; for a tariff so adjusted as to favor and protect domestic industries and encourage immigration of laborers to perform the services we need on our own soil, paying tribute to our own government rather than the importation of products of labor that is tributary to a foreign and perhaps hostile government. This tariff plank probably stands unique among creations of its kind. George W. E. Dorsey was continued as chairman of the state committee.

The democratic convention for 1883 was held at Omaha August 29th. James W. Savage was nominated for judge of the supreme court; James M. Woolworth, of Douglas, and E. R. Daniels, of Madison, regents for the long term. The platform was characteristically J. Sterling Morton's. It declared that all tariff taxes except to support the government "ought to be utterly abolished;" approved the regulation of the sale of intoxicating drinks in the interest of good order, "but the prohibition of the manufacture and sale of such drinks within the state is contrary to the fundamental rights of the individual and to the fundamental principles of social and moral conduct." Such interference would be neutralized by interstate commerce sanctioned by the United States constitution. The platform declared further: "Democrats of Nebraska denounce all railroads within the state which elect or attempt to elect, influence or attempt to influence delegates to political conventions, members of the legislature and senators or members of Congress. . . We assert the right of the legislature to control the

³⁸⁶ The *Daily State Journal*, August 31, cut Morton thus: "But Mr. Morton sagely forbears to forbid the employees of a railroad company mixing in politics as individuals because that would also bar out the author of the platform most of the time."

railroads but we deny the right of railroads to control the legislature. We demand the enactment of a law which shall, under severe penalties, forbid the issuance of passes or free transportation of any kind whatsoever by any railroad in Nebraska to any person holding either an elective or appointive office or any other official position under the constitution or laws."³⁸⁶ It commended Sturdevant, the democratic treasurer, for voting to let the capitol contract to the lowest instead of the highest bidder and condemned letting it to Stout, because his leased convict labor competed with free, honest labor. The bid of Robert D. Silver, a responsible builder, was \$41,187.25 under Stout's.

Judge Savage, with the support of the democrats and antimonopolists and of the *Omaha Bee*, received 47,795 votes against 52,305 cast for Reese. The republican regents were elected by far larger majorities.³⁸⁷

The first republican convention of 1884; held at Lincoln May 1st, was called to order by George W. E. Dorsey, chairman of the state committee, and Edward K. Valentine, of Cuming county, was temporary chairman and Ray Nye, of Dodge, temporary secretary. The temporary organization was made permanent. John M. Thurston, of Douglas county; Nathan S. Harwood, Lancaster; John Jensen, Fillmore; George A. Brooks, Knox, were elected delegates at large to the national convention — Thurston by acclamation. George W. Post, of York county, was chairman of the platform committee. The resolutions declared for a tariff so adjusted as to encourage home industries without being burdensome to the people and denounced attempts of the democratic house of representatives to make indiscriminate reductions. The resolutions were characteristically lacking in specific statement and state questions were ignored. A motion to declare a preference for James G. Blaine as a candidate for president was tabled by a vote of 220 to 207. The *Omaha Republican*

But at best — or worst — this was only pot calling kettle black.

³⁸⁷ David Butler, the first governor of the state, running as an antimonopolist candidate for regent, received 13,172 votes.

was the only prominent newspaper in the state that stood for Blaine instructions.³⁸⁸

The democratic convention for choosing delegates to the national convention of 1884 was held at Lincoln May 22d. John McManigal, of Lancaster county, called the convention to order, but, in the great confusion which arose in choosing between Miles Zentmeyer, of Colfax county, and Beach I. Hinman, of Lincoln county, for temporary chairman of the convention, McManigal lost control and Andrew J. Poppleton, of Omaha, was obliged to mount a chair in the midst of the assembly and restore order. Zentmeyer represented the Miller-Boyd faction and Hinman the Morton faction. McManigal decided that Zentmeyer was elected by the first vote, taken viva voce. Hinman was elected by a vote of 182 to 96. Poppleton was chairman of the committee on resolutions which demanded vigorous frugality in every department of the government, a tariff limited to the production of necessary revenues and to bear upon articles of luxury and prevent unequal burdens upon labor; and they declared that a fundamental change in the policy of federal administration was imperative. If united, the party would reelect Samuel J. Tilden and Thomas A. Hendricks. The platform ignored state issues. The four delegates at large were elected by the following vote: James E. Boyd, 259; J. Sterling Morton, 241; W. H. Munger, 179; Tobias Castor, 141. James E. North received 103 votes and George W. Johnston, 114. Delegates from the first district elected George P. Marvin and John A. Creighton as delegates to the national convention; second district, Robert A. Batty, A. J. Rittenhouse; third district, Patrick Fahy, John G. Higgins. There was sharp division between the two factions, Morton's home delegates — from Otoe coun-

ty — refusing to vote for Boyd and Boyd returning the compliment. The majority of the delegates were hostile to Morton, as they were again in 1888, when they shut him out from his usual place as a member of the platform committee in the national convention.³⁸⁹

The republican state convention was held at Omaha August 27th, with Charles H. Gere chairman. There was opposition, amounting to "revolt," to the renomination of Dawes for governor, but it was easily overcome before the convention met — illustrating incidentally the prime advantage for boss rule of the convention over its successor, the primary election plan.³⁹⁰ The platform declared that "we recognize as a prime necessity for the unification of our party in Nebraska . . . a statute regulating our railroads according to a fixed principle;" and it pointed with satisfaction to "efforts of our party" during the last meeting of the legislature to accomplish this result. This, however, was typical bourbon procrastination which, like French bourbonism before, waited until the inevitable reform came through the shock of inevitable political revolution. The platform commended the efforts of senators and representatives in Congress from Nebraska to secure immediate issue of patents to lands earned by railroads in the state under the national land grants, with the intent that they should be subject to taxation. There was no declaration about money.

The democratic state convention was held at Omaha September 11th, James E. Boyd chairman. The convention united with the antimonomopolist party in the distribution of the offices, candidates for secretary of state, attorney general, treasurer, and two presidential electors being conceded to the democrats and the rest to their partners. J. Sterling Morton was for

³⁸⁸ *Daily State Journal*, May 31, 1884. Genio M. Lambertson, of Lancaster county, was among those who took a firm stand against instructions for Blaine.

³⁸⁹ Henry Watterson, Morton's fast friend, invited him to assist in forming the platform, but he returned home in deep disgust not long after the convention began its business. His revenge over Boyd and others came with his cabinet appointment in 1893.

³⁹⁰ The other candidates for state offices were H. H. Shedd, of Saunders county, lieutenant governor; Edward P. Roggen, of Lancaster, secretary of state; H. A. Babcock, of Valley, auditor; Charles H. Willard, of Thayer, treasurer; William Leese, of Seward, attorney general; Joseph Scott, of Buffalo, commissioner of public lands and buildings; W. W. W. Jones, of Lancaster, superintendent of public instruction; Leavitt Burnham, of Douglas, regent of the state university.

the third time nominated for governor.³⁹¹ This unequal yoking together of factions, to each other so notoriously unbelievers, returned to plague Morton when he assailed democratic and populist fusion "on principle" in 1894.³⁹²

Dawes received 72,835 votes; Morton, 57,634; James G. Miller, prohibition, 3,075. The republican candidates for the offices of district attorney were elected in all of the ten judicial districts. Among all the monopolies the republican party monopoly was still supreme. The legislative amendment to the constitution was approved by a vote of 51,959 to 17,766. The executive amendment — for establishing a railroad commission — was defeated by a vote of 22,297 to 44,488. The contrast between the treatment of these two amendments illustrates the still backward state of interest and intelligence touching the railroad question. The proposition for a railroad commission was at least equally as important as that to extend the session of the legislature. Both amendments lacked a constitutional majority. The republican candidates for presidential electors received 76,912 votes; the democratic candidates, 54,391; prohibition, 2,889.

The progressive forces united in all of the three congressional districts and by nominating progressive men gained a moral victory. In the first district Weaver, republican, held his place only by the slender margin of 22,644 votes over 21,669 for Charles H. Brown, of Omaha. In the second district James Laird's

³⁹¹ The other candidates for state offices were L. C. Pace, of Lancaster county, lieutenant governor; H. E. Bonesteel, of Knox, secretary of state; Gustave Benecke, auditor; D. W. Clancy, treasurer; Carroll S. Montgomery, of Douglas, attorney general; Nels O. Albert, commissioner of public lands and buildings; Amos N. Dean, superintendent of public instruction; D. T. Scoville, regent.

³⁹² The *Omaha Bee* of September 13th stoutly refused to accept the fusion as follows: "The anti-monopoly conference committee has outraged decency by consenting to the nomination of J. Sterling Morton as a candidate to head the anti-monopoly state ticket. Mr. Morton is now and always has been a rank monopolist. He is the representative of the worst element of the democratic party which for years has been playing into the hands of monopolies wherever it has had an opportunity. Like Church Howe, this man Morton was notoriously one of the railroad cappers who joined the grange

prestige was crippled and the standard majority alarmingly reduced by John H. Stickel's great vote of 17,650 to 21,182 for Laird; and in the third district George W. E. Dorsey was maimed for life by the vote of 20,671 cast for William Neville, of North Platte, to 25,985 for himself.

The 11th legislature convened in the 9th regular session January 6, 1885. It finally adjourned March 5th, the forty-third day of the session. Lieutenant Governor Shedd was president of the senate and Church Howe temporary president. The senate comprised twenty-five republicans and eight democrats; the house of representatives, seventy-nine republicans, twenty democrats, and one independent — William A. Poynter, afterward governor of the state. Allen W. Field, of Lancaster county, was speaker of this body. The governor's message disclosed that the indebtedness of the state was \$499,267.35 — \$449,267.35 in the form of funding bonds due April 1, 1897, and \$50,000 in grasshopper relief bonds due March 1, 1885. It appears from the message that the number of students at the state university during the last term was 282 — at the newly established college of medicine, 54; that a contract had been let to W. H. B. Stout for the erection of the main building of the capitol for the consideration of \$439,187.25; that a draft for \$500, representing the appropriation by the last legislature toward the Lincoln monument fund, had been sent to Springfield; that in Sep-

movement in 1873, in order to betray and destroy it. Morton has always sneered at every effort of the producers to emancipate themselves from the tyrannic rule of the railroads. . . . Much as they [the anti-monopolists] desire to retire James W. Dawes, the present governor, from the state capital, they never will allow themselves to be used as tools to elevate such a man as Morton. It is the plain duty of the anti-monopoly state central committee to take Mr. Morton off their state ticket and that too without any delay." Two constitutional amendments were submitted to the voters at the election, one for the purpose of changing the compensation of members of the legislature from three dollars a day to five dollars and permitting them to draw this per diem sixty days instead of forty days, and the other to provide for an elective railroad commission. September 12th the *Bee* epitomized the case thus: "J. Sterling Morton always has been a Burlington railroad democrat. The Burlington railroad wants to re-elect James W. Dawes. Morton's nomination insures the election of Dawes, fusion or no fusion."

tember, 1883, \$11,746.67 was received on account of the five per cent sale of federal lands in Nebraska; in June, 1884, \$17,495.95, five per cent of the proceeds of the sale of the Pawnee reservation; in November, 1884, \$485 on account of expenses incurred in suppressing Indian hostilities. In September, 1882, \$6,275.89 had been received from Pawnee sales, making a total of \$23,770.42. A bill passed both houses of the legislature of 1883 appropriating a half of the sum of \$6,275.89 to Thomas P. Kennard, as a fee for collecting the same under an alleged agreement with Governor Furnas; but it failed to become a law because the officers of the two houses neglected to sign it. Since the last session of the legislature a proclamation had been issued for the organization of the counties of Loup, Cherry, Brown, Dundy, Sioux, and Hayes. The temporary officers of Sioux county refusing to act, proceedings there were in suspense. On the 8th of November, 1881, the electors of Wheeler county voted in favor of forming a new county out of Wheeler, to be known as Garfield county; and on the 4th of November, 1884, the electors of Brown county voted to form a new county, to be known as Keya Paha, out of their own county. The governor had issued a proclamation ordering elections to be held to choose officers and for the location of county seats in the proposed new counties. The message recommended the enactment of a law fixing a maximum passenger rate for railroads at three cents a mile and a law for the regulation of freight rates. It referred with regret to the defeat of the proposed amendment of section 4, article 3, of the constitution, increasing the length of legislative sessions and the compensation of members, and recommended resubmission of the amendment.

The legislature authorized the organization of Blaine county "at the will of her people at some future time;" and also constituted the counties of Dawes, Logan, Sheridan, and Sioux; the election of county attorneys to take the place of district attorneys was authorized; the "Nebraska Institute for Feeble Minded Youth" was established at Beatrice on condi-

tion that the city should donate forty acres of land for the institution, and \$50,000 was appropriated to construct and furnish the necessary buildings; "A Hospital for the Insane of Nebraska" was established at Norfolk, conditional on the donation by the city of 320 acres of land; Arbor Day, April 22d, and Memorial Day, May 30th, were set apart as holidays. The first law directly affecting railroad transportation charges was passed. The act divided passenger rates into two general classes, territorially divided by the 101st meridian. In the eastern territory, Class A included roads whose gross annual earnings were as much as \$4,000 per mile, and Class B, those earning less than that amount. The charge by roads in Class A should not exceed three cents a mile; in Class B not over three and one-half cents; and in the western territory, not over four cents. Not more than a half rate should be charged for children under ten years of age. On the day when this bill was made the special order in the senate — January 27th — John M. Thurston for the Union Pacific company and J. W. Deweese for the Burlington & Missouri submitted a protest against the passage of the proposed act, assigning as objections the sparse settlement of the state; that although the present maximum rate was four cents, yet, for many years, round trip passage had been sold for much less and low special rates had been given to "prospective settlers and persons doing a large amount of travel" and to those "in commercial business and other pursuits." Overproduction of wheat, corn, etc., had caused a stagnation in the markets on account of which these roads, some time since, had arbitrarily procured a reduction of five cents a hundred pounds on all grain rates between points in Nebraska and Chicago; the result of which was an immediate slump in Chicago prices to the amount of the reduction, the producers receiving no benefit whatever. Thereupon the bill was recommitted to the railroad committee by a vote of 16 to 15; after a hearing of representatives of railroads by the committee, it passed the senate by a vote of 29 to 2, and it passed the house, 87 to 6. The first railroad commission — by

proxy — was established, the bill — S. F. 187 — passing the senate by a vote of 28 to 5 and the house, 58 to 40.³⁹³ The scheme was a failure, its only public merit being that of meeting public expectation. Eight railroad regulation bills were introduced in the senate and thirteen in the house but, presumably, all of the others gave way to the commission bill and the bill fixing maximum passenger rates, except Senate File No. 112 to prohibit railroad companies from giving free passes to public officeholders, which was indefinitely postponed in accordance with the recommendation of the railroad committee. A bill — H. R. 93 — to submit an amendment to the constitution prohibiting the manufacture and sale of intoxicating liquors was defeated in the house by 48 to 46 — not a constitutional majority; and another — S. F. 57 — was indefinitely postponed in the senate.

The republican state convention for 1885 was held in Lincoln October 14th. Lorenzo Crouse pressed the election of John M. Thayer for temporary chairman of the convention; but Thayer insisted that he did not desire the office, and Monroe L. Hayward, of Otoe

³⁹³ It is a curious fact that Daniel M. Nettleton, farmer, of Clay county, voted no on the passenger rate bill, ostensibly because it was unconstitutional. Like the pretense of ill health in general, this of unconstitutionality has covered a multitude of political sins. How came this farmer by his judicial wisdom? But for many recent years Mr. Nettleton has been aggressively in favor of radical railroad legislation.

The commission consisted of the attorney general, the secretary of state, and the auditor, each of them having power to appoint a secretary at a salary of \$2,000 a year. The act provided that when the commissioners should find that railroad companies were guilty of unreasonable charges or discrimination, or other violation of law, they should notify the companies and suggest or recommend relief. In case the recommendation should not be complied with the commissioners should file a complaint in the proper district court and the county attorney must prosecute it. If found guilty the company should be fined an amount not exceeding \$1,000. The commission was authorized to investigate and supervise railroad business in a general, but, in practice, innocuous way. Senator William G. Hastings, of Saline county, now dean of the college of law of the university of Nebraska, explained his vote as follows:

"Senate file No. 187 has been repeatedly pronounced by the most prominent advocates of railroad legislation in this body 'a farce'—'a club to beat down real legislation,' a 'shadow,' and a 'sham.' It is so strongly desired by railroad companies that their advocates on the floor of the senate, as well

county, was chosen over him by a vote of 318 to 143. Hayward was retained as permanent chairman. Amasa Cobb was renominated for judge of the supreme court without opposition, and Charles H. Gere, of Lancaster, and Leavitt Burnham, of Douglas, were nominated for regents of the university by acclamation. James L. Caldwell, of Lancaster, was chairman of the committee on resolutions, which were devoted to national questions, except the single declaration that if the act of the last legislature creating a railroad commission with advisory powers for regulation should be found inadequate, then the party stood pledged to sufficiently amend it. A resolution for a prohibition amendment which was innocently introduced was "rejected by an overwhelming vote." A resolution declaring that the tariff on imports ought to be reduced, temerarily introduced by Dominic G. Courtney, "was voted down enthusiastically," in the *State Journal's* parlance.

The democratic convention was held in Lincoln October 15th. In the struggle between the Morton and Miller factions, now become chronic and acute, Albert W. Crites, of Cass

as their lobby, were unanimously in favor of paying all the expenses thereby caused, if that would insure its passage. It is an emasculated copy of the advisory commission law of Massachusetts, and entails an expense upon the state of \$6,000 for clerks of three of its officers, and as much more in the way of incidentals as those clerks see fit to cause. All the duties of this commission could be as satisfactorily performed by one man at one-fourth the expense caused by this bill. Not seeing any corresponding advantage to the state to result from the expense caused, and the people themselves having decided against it, I vote 'no.'"

Mr. Meiklejohn offered the following explanation of his vote:

"I vote 'aye' on this bill as being the only legislation that can be secured at this session, and am of the opinion that it is only an experiment, and will not result in a satisfactory adjustment of the differences between the people and the railroads without giving the board the power to schedule rates."

Mr. McShane offered the following explanation of his vote:

"The question of creating a board of railroad commissioners having been submitted to the people of this state, and by them rejected, and believing this bill to be in the interest of the railroads instead of the people, and passed for the express purpose of deceiving the people of this state, I vote 'no.'"

(*Senate Journal*, 1885, pp. 648-649; *House Journal*, p. 1403; *Laws of 1885*, p. 288.)

county, and of the Miller clan, was elected chairman over Alfred W. Hazlett, of Gage, by a vote of 230 to 148. Thomas O'Day, of Antelope county, introduced a resolution declaring that every democrat had a right to apply for an office and the state committee had no right to dictate or control federal appointments. This was intended as a knock-out for Morton, who was chairman of the state committee and who had been accused of using his official influence in procuring offices for his friends. But Morton executed a great coup by himself seconding the resolution. Afterward Morton and Boyd, who affected political rivalry with him, were called on for speeches; and though Morton had been voted down in the organization of the convention, in responding to the call he exhibited his remarkable quickness and cleverness with great effect and completely captured the convention. Frank Martin, of Richardson county, who joined the republicans after the subsequent split of the democratic party on the money question, was nominated for judge of the supreme court, and Robert R. Livingston, of Cass, and John F. Zoelin, of Jefferson, were nominated for regents of the university. It appeared that this was the first democratic convention that Dr. Livingston had attended, though he had voted and worked for democrats for many years. The platform was all devoted to national questions with the exception of a declaration that the republican railroad commission was of no use and a demand for legislation against discrimination and for just regulation of rates. It demanded the cessation of further coinage of silver under the Bland act of 1878—the entering wedge which within a few years completely split the party into two factions. The republicans were again successful at the elections as a matter of course, Judge Cobb receiving 72,004 votes against 49,489 cast for Martin, and 4,445 for O. B. Hewitt, the prohibition candidate.

The republican state convention for 1886 was held at Lincoln September 29th. James Laird, of Adams county, was temporary chairman and Archibald J. Weaver, of Richardson, permanent chairman. On the informal ballot for governor, John M. Thayer received 306

votes; H. T. Clarke, 123; J. B. Dinsmore, 37; Leander Gerrard, 27; John H. MacColl, 47; Thomas Appleget, 13. After this ballot John M. Thurston withdrew the name of Clarke, and Thayer was nominated by acclamation. There had been a general movement in favor of Thayer's nomination, partially due to the sympathy and the friendship of the old soldier element and in part due to the partiality of the corporations for Thayer, who was known to be at least innocuous.

The platform avoided state issues and was a studied and specious condemnation of the democratic national administration. A minority report by Charles H. Van Wyck, condemning the state railroad commission and demanding its abolition, was rejected by a majority of over a hundred and fifty. A resolution condemning the commission, offered by Edward Rosewater, was safely referred to the committee of which Charles H. Gere was chairman. The then usual plank in praise of Irish home rule, Gladstone and Parnell was inserted in the platform. A resolution favoring the submission to the people of an amendment to the constitution prohibiting the manufacture, sale, or importation of spirituous, malt, or vinous liquors was adopted, after a very hot debate, by a vote of 341 to 189.

The democratic convention was held at Hastings October 7th. It was called to order by James E. North, chairman of the state committee. General Milton M. Montgomery, of Lancaster county, was temporary chairman, and Frank Martin, of Richardson, permanent chairman. The convention was completely in the hands of the Boyd-Miller faction. G. E. Pritchett, of Douglas county, was chairman of the committee on resolutions which denounced prohibition and sumptuary laws; insisted that the next legislature should pass laws abolishing the present oppressive freight rates and unjust discrimination, and that Congress should give the interstate commerce commission such power as to "relieve the people of the agricultural states from the thralldom of railroad monopoly." The expression of sympathy for Gladstone, Parnell, and the Irish people in the struggle for home rule which was to be in-

served in many subsequent platforms of both parties was begun in this one. James E. North, of Columbus, was nominated for governor by acclamation. There was a factional fight in the convention over the manner of choosing a state committee and a mild obeisance to the Cleveland admonition against offensive partisanship in a letter sent by Stephen H. Calhoun. He had been appointed collector of internal revenue, and so, out of respect to the president's views, he had refrained from attending the convention.

There was a spectacular race between the two candidates for member of Congress in the second district, William A. McKeighan running as a democrat against the redoubtable James Laird, but the contest resulted in the election of Laird by the usual majority, the vote being 21,373 to 16,315. C. S. Harrison, prohibitionist, received 3,789 votes. In the third district, W. H. Webster, democrat, received 20,943 to 28,717 for Dorsey, and W. J. Ollinger, prohibitionist, received 2,383. John A. McShane, of Omaha, made a still more spectacular race against Church Howe in the first district, defeating him by the overwhelming vote of 23,396 against 16,373. The normal republican majority in the district was upwards of 3,000. This defeat of the most nimble republican known to the annals of the state was due in part to McShane's very effective campaign and his enormous home vote; but in large part to the opposition of the Omaha *Bee*, which was consistent in continuing its long-standing hostility to Howe. McShane's total vote in Douglas county was 7,110; Howe's, 1,909; while Howe's total vote in his home county — Nemaha — was only 1,297 against 1,101 for his alien opponent. McShane was also aided by the strong tariff reform sentiment which was general at that time. Thayer was elected governor by a vote of 75,956 to 52,656 for North, democrat. Harvey W. Hardy, prohibitionist, received 8,175 votes, and Jay Burrows, national, 1,422. The legislative amendment to the constitution was again defeated because it lacked a majority of all the votes cast at the election, receiving 65,712 to 22,236 in opposition. The vote expressing

preference for candidates for United States senator was of little value as an indication of a real choice, Van Wyck receiving 46,110 against 2,326 for Paddock, and a scattering vote for many others. All the voters except the friends of Van Wyck virtually disregarded the proposition.

The 12th legislature met in the 10th regular session January 4, 1887, and finally adjourned March 31st, the sixty-second day of the session. The senate comprised twenty-five republicans and eight democrats; the house, seventy-one republicans, twenty-eight democrats, and one independent. George D. Meiklejohn, of Nance county, was elected temporary president of the senate, and N. V. Harlan, of York, was speaker of the house.

Governor Dawes stated in his message that the \$50,000 relief bonds which matured March 1, 1885, had been paid from the sinking fund, leaving a state indebtedness of \$449,267.35 in the form of twenty-year eight per cent bonds maturing April 1, 1897, and incurred before the restriction of the indebtedness to \$100,000 in the constitution of 1875. One hundred thousand dollars of the original amount of these bonds had been paid. The assessed value of the state in 1885 was \$133,418,699.83, an increase of \$9,802,812.98 since 1884. In 1886 it had increased to \$143,932,570.51. The rate of taxation for state purposes for 1885 was seven and twenty-nine fortieths mills and in 1886 seven and five-eighths mills on each dollar of valuation. A census was provided for in the act of February 9, 1885, which appropriated the sum of \$50,000 therefor. The work had been done under the superintendency of George B. Lane, the total cost being \$39,774.35, of which the federal government paid \$34,759.12 for prompt and accurate reports, leaving \$5,015.23 as the actual cost to the state. There is irony in the statement of the governor that, "The original returns of enumeration and other original reports have been deposited for safe keeping in the office of the secretary of state as required by law." These reports were subsequently burned by carelessness or otherwise, so that there is no record of their important

data available except fragmentary statements in the newspapers.

The legislature authorized a recount of the vote on the legislative amendment to the constitution which resulted in counting it in. The counties of Arthur, Grant, McPherson, and Thomas were constituted. The act providing a charter for metropolitan cities, meaning Omaha, flouted the important principle of home rule by giving to the governor the appointment of four members of the fire and police board, the mayor being the fifth member, *ex officio*. The "Nebraska Industrial Home" was authorized, the government to be under trustees of the "Woman's Associate Charities of the State of Nebraska," and \$15,000 was appropriated for the site and buildings. A "Bureau of Labor, Census and Industrial Statistics" was established, the commissioner to receive a salary of \$1,500 a year. "An Asylum for the Incurable Insane of Nebraska" was established at Hastings on condition that not less than 160 acres of land should be donated for the purpose; and \$75,000 was appropriated for buildings. "The Nebraska State Board of Pharmacy" was established to consist of the attorney general, secretary of state, auditor, treasurer, and commissioner of public lands and buildings. The office of the state inspector of oils was established, carrying a salary of \$2,000.

The act of 1885 fixing classified passenger rates at three cents, three and one-half cents, and four cents per mile was amended by establishing a general rate of three cents a mile. This was an important manifestation of a vital public opinion touching railroad legislation. An act was passed abolishing the board of railroad commissioners and establishing a "board of transportation."³⁹⁴ The Hatch bill, a law of Congress which appropriated \$15,000 a year for carrying on experiment stations, was accepted on behalf of the state university; and the organization of the university battalion was styled "University Cadets." An act of 1879 dis-

charged and cancelled a judgment against John Gillespie on account of which his property, consisting of lots 8, 9, 11, block 234; lot 8, block 45; lot 4, block 231, had been sold at sheriff's sale. By an act of this legislature the state relinquished all claims to the property. A tax of three-fourths of a mill was authorized for the years 1887 and 1888 for the balance of the cost of the main wing of the capitol. The sum of \$3,871 was appropriated for the expense of submitting the constitutional amendment in 1886. The sum of \$5,000 was appropriated to be expended by Robert W. Furnas as commissioner at the New Orleans Exposition. Fuller, a farmer of Gage county, explained his negative vote on the bill by the statement that Furnas had accepted the place for the honor and a gold medal. Now he comes in for full pay, which is unreasonable. Brown, of Clay county, complained that the amount was too large, but the senate refused to cut it, and Furnas was entitled to something. An act was passed requiring that children from eight to fourteen years of age, inclusive, should be sent to school not less than twelve weeks each year. A bill — S. F. 223 — providing for a constitutional convention passed the senate, but was defeated in the house. A bill was passed directing the board of public lands and buildings to appraise and offer at public sale all saline lands owned by the state, except that part containing the salt springs, and appropriating fifty thousand dollars from the saline fund to be created by such sale to defray the expense of sinking a test well in the salt basin and for developing the manufacture of salt if brine of practicable strength should be found. This was the last of the practically fruitless experiments in salt-making in Nebraska.³⁹⁵

The republican state convention for 1887 was held at Lincoln October 5th. Luther W. Osborne, of Washington county, was temporary chairman and George D. Meiklejohn, of Nance county, permanent chairman. Judge Oliver P. Mason, in his characteristic vein, presented Samuel Maxwell³⁹⁶ for judge of the

³⁹⁴ The new act added the state treasurer to the board and ostensibly enlarged its powers. See chapter 13 on railroads and railroad control.

³⁹⁵ See Vol. II, p. 290, for an account of this experiment.

³⁹⁶ The votes for judge of the supreme court were distributed as follows: Maxwell, 274; Caleb J. Dilworth, 162; Alfred M. Post, 69; M. P. Cook, 58; T. L. Norval, 8.

supreme court and he was nominated on the first ballot. Dr. B. B. Davis, of Red Willow county, and Dr. George Roberts, of Knox, were nominated for regents of the university. H. C. Andrews, of Buffalo county, was chairman of the committee on resolutions. The platform expressed confidence in the existing board of transportation, but favored an elective commission. It declared that it was grossly unjust that Nebraska should pay higher rates of transportation than Iowa, Minnesota, and Dakota. There were no other declarations on state questions. The usual approval of the struggle for Irish home rule was expressed and Omaha was favored for the next republican national convention. A resolution introduced by Oliver P. Mason declaring that if the state supreme court should decide that the legislature had not conferred upon the board of transportation power to fix maximum freight charges the governor ought to call a special session for the purpose of doing so was debated fiercely until daylight when it was defeated by a vote of 280 to 244. A prohibition submission resolution was rejected also.

The democratic convention was held at Omaha October 11th. Miles Zentmeyer, of Colfax county, was temporary and permanent chairman. Thomas O'Day, of Antelope county, was nominated for judge of the supreme court, and Fred L. Harris, of Valley, and J. M. Slicker, of Hitchcock, regents of the university. The platform approved Cleveland's administration; made a somewhat hazy declaration in favor of tariff reform; called for stringent legislation against railroad discrimination, demanding that "higher rates for freight and passengers must not be tolerated in Nebraska than are charged in other states similarly situated." As in the republican platform, there was a sympathetic declaration for Gladstone, Parnell, and Irish home rule. The last prison contract bill passed by the legislature was condemned, as also Governor Thayer for signing it. The platform

³⁰⁷ Omaha *World-Herald*, October 12, 1887. President and Mrs. Cleveland, Postmaster General and Mrs. Vilas, and Colonel and Mrs. Daniel Lamont passed through Omaha on this date and had a formal reception.

was drafted by O'Day of the committee and George E. Pritchett, of Omaha.³⁰⁷ The republican ticket was successful at the election. Maxwell received 86,725 votes; O'Day, 56,548; Joseph W. Edgerton, labor candidate, 2,653; E. S. Abbott, prohibitionist, 7,359. Republican candidates in the twelve judicial districts were all successful except two in the third — George W. Doane and Eleazer Wakeley.

The republican state convention for 1888 was held at Lincoln August 23d. Judge Aaron Wall, of Sherman county, was elected temporary chairman, receiving 395 votes against 273 cast for A. E. Cady, of Howard county. The temporary organization was made permanent. Governor Thayer was renominated without opposition, and a resolution favoring the submission of a prohibition amendment to the constitution was carried by a vote of 378 to 197. Lucius D. Richards, of Dodge county, succeeded Meiklejohn as chairman of the state committee. The declarations of the platform were almost all devoted to national questions, among them a denunciation of capital organized in trusts — but it professed to approve the acts of the railway commission and promised to carry out the correction of all evils. The repeated approval of the railroad commission by republicans was self-stultifying because the general want of public confidence which was soon to result in its abolition was all along apparent. The democratic national administration was denounced "for its effort to destroy the bimetallic system of currency and restore the single gold standard for the sole benefit of importers and money lenders."

The democratic convention was held at Lincoln August 29th. Matt Miller, of Butler county, was temporary and permanent chairman. John A. McShane was nominated for governor by acclamation and was pressed into acceptance much against his own wishes. A large element of the convention preferred that he should become a candidate for Congress again.³⁰⁸ Andrew J. Sawyer, of Lancaster

³⁰⁸ The other nominations were: lieutenant governor, Frank Folda, Colfax county; secretary of state, Patrick J. Hines, Kearney; treasurer, James M. Patterson, Cass; auditor, W. A. Poynter, Boone; attorney general, W. H. Munger, Dodge; commis-

county, was chairman of the committee on resolutions. The platform declared that the state was overrun by a band of Pinkerton detectives who intimidated peaceful citizens; that republicans were responsible for this abuse and laws preventing it were demanded. The Mills tariff bill was approved, and Laird and Dorsey, members of Congress, were denounced for voting against free lumber and free salt. The regular Parnell and Gladstone plank was inserted. In the *Herald's* phrase, "The anti-prohibition plank elicited a roar of approval that made several republican auditors perceptibly shiver." The platform demanded reform of railroad rates; attacked the republican creature known as a "trust;" favored an elective railroad commission and arbitration of labor disputes. In the campaign the Omaha *Herald* made the most of the temporary lapse of the republicans to prohibition. It declared that "there are twenty-five thousand people in Nebraska driven here by the prohibition which threw a pall over the prosperity of Iowa. There are five thousand of these people in Omaha alone." These were of the thriftiest and most law-abiding class. "In the hope of catching the prohibition vote the republicans of Nebraska have consented to the exact course which was the initial step in Iowa. . . . They think there is no danger that a sumptuary law will result, but there is." The vote for republican candidates for presidential electors was about 108,000; for democratic candidates about 80,500. John M. Thayer, republican candidate for governor, received 103,983; John A. McShane, democrat, 85,420; George E. Bigelow, prohibitionist, 9,511; and David Butler, labor candidate, 3,941.³⁹⁹

The 13th legislature met in the 11th regular session January 1, 1889, and finally adjourned

sioner of public lands and buildings, B. H. Jussen, Richardson; superintendent of public instruction, Marion Thrasher, Clay; electors at large, W. G. Sloan, Douglas; Olaf Hedstrom, Polk.

³⁹⁹ The vote for candidates for Congress was as follows:

FIRST DISTRICT

Wm. J. Connell, rep., 32,926.
J. Sterling Morton, dem., 29,519.
Edwin B. Graham, prohib., 2,962.
J. W. Edgerton, labor, 650.

March 30th, the sixty-seventh day. The senate contained twenty-seven republicans and six democrats. Politics was nominally clean-cut in this legislature, there being no hybrid factions; but it was the result of a calm which preceded the storm soon to break. A diminishing number of democrats was ominous of the real alignment of 1890. George D. Meiklejohn, lieutenant governor, was president of the senate, and Church Howe, temporary president. The house contained seventy-nine republicans, twenty democrats, and one union laborite. John C. Watson, of Otoe county, was speaker.

Governor Thayer, in his message, alluded to the opposition, expressed by Attorney General Leese in his report, to the passage of the pending bill in Congress to extend the time for the payment of the debt of the Union Pacific railroad to the United States. The only fair method was to declare the company insolvent and sell the road, and the state of Nebraska should control it. The governor of course opposed this view in a long argument. He recommended the adoption of a constitutional amendment for an elective railroad commission, declaring that rates in Nebraska must be no higher than in Kansas, Iowa, and other states, and that the commission should have full power over the question of rates. He had appointed two democrats and two republicans as members of the Omaha fire and police commission. A great hue and cry had been raised against them by bad elements and the city council but they had given the city the best force and police government it had ever had. The supreme court had sustained the law. The counties of Box Butte, Grant, Perkins, Rock, and Thomas had been organized during the last two years.

SECOND DISTRICT

James Laird, rep., 30,959.
William G. Hastings, dem., 21,201.
George Scott, prohib., 4,128.
R. H. Rhor, labor, 1,715.

THIRD DISTRICT

Geo. W. E. Dorsey, rep., 42,188.
E. P. Weatherby, dem., 31,118.
A. M. Walling, prohib., 2,995.
L. O. Jones, labor, 1,487.

(*Senate Journal*, 1889, p. 1468.)

Banner, Deuel, Scott's Bluff, and Kimball would complete their organization by January 15th.⁴⁰⁰ The reactionary spirit of this legislature as well as the ominous fact that there was a strong minority in it determined upon effective railroad legislation, is illustrated by the tone of a resolution offered by Senator Isaac M. Raymond and its fate at the hands of the senate.⁴⁰¹

Laws were passed constituting Hooker and Thurston counties; changing the liquor license law so as to give the board of fire and police commissioners of cities of the metropolitan class and an excise board in cities of the first class — more than 25,000 and less than 80,000 — power to grant licenses instead of "corporate authorities" under the old law; interpolating section 20, chapter 50, making the possession of liquors without license a presumption that they are kept to be sold against the law; and section 21 providing that at a hearing the magistrate might order the destruction of the liquors. Section 22 provided that after the defendant should be acquitted on a hearing the liquor should be returned to him, but if found guilty he should pay a fine and costs and a reasonable attorney's fee. Other laws were to compel trains to stop at crossings; for a bounty of one cent a pound for sugar manufactured in the state from beets, sor-

⁴⁰⁰ The message contained a list of public buildings erected during the last biennium and the cost of each. Among them were the Grant Memorial Hall and Nebraska Hall at the university, costing respectively, \$19,100 and \$41,000 (*Senate Journal*, 1899, p. 57). On page 83 of the same *Journal* is a statement of the mileage of the different railroad companies in Nebraska for 1886 and 1888. The mileage for 1886 aggregated 3,051.66; for 1888, 4,905.26; increase in two years, 1,853.60.

⁴⁰¹ *Senate Journal*, 1889, pp. 1091-1095. The resolution was as follows:

WHEREAS, The report of the state board of transportation, made to the senate of the state of Nebraska, in response to a resolution calling for information as to the comparative rates of transportation in force on certain lines of railroad in Nebraska, Iowa, Illinois and Minnesota, does disclose the fact that the local freights charged by said lines of railroad in Nebraska do far exceed the rates charged for the same service in Iowa and Illinois; and,

WHEREAS, said difference in rates is unjust, and operates as a discrimination against the farmers, grazers, manufacturers, and merchants of Nebraska, and in favor of those of other states in all the avenues and relations of trade and commerce; and

ghum, or other sugar canes or plants grown within the state; taxing sleeping and dining cars used within the state but not owned by corporations within the state; appropriating \$5,000 for beautifying the capitol grounds, to be expended under a landscape gardener; constituting the first Monday in September a holiday known as "Labor Day." Three amendments to the constitution were submitted; one providing for the prohibition of the manufacture and sale of intoxicating liquor, another to increase the number of judges of the supreme court from three to five, and the third fixing the salary of the judges at \$3,500 and of district judges at \$3,000. Senate File 9, submitting an amendment providing for an elective board of railroad commissioners, and Senate File 238, for an appointed board, were merged, the merger — S. F. 238 — providing for three commissioners to be appointed by the governor and confirmed by the senate, for a term of two years. It passed the senate by a vote of 28 to 1, but it got no farther than the second reading in the house, where it was indefinitely postponed with all senate files on the last day of the session.⁴⁰²

The prohibition amendment was as follows: "The manufacture, sale and keeping for sale of intoxicating liquors as a beverage are forever prohibited in this state, and the legislature

most particularly discriminates against said classes in Nebraska, in favor of said classes in Iowa, in giving to the latter a great advantage in the market of all cities and towns upon the eastern border of Nebraska, and depriving the former of the home market; therefore be it

RESOLVED, By the senate of the state of Nebraska, that the state board of transportation be, and are hereby requested to make, adopt, and enforce, upon all lines of railroad in Nebraska, a schedule or schedules of local freight rates that shall be reasonable, just, fair and legal, and shall not discriminate against the interests of the state.

On motion of Church Howe, of Nemaha county, the resolution was laid on the table by a vote of 17 to 14. The division upon this vote is not without significance. Those voting aye were Burton, Cornell, Funck, Gallogly, Hoover, Howe, Hurd, Lindsay, Nesbitt, Norval, Paxton, Pickett, Polk, Pope, Ransom, Roche, Taggart — all republicans but Paxton. Those voting in the negative were Beardsley, Conner, Dern, Jewett, Keckley, Linn, Maher, Manning, Raymond, Robinson, Shanner, Sutherland, Wolbach — all republicans but Dern, Maher, and Wolbach. The nays were stated as 14 while only 13 are named. Ijams of Douglas is not accounted for (*Ibid.*, p. 1095).

⁴⁰² *House Journal*, 1889, p. 2106.

shall provide by law for the enforcement of this provision." It passed the senate by a vote of 21 to 11, and the house by 60 to 38.⁴⁰³ Thus democrats were solidly on the negative side and republicans were seriously divided — which portended defeat. Cady offered an additional proposition as follows: "The manufacture and sale and keeping for sale of intoxicating liquors as a beverage shall be licensed and regulated by law." This was carried by a vote of 58 to 40; and in the senate by 23 to 10; substantially the same members who had voted for the original proposition sustaining it. Whichever part of the dual amendment might be adopted would be section 27, article 1, of the constitution.

Charles F. Manderson was elected United States senator on the first separate ballot, receiving 76 votes in the house against 21 for John A. McShane and one for J. Sterling Morton; and 27 in the senate against 6 for McShane.⁴⁰⁴

The republican convention for 1889 was held at Hastings October 8th. J. W. Bixler, of Lincoln county, was temporary and permanent chairman. The question whether instructions of a county convention that its delegates should fill vacancies should overrule a proxy — shutting out Patrick O. Hawes, of Douglas — raised pandemonium in which Bixler collapsed, Church Howe taking his place. T. L. Norval, of Seward county, was nominated for judge of the supreme court over Manoah B. Reese by a vote of 545 to 269. Charles H. Morrill, of Polk, and J. L. H. Knight, of Custer, were nominated for regents of the university. Lucius D. Richards was retained as chairman of the state committee. The platform contained no reference to state issues and was composed of glittering generalities referring to corporations.

The democratic convention was held at

⁴⁰³ *Senate Journal*, p. 290; *House Journal*, p. 557. The senators voting nay were Beardsley, republican, Lancaster; Dern, democrat, Dodge; Ijams, democrat, Douglas; Maher, democrat, Platte; Norval, republican, Seward; Paulsen, democrat, Douglas; Paxton, democrat, Douglas; Pope, republican, Saline; Ransom, republican, Otoe; Raymond, republican, Lancaster; Wolbach, democrat, Hall. Norval explained that he opposed submission because it was a moral rather than a political question and should be submitted at a special election; it was unconstitutional because an enactment not purporting to be a joint resolution. The first reason was

Omaha October 15th. Andrew J. Poppleton was temporary and permanent chairman. John H. Ames, of Lancaster county, was nominated for judge of the supreme court, and W. S. McKenna, of Adams, and E. W. Hess, of Platte, for regents. Dr. Luther J. Abbott, of Fremont, unjustly attacked Senator Manderson for drawing a pension and yet being able to get a nice insurance policy from a leading company. J. Sterling Morton was chairman of the platform committee and William J. Bryan was also a member of it. The resolutions denounced the protective policy of the republican party as hostile to the interests of a purely agricultural commonwealth; protested against appropriations to irrigate desert lands, there being already enough arable land to glut the home market for nearly all farm products; denounced the sugar bounty law of the last session of the legislature; declared that there should be no substitution of land or money for private corporations and declared that a well regulated license law was the best solution of the liquor question.

A union labor convention endorsed John H. Ames, democratic candidate, for judge of the supreme court, and nominated William Blakely and Omer M. Kem for regents of the university.

The prohibition convention, held in Lincoln August 21, 1889, nominated T. P. Wigton for judge of the supreme court, and Jennie F. Holmes and L. B. Palmer for regents of the university. The *Omaha Bee* during the campaign made aggressive attacks upon many prominent republicans on account of their subserviency to corporations. In its issue of October 10th it declared that Reese was defeated at the Hastings convention because he had made himself offensive to the railroad managers and on account of over-confidence of his friends. Norval was treated cavalierly, being

not rational or logical and the second was inconsequential. The amendment was introduced by Lindsay, of Furnas county. Twenty democrats, seventeen republicans, and the one union laborite voted no in the house. One democrat, Lash, of Nemaha county, voted aye and one was absent. Frank R. Morrissey and F. B. Fenno, democrats of Douglas county, who voted no, were subsequently ousted by George M. O'Brien and Christian Specht, republican contestants. For this vote on Cady's amendment see *House Journal*, 527, and *Senate Journal*, 370.

⁴⁰⁴ *House Journal*, 1889, p. 231; *Senate Journal*, p. 129.

classed as a man of fair ability. The *Bee* was making a desperate attempt to prevent the nomination of Gilbert L. Laws for member of Congress to succeed James Laird, who died August 17, 1889. In its issue of October 22d it quotes from three western papers, including the Holdrege *Progress*, allegations that Laws is a corporation tool. The insurgents put forward N. V. Harlan, of York, as a competitor, but Laws was nominated on the twenty-second ballot. The republican ticket was elected by the usual majority, Norval receiving 91,470 votes

against 72,442 for Ames. Laws received 27,775 votes; C. D. Casper, his democratic competitor, 21,123, and C. S. Bentley, the prohibition candidate, 1,816.

The passing of Laird is noteworthy because, instead of using his positive popularity to lead to better political conditions, he misused it to prevent improvement, leaving them worse than they were when he assumed leadership. He is entitled to such credit merely as having been "Jim" to the general deserves.

CHAPTER IX

THE POPULIST REVOLUTION — THE STRANGLER STATE ELECTION CONTEST OF 1890-91 — DEFEAT OF THE PROHIBITION AMENDMENT — INVESTIGATIONS OF STATE OFFICERS AND INSTITUTIONS — IMPEACHMENT OF STATE OFFICERS — OTHER PROSECUTIONS — POLITICAL CONVENTIONS AND ELECTIONS, 1890 TO 1892 — LEGISLATURES OF 1891 AND 1893 — ELECTION OF WILLIAM V. ALLEN, POPULIST, FOR UNITED STATES SENATOR

The populist revolution had broken out with great force and fury in 1890. The *Alliance*,⁴⁰⁵ the organ of the new movement, printed a manifesto, signed by J. M. Thompson, secretary of the State Alliance, and J. H. Craddock, secretary of the State Assembly of the Knights of Labor, as follows:

"In compliance with the request of over fifteen thousand voters of this state that we should name two persons to fix a ratio of representation, a proper date, issue a call, secure a hall and make all needful arrangements for holding a People's Independent state convention, we hereby name as such persons, J. Burrows, chairman of the State Alliance executive committee, and J. H. Craddock, secretary of the State Assembly of the Knights of Labor."

The convention was accordingly called to meet at Bolanan's Hall in Lincoln July 29, 1890, at 2 o'clock in the afternoon, for the purpose of nominating candidates for state offices. All those who accepted the declaration of principles published by the people's committee were invited to participate in the movement. The convention was to contain 930 delegates. On the 28th of June, John H. Powers, president, J. M. Thompson, secretary, and Jay Burrows, chairman of the state executive committee, issued a statement that "originally a call was issued by the Alliance men of several coun-

ties for a distinctively Alliance convention. This not being thought in accordance with the constitution and it being feared that such a convention might disrupt the Alliance, its promoters thought it best to withdraw their call, and a declaration of principles and petition for the People's Independent convention was sent out." The new manifesto stated that "while the state Alliance is not a political party its objects are political reform." It declared that "the Alliance has 70,000 members in Nebraska" and that "20,000 men have already pledged themselves to support such a ticket."⁴⁰⁶

The declaration injected into the call for actual political procedure that the Alliance was not a political party was a distinction without a difference; and, though the movement might have been inevitable and however salutary its results, it was sure to involve the destruction of the Alliance as a farmers' organization. Still Burrows — doubtless the author of the manifesto — unwittingly followed Parnell's precept. "A true revolutionary movement in Ireland," he declared when he was organizing the land league, "should, in my opinion, partake both of a constitutional and an illegal character. It should be both an open and a secret organization, using the constitution for its own purpose, but also taking advantage of its secret

arrangement continued until Mr. Burrows quit the paper, in the spring of 1892, when it was consolidated with the *Independent*, another populist weekly, under the name of *Alliance-Independent*. December 14, 1889, its name was changed to *Farmers' Alliance*.

⁴⁰⁶ The *Alliance*, July 5, 1890.

⁴⁰⁵ The *Alliance*, a weekly paper, was published in Lincoln, its first number appearing June 12, 1889. In the second issue the name of H. G. Armitage appeared as editor, but in the issue of September 21, 1889, Jay Burrows's name appeared as editor and J. M. Thompson's as associate editor, and November 9th Mr. Thompson became business manager. This

combination." Populist leaders dealt with a temper in their followers at that time as near like the Irish temper and the French temper under stress as the American temper could be.

The *Alliance* of July 12th pointed out that the Omaha *Republican* had suddenly flopped to prohibition; so that between that organ and the *Bee*, which was violently opposed to prohibition, voters might be caught coming and going. The railroads were straining every nerve to make prohibition the main issue to divert attention from themselves. In the same issue was published a set of typical resolutions adopted by the South Platte Alliance. They demanded the immediate restoration of silver to its legal tender function and its free and unlimited coinage; government ownership of railroads to be operated at actual cost for the benefit of the people; endorsed the proposal of Senator Stanford to loan money on real estate at one per cent or two per cent per annum; declared that the government should issue paper money direct to the people; pledged themselves to support for any legislative or congressional office only members of their order and whose record showed them faithful to the cause of labor; demanded that transportation rates be immediately reduced to correspond with Iowa rates; favored the adoption of the Australian ballot and the prohibition amendment; and declared that under the existing license system farmers were taxed to support the cities. This last complaint was loudly repeated in the county option campaign of 1910; but it could not bear logical analysis.

The people's independent congressional convention for the third district was made up of one delegate for every twenty members or major fraction of the Alliance, Knights of Labor assemblies, trades unions, and labor clubs, every organization or sub-organization of such classes being entitled to at least one delegate. The call for the Lancaster county convention specified the representation from every precinct, but it had been calculated on the strength of the farmers', trades, and labor organizations. The president and secretary of the Beulah Alliance stated that J. F. Dietz, an extensive dealer in lumber, had tried to stop Alliance

agents at Clarks from buying it at wholesale rates; and he appealed to the Nebraska Lumber Dealers' Association for protection. The independent convention of Fillmore county declared that license moneys should go to counties instead of cities or towns; that all property should be assessed at its full value and that the mortgage or note indebtedness should be subtracted from the assessed value. The *Alliance* of July 26th advised, as a matter of policy, against inserting a prohibition plank in the state platform; and thus early the imperious and doughty, but faithful editor—Burrows—was obliged to castigate Craddock for recreancy in making a row about unfair apportionment in the call for the convention, though he had joined Burrows in signing it.

The people's independent state convention met at Lincoln July 29, 1890. It was called to order by John H. Powers, of Hitchcock county, president of the State Farmers' Alliance. Allen Root, of Douglas county, was temporary and permanent chairman, and Charles M. Mayberry, of Pawnee, was temporary and permanent secretary of the convention. John H. Powers was nominated for governor; William H. Dech, of Saunders, lieutenant governor; Charles M. Mayberry, Pawnee, secretary of state; Jacob V. Wolfe, Lancaster, treasurer; Joseph W. Edgerton, Douglas, attorney general; John Batie, Wheeler, auditor; W. F. Wright, Nemaha, commissioner of public lands and buildings; A. D'Allemand, Furnas, superintendent of public instruction. Charles H. Van Wyck was the principal competitor of Powers for the governorship, receiving 390 votes to 474 for Powers. At the close of the state convention Van Wyck was nominated unanimously for candidate for Congress in the first district, but he declined the secondary honor.

The platform declared that our financial system should be reformed by the restoration of silver to its old time place in our currency and its free and unlimited coinage on an equality with gold, and by increasing money circulation until it reaches the sum of \$50 per capita. All paper issues necessary to secure that amount should be made by the government alone and

be full legal tender. Land monopolies should be stopped either by limitation of ownership or graduated taxation. Public ownership and operation of railroads and telegraphs and the reduction of freight rates in Nebraska to the Iowa level; reform of the tariff; eight hours a day for labor except in agriculture, and the Australian ballot were demanded. The temperance question was judiciously dodged in accordance with the admonition of the party organ, which held that it was not a practicable issue at that time.

Jay Burrows probably exerted more influence in the formation of the independent movement in Nebraska than any other man. He possessed many of the qualities of strong political leadership and yet lacked the breadth and tact for lasting success. His soul burned for the reforms which he inculcated and he relentlessly attacked the recreant and the half-hearted. He mistrusted and bitterly opposed Van Wyck and instinctively perhaps took up Powers who, at least, was to the manner born to lead the cause of his fellow farmers. Possibly a better selection could not have been made at this time from the material available, though Powers lacked the requisite ability and experience for leadership. Perhaps it was wise in the welding stage of the party's development to select for the head of the ticket one of its own immature kind; but it seems more likely that Van Wyck's superior ability, experience, and resource would have won in the flow of 1890 which never returned.

Where there had been cordial coöperation, there was venomous altercation between him and Burrows and its effect was the beginning of the political end of both. Two years after, when Burrows was almost out of the game, Van Wyck gained the coveted nomination for the governorship; but that was two years too late — at the ebb tide of distinctive populism. Success came to the opposition to the old party when Bryan accomplished definite fusion two years still later. Burrows betrayed littleness in leadership of a great popular movement by hawking at rather the largest figure in it. "He was tied up with Connell and Harlan before the people's convention, and if he had unfortunately been nominated for governor he

would have sold the balance of the ticket to promote the end of Van Wyck. Selfishness is his prominent characteristic, his ruling passion, in fact. He violated his word of honor when he failed to promptly accept the nomination for congress. He performed the most treacherous of acts when he held that nomination in abeyance, knowing as he did that every hour of delay was a deadly injury to the party he pretended to espouse."⁴⁰⁷

Burrows had shown political acumen in insisting upon narrowing the issues to those which seemed to be most important and taking, and refusing to weaken his cause by scattering.

Prompted partly by fear of the populist uprising and partly by an independent reform spirit, a group of republicans assembled at the Capital Hotel in Lincoln on the 27th of March to consider ways and means of action. A committee, consisting of Daniel M. Nettleton, of Clay county, Charles K. Keckley, of York, William Leese (attorney general), of Lancaster, J. R. Sutherland, of Burt, and J. R. Ballard, of Fillmore, reported an address which asseverated that "the time has come when an earnest protest should be made against the domination of corporate power in the republican party" and, in support of this bold avowal, that in the convention of 1889 "the railroad managers, by the aid of 286 proxies, made good their threat and defeated Judge Reese for renomination as a judge of the supreme court, and the treasurer of the Burlington & Missouri River Railroad Company and the railroad attorneys, division superintendents, roadmasters and section bosses, by passes and other means, induced many county delegations to violate the instructions of their county conventions in favor of Judge Reese;" that "a part of the earnings of the railroads are being used to subsidize the public press;" and that there were many more outrages of the sort well known to the people of the state. The address called a mass convention to meet in Lincoln on the 20th of May. The convention duly assembled and seventy republicans signed a test of good faith, as follows: "First, we pledge ourselves to use all honorable means in our power to prevent

⁴⁰⁷ *The Farmers' Alliance*, November 8, 1890.

corporate control of the republican party. Second—To prohibit the use of proxies in all conventions of the republican party. Third—To further ballot reform." Among the signers were: Charles G. Dawes, Charles K. Keckley, John A. Dempster, Edward J. Cornish, Horace M. Bushnell, Edward Rosewater, Daniel N. Nettleton, Jesse B. Strode, Manoah B. Reese, Ross L. Hammond, Joseph Burns. Two of these, Mr. Dawes and Mr. Cornish, then young men, were peculiarly gifted for carrying on the reforms in question, efficiently but rationally, and it was a grave public loss that big business should have successfully tempted their talents. Mr. Dawes was at this time supplying to the attorney general the ability which he lacked in his well meaning effort to procure a reduction of railroad rates. The remarkable aptitude displayed by this young man in coping with skilled railroad attorneys at hearings before the board of transportation and in arguments in the press foreshadowed his subsequent brilliant career as a promoter and conductor of business corporations. Solution of these now more than ever vexed questions will not be reached until the way is found to command the most capable men for the public service instead of leaving it to the lesser men. Others on this list have been swerved from efficient wider public service by public office or ambition to attain it.

The resolutions adopted by the convention viewed "with alarm the intense discontent among republican voters of the state, chiefly due to the mischievous and demoralizing interference of corporations," and demanded that they should go out of politics; denounced railroad passes distributed for political purposes as a species of bribery and demanded their pro-

⁴⁰⁸ Mr. Nettleton is quoted as explaining at the joint meeting that "the object of their (the insurgents') meeting was to frustrate a movement that is looking toward a new party." (*The Farmers' Alliance*, June 14, 1890.) *The Omaha Republican*—June 5, 1890—indulged in unreserved felicitation on the result of the meeting, which was held in Lincoln June 4th. Its summing up was, "The committee of fifteen is satisfied and the independent bugaboo is at an end."

In the summer of 1891 the *Farmers' Alliance* published from time to time arguments and illustrations by Charles C. Dawes to show discriminatory and excessive rates by the B. & M. railroad in Nebraska.

hibition under severe penalties; demanded the enactment of a maximum railroad rate bill, inasmuch as the state board of transportation had failed to exercise the authority vested in it; the national convention of 1888 having pledged the republican party to a reduction of import duties, "as republicans we request our delegates in congress to oppose the McKinley bill in its present form." The last resolution provided for a committee of fifteen to draft an address and to urge the republican state committee to fix the date of the state convention not later than July 8th and from which proxies should be excluded. The call for the convention yielded to the anti-proxy demand, but conserved its dignity by fixing the date of the convention at July 23d, thus disregarding the letter but yielding to the spirit of the specific demand for an early convention. Mr. Richards, chairman of the state committee, was also to be the convention's nominee for governor. In the meantime the insurgent committee of fifteen had attended a meeting of the regular state committee where differences were formally adjusted.⁴⁰⁸

On the 24th of May Governor Thayer created great consternation in the republican party and general disapproval by issuing a call for an extra session of the legislature to convene on the 5th of June. The objects of the session were to pass a maximum railroad rate law and abolish the board of transportation, to adopt the Australian ballot, and to consider and give expression in favor of an increase in the volume of currency and of the free coinage of silver. It was rather vociferously alleged in some quarters that this surprising coup was due to Church Howe's cunning and his influence over the governor exercised with some

In its issue of August 20, 1891, it said editorially: "Mr. Dawes had made a thorough and exhaustive study of the question, and fortified his statements by schedules of rates and distances and illustrated his position by maps and diagrams. Mr. Holdrege and his compeers were taken by surprise. They tried in vain to break the force of Mr. Dawes' arguments and facts by entangling and irrelevant questions but were met at each point and refuted and defeated." Many friends and acquaintances of Mr. Dawes, including the present writer, were present at these hearings, and they remember that his remarkable readiness and preparation are not overestimated or overstated by the populist organ quoted from.

ulterior personal motive. But the blame — for the move was generally condemned — was probably placed at Howe's door because, on general principles, that was at least an appropriate or natural place for it. The governor had shown symptoms of senility before he was fixed upon for his office, and it is not improbable that this condition was an important, if not the governing test of eligibility applied by the astute party managers. The prevalent political disquietude excited in him a childlike desire to make a master stroke; and it would be a natural impulse or part of the game to keep his project a secret until it was suddenly sprung. As a sensation-monger the call must have fully met the governor's fondest expectations; but a prompt and positive outburst of public disapproval, and especially from men and interests whom he could not disregard, obscured his brilliant rocket in its upward flight and forced from him a recall before the end of a week which brought it down truly like a stick. The miscarriage did not, however, change the governor's status; for the public saw that he had merely slipped his leading strings. The question was derisively asked by the opposition why the legislature, which so lately had conspicuously refused to enact the proposed laws in a regular session, could be expected to pass them in a special session. The governor chose to assign as reasons for his act of revocation, which was issued May 31st, that many members had become disqualified and that several vacancies had actually occurred which, according to the statute, would have to be filled by special elections before a special session could be lawfully held. The *Omaha Republican*⁴⁰⁹ insisted that the party could not properly be blamed for the governor's "exhibition of puerility," and more than hinted that he had not given the real reasons for the recall which ought not to have been issued. The *Bee* feared that the governor had made a very serious mistake; but it commended his wisdom

⁴⁰⁹ June 2, 1890.

⁴¹⁰ The *Omaha Daily Bee*, May 26 and June 2, 1890.

⁴¹¹ Cowdery, of Custer county, had held the office of secretary of state only a part of a term, since November 20, 1889, having been appointed to suc-

in rectifying the mistake, alleging that public sentiment was "overwhelmingly opposed to an extra session." It declared that "the jubilation exhibited by the leading democratic organ over the prospect of a costly legislative fizzle and its frantic effort to counteract the sentiment in favor of revocation was in itself a very tangible reason for the governor's action."⁴¹⁰ This journal did not oppose the proposal of the call that the legislature should urge Congress to provide more money and for free coinage of silver or for the enactment of a maximum freight rate law, but it contended that, confronted with full local and national tickets and three amendments to the constitution, voters ought not to be further puzzled by a new imported ballot.

The waspish Burrows persistently and effectually stung the *Bee* throughout the campaign. The *Alliance* insisted that the editor of the *Bee* had faced about by accepting the renomination of Benton, Cowdery, and Steen, whereas he had previously demanded that they be dropped because, as members of the board of transportation, they had been mere railroad tools. Cowdery and Steen were duly dropped, but Benton, the chief pet of the railroads, the *Alliance* charged, was retained by Rosewater's consent.⁴¹¹ The day after the compromise between the insurgents and the regulars was arranged the *Bee* announced, with apparent satisfaction, that the state committee had abolished "the obnoxious proxy system," and it was apparently content with the earlier convention, as it urged that "it now remains for republicans who desire to redeem the party from corporate control . . . to put their shoulders to the wheel and restore the party to popular confidence."⁴¹² On the eve of the convention it insisted that "the republican party cannot afford to nominate the present board of transportation which has aroused such intense resentment among producers of Nebraska."⁴¹³ Reiteration of the assertion that it would be

ceed Gilbert L. Laws, who had been elected a member of Congress to succeed James Laird, deceased. John Steen, of Saunders, had but one term and by usage was entitled to a renomination in 1890.

⁴¹² The *Omaha Daily Bee*, June 6, 1890.

⁴¹³ *Ibid.*, July 22, 1890.

foolish to renominate "the whole board" was an unwonted note of compromise from the *Bee*. And so Benton, the most obnoxious of the three derelicts, was taken while the other two were left.⁴¹⁴ The same semi-suppressed note ran through the *Bee's* post-convention comment. "While the party could and should have done better in its choice of some of the candidates it might have done very much worse. The man whom the railroads were most anxious to put at the head of the ticket was defeated and several obnoxious candidates have been summarily rejected."⁴¹⁵ While the *Bee* strove to put the new political wine into the old party bottle, the *State Journal* stood pat by its bourbonism, sneering at the palpably ominous revolt and jeering at its seditious leaders. Its more convenient season came some years later. When populist radicalism had permeated all parties and was at home in the old bourbon republican high places, the most incorrigible newspaper organs saw signs and visions which in the twinkling of an eye made them new Constantines and modern Pauls. The change was based on economic, not sentimental grounds. Legitimate public patronage had by that time become more valuable than suspected corporation or class favor. The *Omaha Herald*, not being able to thus readjust itself, had already fallen by the wayside, and through a like fatuity the *Republican* was on its last legs.

The republican state convention was held at Lincoln July 23d. Lucius D. Richards, of Dodge county, was nominated for governor on the third formal ballot, receiving 447 votes against 219 for John H. MacColl, of Dawson county, and 143 for Dr. Samuel D. Mercer, of

⁴¹⁴ Benton pulled through on the first ballot with 480 votes to 337 for his opponent, L. W. Dawson, of Polk county, while Cowdery, for secretary of state, commanded only 173 out of 813 votes on the first ballot and then withdrew; and John Steen, who strove for the accustomed second term for commissioner of public lands and buildings, received 304 of the 817 votes cast on the first ballot and was retired by the nomination of A. R. Humphrey, of Custer county, on the second ballot.

⁴¹⁵ The *Omaha Daily Bee*, July 25, 1890. The man in question was John H. MacColl, of Dawson county; though, perhaps, Dr. Mercer, of Douglas, would answer as well. Burrows said in the *Farmers' Alliance* of July 26 that, "Jack MacColl comes with two palace cars, and Doc Mercer engages one hundred

Douglas. On the informal ballot John M. Thayer received 139 votes; Manoah B. Reese, 29; Thomas J. Majors, 41; Samuel D. Mercer, 47.⁴¹⁶ Charles E. Magoon, of Lancaster county, was chairman of the committee on resolutions. The railroad plank in demanding a reduction of freight and passenger rates to correspond with rates now prevailing in adjacent states in the Mississippi valley, thereby virtually repudiating its innocuous commission policy, indicated an awakening to real conditions in the old party. But it preserved its fatuous bourbonism in the tabling, by a vote of 486 to 330, of a resolution declaring that the state board of transportation had ignored the just demands of the people for relief from extortion and demanding their censure. The old party did leap forward to demand the Australian ballot and the abolition of free passes by proper legislation. On the money question it inclined its ear to a rapidly growing popular sentiment in the state rather than to sound, long-run financial principles by demanding that efforts to fully remonetize silver should be continued until it was put upon a perfect equality with gold as a money metal. The tariff plank was inane. A vitalized offering by Edward Rosewater, which demanded a free list, including lumber, sugar, wool, woolen goods in common use, salt, coal, and iron was, according to the report of the *State Journal*, "overwhelmingly rejected." A resolution favoring the prohibition amendment, the submission of which the preceding convention had favored, was sidetracked in the committee. In the complication of issues it may not be dogmatically asserted that this timid hesitancy was fatal to the fortunes of Mr. Richards in the election; but

rooms in one hotel, while the salary of governor is only \$2,500 a year. . . There has never been together in a Nebraska convention so ratty and rocky a crowd. . . Probably every delegate has free transportation both ways; and it is plain to be seen that free passes bring together hummers and beats instead of self-respecting American citizens." These were nearer the real feelings of the *Bee* than those it expressed, as its subsequent course illustrated.

⁴¹⁶ Following are the names of other nominees: Thomas J. Majors, lieutenant governor; John C. Allen, secretary of state; Thos. H. Benton, auditor; John E. Hill, treasurer; George H. Hastings, attorney general; Augustus R. Humphrey, commissioner of public lands and buildings; A. K. Goudy, superintendent of public instruction.

it is probably true.⁴¹⁷ Though, according to opposing newspapers, including the *Bee*, he was "a railroad man," he was of larger parts than the average governor of Nebraska.

The democratic convention was held at Omaha August 14th, and William G. Hastings, of Saline county, was its temporary and permanent chairman. James E. Boyd was nominated for governor on the first ballot, receiving 440 votes to 109 for John E. Shervin, of Dodge county, a strong "Morton man." The platform was mainly devoted to national questions. It declared for free coinage of silver on its former footing with gold; against sumptuary legislation — but inconsistently approved high license; taunted the republicans for dodging the prohibition issue in its late convention after having brought about its submission; declared for the election of United States senators by the people and for the Australian ballot; and denounced the maintenance of a state militia and demanded its abolition.

The campaign was signalized and, needless to say, enlivened by the nomination of William J. Bryan for member of Congress in the first district. The congressional convention was held at Lincoln July 30th and Mr. Bryan was nominated on the first formal ballot, receiving 137 votes to 21 for M. V. Gannon, of Douglas county. Mr. Bryan's platform declared for the "free coinage of silver on equal terms with gold," and for the election of United States senators by the people. Gilbert L. Laws was elbowed out of the nomination for the long term in the second district, owing largely if not mainly to the persistent opposition of the *Omaha Bee*, which was an ardent supporter of Harlan, of York. The *Bee* strenuously appealed to Nebraska farmers to keep out of the independent movement, which it declared was only a conspiracy of ambitious politicians against the old party. In its issue of October 20, 1890, it published an impassioned letter

⁴¹⁷ When William J. Bryan was accused of inconsistency in contending for a free silver plank in the democratic convention at Omaha in 1892, in view of the fact that an anti-silver pro-Cleveland delegation to the national convention had already been chosen, he retorted that dodging beat the republicans in 1890 (*World-Herald*, April 15, 1892).

⁴¹⁸ *Omaha Daily Bee*, October 24, 1890.

from General Van Wyck, addressed to George W. Blake, chairman, and C. H. Pirtle, secretary of the people's independent state committee. They had sent out a letter saying that "it having been evident that Mr. Van Wyck has turned squarely against the independent movement, we recommend that he be not invited to address independent meetings nor given any opportunity to use his unfriendly influence." In his reply, General Van Wyck attacked Burrows as a malicious dictator and charged that a shameful gerrymander had been made in the southwest counties in the interest of Powers and the rest of the cabal. He also pointed out that he himself was the first to declare for independent action by the Alliance and that Burrows was driven into it only after the people had held county and congressional conventions. In its next issue the *Bee* defends and applauds Van Wyck. Owing to the "state of his health, the demands of official duties and the condition of his private affairs" Senator Paddock was unable to personally participate in the campaign, but confined his activities to correspondence.⁴¹⁸ His pronouncement was especially untimely — characteristically slipshod and evasive.

The virgin campaign of the populists disclosed a fresh phase of American political temperament. It was a composite of Hugo's pictures of the French Revolution and a western religious revival. The popular emotion more nearly approached obsession than it had theretofore seemed possible for the American temperament to permit it to do. The public meetings, while less sanguinary, were in temper reminders of those of the great Revolution. "These unequal events, seriously threatening all benefits at once, outburst of mad progress, boundless and unintelligible improvement." There was among them a French, rather than an American comradeship. "They no longer said gentleman and lady, but citizen and citizeness." The sudden attitude of scornful irreverence toward the old "God and Morality" party, till then held sacred, was startling. "They danced in ruined cloisters with church lamps on the altar . . . ; they tilled the public gardens; they ploughed up the gardens of the Tuileries.

. . . Playing cards too were in a state of revolution. Kings were replaced by genii; Queens by the Goddess of Liberty; Knaves by Equality personified; and aces by characters representing law." To express and stimulate their spirit the French populists had "liberty caps;" the American, a "liberty building." Their great political gatherings had the air and ardor of old-time camp meetings. Their favorite orators spoke with religious unction, sometimes supplemented by the laying on of hands. At a Wymore mass meeting in September there were ten hundred and fifteen teams in line "by actual count," and nine thousand people; at Hastings the same week, sixteen hundred teams and twelve thousand people. A demonstration in Lincoln, the enemy's country, in crowds and pageantry rivaled a circus parade and in enthusiasm a Bryan homecoming.⁴¹⁹ Though the temper of the movement was overheated and the public speeches were more or less irrational and visionary, yet, as a whole and in general, it was not ill-tempered; it knew what it wanted and went to the mark; and within twenty years its demands — except as to the money policy — were substantially complied with so far as the forms of law could grant them. Relative to conditions, the populist revolution was as fruitful as its French prototype.

The *Bee's* efforts in the campaign were devoted more to defeating the prohibition amendment than to any other question. The elections

⁴¹⁹ The *Farmers' Alliance*, September 27, 1890. There were nine hundred delegates at a great Alliance convention in Lincoln, December 16, 17, and 18, 1890, and it was there reported that 1,236 new local alliances had been organized during the year. Many cooperative business associations had been established and in most cases they were at first apparently successful. But they were predestined to the failure which befell them by their inadaptability to American habit and spirit. "It is yet possible that the people shall rule" was the *Alliance* shibboleth displayed in capitals. Bryan adopted the shibboleth in his 1908 campaign.

At one of these great meetings held in a grove in Saunders county, several miles south of Fremont, many of the older men and women crowded onto the platform while the silver-tongued and unctuous orator, William L. Greene, spoke. He would personally appeal to them as "Uncle" and "Grandma;" now and then fondling their heads — the men's of course — with his hands. All parties were represented in the addresses, T. J. Mahoney of Omaha, the

were all but a clean sweep against the republicans, democrats and populists dividing the results of the victory. Boyd, democratic candidate for governor, received 71,331 votes; Powers, people's independent, 70,187; Richards, republican, 68,878; B. L. Paine, prohibitionist, 3,676. The rest of the republican state ticket was successful by small majorities, ranging from 3,000 to 4,000. The republican candidates were defeated in every congressional district. The vote in the first district was, Bryan, democrat, 32,376; William J. Connell, republican, 25,663; Allen Root, people's independent, 13,066; E. H. Chapman, prohibitionist, 1,670. In the second district William A. McKeighan, democrat and independent, 36,104; N. V. Harlan, republican, 21,776; and L. B. Palmer, prohibitionist, 1,220. In the third district, Omer M. Kem, 31,831; George W. E. Dorsey, republican, 25,440; William H. Thompson, democrat, 22,353; W. L. Pierce, prohibitionist, 961.⁴²⁰

It was generally charged and believed that the vote of Douglas county was corruptly swollen to insure the defeat of the prohibition amendment. Comparison of votes cast at the election of 1890 with those for two years preceding and two years following seems to sustain the belief. In 1888 the total vote cast for state officers was 202,855, of which Douglas county cast 10.6 per cent. In 1889 the total vote was 169,733, Douglas county casting 7.5 per cent. In 1890 the total vote was 214,072,

present writer, and perhaps others speaking for the democrats; and while of course it was apparent that a dispassionate appeal for sound money and against free coinage of silver sounded relatively stale and flat in that high-wrought atmosphere, yet it was not unprofitable, for its effect returned in some sort after many days.

⁴²⁰ The *Farmers' Alliance* quotes from the *Fremont Tribune* a statement that George W. E. Dorsey said that the campaign cost him two thousand dollars. This claim of big business is quite explicable in view of the condition of the First National Bank of Ponca disclosed by its failure about two years later. Dorsey was president of the bank and his brother was cashier, and at the time of his generous campaign expenditure the brothers were engaged in looting the bank, in the aggregate, of some \$60,000. Dorsey's character was worn upon his sleeve, and yet it took a political convulsion plus an explosive exposure of financial rotteness to shake him out of political leadership.

of which Douglas cast 12.2 per cent. In 1891 the total vote was 156,080; Douglas county, 11.8 per cent. In 1892 the total vote was 197,473; Douglas county, 11.2 per cent. The total vote cast in 1890 was 8.4 per cent in excess of the total vote in 1892. The vote cast in Douglas county in 1890 was 17.5 per cent in excess of the vote of the county in 1892. The vote on the prohibition amendment for the whole state was 82,292 for and 111,728 against. The vote of Douglas county was 1,555 for and 23,918 against.

The fourteenth legislature convened in the twelfth regular session on the 6th of January, 1891, and finally adjourned April 4th, the seventy-first day. Thomas J. Majors, lieutenant governor, republican, was president of the senate, and William A. Poynter, independent, was temporary president. The senate comprised eighteen independents, eight democrats, and seven republicans, the independents having a majority of three. In the house there were fifty-four independents, twenty-five democrats, and twenty-one republicans, yielding the independents a clear majority of eight.⁴²¹ Samuel M. Elder, independent, of Clay county, was elected speaker, receiving fifty-four votes to twenty-five cast for Frank E. White, democrat, of Cass county, and twenty for J. O. Cramb, republican, of Jefferson county. The independents took all the offices of both houses for themselves.

The canvass of the votes by the legislature, according to the constitution, was a very exciting and confusing function of the session. The two houses met in joint session on the 7th of January. Lieutenant Governor Meiklejohn, president of the senate, announced the purpose

⁴²¹ Only six counties had republican senators, namely, Cass, Dawes, Dixon, Lancaster, Pawnee, Thayer. In the house there were republicans from nine counties, namely, Cherry, Gage, Jefferson, Lancaster, Nemaha, Pawnee, Pierce, Sheridan, Washington. There were democrats in the senate from six counties, namely, Butler, Colfax, Douglas, Otoe, Pierce, Washington; in the house from thirteen counties—Butler, Cass, Cuming, Dakota, Dodge, Douglas, Hall, Otoe, Richardson, Sarpy, Seward, Stanton, Thayer. The *Omaha Daily Bee* of January 6, 1891, classifies the members as 69 independents, 36 democrats, and 28 republicans, making the independents three less and the democrats three more than the classification given in the session laws of 1891.

of the joint convention. The speaker of the house said that he had in his hands the returns from the several counties of the votes cast for executive officers. Stevens, of Lincoln county, offered a set of resolutions setting forth that contests were pending before the joint convention between John H. Powers, independent candidate for governor, and James E. Boyd, democratic candidate, and between the republican candidates and the independent candidates for all of the state executive offices; that the publishing and declaring of the results of the election be and are hereby suspended until the decision of the contest according to law; that it is hereby declared as the opinion and decision of the joint convention that the mere opening and reading of the returns of said election for any of said offices shall not be construed to give either the contestants or contestees therefor any claim, right, or title thereto, and no result shall be declared from the face of the returns or otherwise by the speaker of the house or any other person or persons for any of said offices until the contest therefor has been heard and decided; that a special committee shall be appointed by the speaker of the house of representatives, the presiding officer of the convention, to consist of six members of the senate and nine members of the house, to which all matters of the contest and the evidence pertaining thereto and all official returns of election shall be referred, the committee to examine the evidence and report to the convention. Thereupon the president of the senate declared the resolution was not in order. Kruse appealed from the decision, but the president of the senate refused to entertain the appeal. Shrader of the house then declared that he refused to recognize the lieutenant governor as the presiding officer of the joint convention and moved that the resolution offered by Stevens be adopted. The speaker of the house put the motion to the joint convention and declared that it was carried. Thereupon the speaker, as presiding officer of the convention, appointed as members of the committee in question Senators Stevens, Poynter, Michener, Collins, Horn, Turner, and Representatives Shrader, Rohan, Stevens, Kruse, Taylor, New-

berry, McReynolds. The speaker made the following declaration:

"The resolution having been adopted by this joint convention referring the returns of the last general election with the record of the contest thereof to a committee which has been appointed, I therefore have no authority to canvass the said returns and declare the result thereof."

Whereupon, on motion of Shrader, the convention took a recess until ten o'clock in the morning of January 8th. On the reassembling of the convention on the 8th of January, the lieutenant governor appointed fourteen men as special sergeants-at-arms. A mandamus from the state supreme court directed to the speaker of the house was served by the sheriff of Lancaster county. The mandamus commanded the speaker to forthwith open and publish the returns and declare the persons shown by said returns to have the highest number of votes for each executive state office duly elected. A motion for a recess until ten o'clock the following morning was put to the convention by the lieutenant governor, and he declared that it was carried. Whereupon many members left the floor of the house. A quorum still being present Senator Stevens moved that the joint rules governing the session of 1889 be adopted with the exception of rule 15 which should be amended so as to read as follows: "When there shall be a joint convention of the Senate and the House, the proceedings shall be entered at length on the Journal of each house. The speaker of the House shall preside at such convention and the secretary of the Senate shall act as special clerk assisted by the chief clerk of the House." The amendment was agreed to.

On the request of the joint convention for the opinion of the attorney general as to the legal power of the convention to proceed to open, publish, and canvass the elec-

⁴²² *Senate Journal*, 1891, p. 40. The section here cited applies to contests of elections for executive officers, under which they shall be heard and determined by the legislature in joint meeting over which the speaker of the house shall preside. But the opposition proceeded under section 4, article 5 of the constitution, which directs that "immediately after the organization of the house and before proceeding to other business" the speaker shall open

tion returns, that officer expressed the belief that it would be better for the legislature to submit to the order of the supreme court until a better remedy could be obtained; that the court has stated as law that the first duty of the legislature is to open, publish, and canvass the returns; and that the speaker is the presiding officer. To the query of Senator Stevens as to whether the supreme court had decided that the speaker of the house is the presiding officer at this time, the attorney general replied: "I understand that it is the judgment of the Supreme Court that no other officer is recognized — that the speaker of the House is the presiding officer." Whereupon the convention took a recess until half past two o'clock in the afternoon. On reassembling the secretary of the senate read a communication from the attorney general in which he said that his former statement that the supreme court had decided that the speaker of the house should preside at the joint session was based upon misinformation and that the court had not passed upon that question. Whereupon the returns of the election were brought by the secretary of state and delivered to the speaker. The lieutenant governor insisting upon presiding over the proceedings, Senator Stevens offered a formal protest declaring that the assumption of the lieutenant governor was in violation of section 67, chapter 26, of the compiled statutes of Nebraska for 1887.⁴²² The speaker then canvassed the returns from the several counties and after delivering them to the secretary, declared as follows:

"By virtue of my position as speaker of the House of Representatives of the state of Nebraska and in accordance with a resolution of this joint convention I have opened the returns of the general election held on the 4th day of November, 1890, within and for the state of Nebraska and to me directed and now publish and declare that James E. Boyd for governor;

and publish the returns in the presence of a majority of each house of the legislature. Rule 15 of the two houses, until it was changed at this sitting, authorized the president of the senate to preside at the opening of the returns. The independents were doubtless right in their contention that the speaker should preside, both under the apparent intention of the constitution and the amended rule 15, but not under the statute referred to by Senator Stevens.

T. J. Majors for lieutenant governor; John C. Allen, for secretary of state; T. H. Benton for auditor of public accounts; J. E. Hill for treasurer; G. H. Hastings for attorney general; A. R. Humphrey for commissioner of public lands and buildings; A. K. Goudy for superintendent of public instruction; W. J. Bryan for congressman from the first district; W. A. McKeighan for congressman from the second district; O. M. Kem for congressman from the third district, all having received the highest number of votes cast were duly elected."

Mr. Shrader then offered resolutions declaring that the senate and house of representatives in joint convention protested against the action of the supreme court in usurping to itself the authority vested in this joint convention in commanding the convention to proceed to canvass the returns before the contests pending had been decided. The resolutions firmly explained that notwithstanding the opening and publishing of said returns in pursuance of the mandate of the supreme court, the convention expressly declared that no person should be regarded as elected by virtue of said opening and publishing of returns until the result of the contests affecting them should be determined. After ineffectual efforts of the republican members to adjourn, that part of the resolutions protesting against the action of the supreme court in usurping authority was stricken out and the remainder were adopted. On the 9th of January a resolution, offered in the senate by Poynter, that the right of Thomas J. Majors to be installed and to preside as lieutenant governor be recognized under protest, was adopted. On the 20th of January the joint convention to hear and determine the contests for executive offices met in the hall of the house of representatives. The convention was called to order by the temporary president of the senate, who declared that in accordance with section 67, chapter 26, of the compiled statutes the convention should be held at the house of representatives and the speaker of the house should preside. On Shrader's motion, a committee of nine was appointed to formulate rules for the government of the joint session. Thereupon, in behalf of James E. Boyd, Mr. Shea introduced a protest setting forth that the con-

current resolution under which the two houses of the legislature had met had not been presented to the governor or to the lieutenant governor for signature as required by the constitution. The joint convention adjourned until ten o'clock the next day or until the resolution should be signed according to law. On the 21st of January a resolution offered by Shrader requesting the supreme court to give an opinion upon the mooted question and other points was adopted. On the 22d the joint convention received a decision from the supreme court to the effect that the concurrent resolution in question must be read on three different days in each house and signed by the governor and lieutenant governor; otherwise it must be passed by a three-fifths vote. The joint convention then adjourned sine die. On the 26th of January the senate passed a resolution, by a vote of twenty-three to eight, recognizing James E. Boyd as governor and asking for the appointment of a committee of two to wait upon him to ascertain whether he had a message to deliver and to appoint a time to hear it and asking that the house appoint a similar committee.

On the 28th the house, by a vote of 52 to 42, tabled a resolution to appoint a committee to act with the senate committee, on the ground that Boyd was not rightfully governor; but, after further consideration, on the 4th of February it agreed to such an arrangement by a vote of fifty-five to forty-two, and February 6th was fixed upon for the function. An arrangement to hear the outgoing governor's customary farewell message was easily made, because, at the time, he was content to be called ex-governor, while there was stout rebellion against recognizing Boyd.⁴²³

The attempt of the supreme court to coerce or interfere with the action of a coördinate body in commanding the legislature to canvass the votes was probably usurpation, as Shrader's resolution characterized it. The persistent attempt of Meiklejohn to preside over the joint convention united specious bravado with usurpation which due courage and ability on the

⁴²³ *Senate Journal*, 1891, p. 159; *House Journal*, pp. 341, 367, 530.

part of the speaker might have prevented and properly rebuked. The result of this unwarrantable interference on the part of the court and president of the senate did a great injustice to the independent contestants, as there was certainly good ground for a very general belief that an investigation of the election in Douglas county would have seated them.

• It is at least doubtful that the decision that a resolution fixing a day for hearing the contest required executive signature was sound; and the consideration that an affirmative interpretation handed over to a party to the contest power to block it by refusing to sign the resolution it seems should have constrained the court to give the reasonable side, in effect, the benefit of the doubt. But courts elected on partisan tickets naturally respond to party exigencies. In the first instance, the feeling of the court, for obvious reasons, preferred the democratic Boyd to the populist Powers; and so it had the courage of its feelings and Boyd went up. In the second instance, the court preferred the republican Thayer to the democratic Boyd and again it had the courage of its feelings and Boyd was down — until the federal supreme court, too remote for small partisanship, picked him up again. The plain moral is that in pure political procedure like this the court should be kept out altogether, as in all states with modern constitutions.

While the independents were disconcerted, they were not deterred by the interference of the court; and so on the 30th of January the house, by a vote of seventy-four to eighteen, passed a concurrent resolution designating February 17th as the day for hearing the contest; but the fine and final work was done in the senate when, on the 11th of February, it was rejected, eleven to fourteen, three independent senators — Collins, of Gage, Turner, of Saline, and Thayer, of Loup — being the recreants.⁴²⁴ Even though in partisan war it was fair for democratic and republican members to deny the contestants a hearing of their cause, which it might be difficult to maintain, yet the independents who voted to deny that constitutional right clearly deserved the accusations of

treachery and corruption which their fellow partisans heaped upon them. The testimony taken had at least colorably sustained the independent charges of fraud at the elections. Mr. Powers issued a dignified remonstrance against the denial of the forms of justice. "Every citizen has a sacred right to be heard before the judicial tribunal provided for his relief. . . . The secretary of state said that James E. Boyd received 1,114 more votes than I did. I have proved that over 2,000 persons were bribed in Douglas county to vote for Boyd, and that over 1,300 of them voted in Omaha."⁴²⁵ Whether a trial of the cause would have sustained this contention or changed the practical result may always remain an open question, but that there was a scandalous miscarriage of justice in denying the trial there can be no doubt. The *Farmers' Alliance* naturally emptied most of its vials of wrath on the three recreant independents.

"Rarely does it happen when the interests of the corporations and the money power are pitted against the interests of the people that traitors are not found to betray the latter. The Judas who took the thirty pieces of silver and by kisses betrayed the Savior of mankind — betrayed the divine man who by his teachings has always stood by the great plain people — has found his vile counterpart throughout all the ages. He has been here in Lincoln through the contest. He had three doubles in the Senate. . . . We dislike to defile our pages with their names."⁴²⁶

Collins made a weak attempt to justify his course, but it placed him in a worse plight than Turner's silence left him;⁴²⁷ and Taylor shirked the ordeal altogether by flight. The full force of conventional cunning and all the arts of scared capitalism were turned against the all but untutored populists. The *World-Herald* openly, and the *Bee* really were for Boyd, while the *State Journal*, if not warmly for Thayer, was hotly against the populists. Of the larger dailies, the *Lincoln Daily Call* alone battled for a fair and square deal. For effect

⁴²⁴ *House Journal*, 1891, p. 435; *Senate Journal*, 1891, p. 281.

⁴²⁵ *The Farmers' Alliance*, February 21, 1891.

⁴²⁶ *The Farmers' Alliance*, February 21, 1891.

⁴²⁷ *Senate Journal*, 1891, p. 283.

the independents were constantly called prohibitionists by their allied opponents.⁴²⁸

On the 6th of February Governor Boyd delivered a business-like message to the legislature. He counseled acceptance of the decision of the people against prohibition of the liquor traffic and gave cautionary advice as to railroad legislation. "The people," he said, "appear to regard the present board of transportation as having accomplished little or nothing in their behalf. Their interests might, and doubtless would, be better subserved by the creation of such a commission as exists in the neighboring state of Iowa. Your right to establish maximum tariff rates is not denied. Such legislation, however, is deemed to rest on delicate ground, because of the vast diversity of commodities and the many peculiar and distinguishing features which enter into the carrying trade. The present board of transportation has the right to establish reasonable maximum rates though it has never exercised its authority. If your honorable body, however, should decide to take this matter in hand, I would respectfully suggest that your work in that direction be confined to a limited number of commodities in carload lots such as coal, grain, live stock, lumber and others."

He recommended the passage of an Australian ballot law and strongly argued that presidential electors should be chosen by congressional districts. Deprecating the fact that a proposed amendment to the constitution to provide for two more judges of the supreme court had been defeated, he advised calling a

⁴²⁸ Richard L. Metcalfe, the Lincoln correspondent of the *World-Herald*, was fond of applying this, then to him derisive, epithet. At that time and long after, the *World-Herald* followed the natural conservative bias of the editor, Mr. Hitchcock. For example, in the issue of June 5th, it characterized free coinage of silver as "a certain specific demand by a limited class of persons interested in selling silver at a big profit." It cogently insisted that the demand for more money was quite another thing and that there was a widespread demand for it; but "free" coinage might "actually mean the lessening of the supply by driving out gold;" and it denounced the selfish silver speculators in Congress. But under the increasing stress of general business depression and local drought conditions the natural patrons of the *World-Herald*, in increasing numbers, flocked to Bryan's free silver standard, and its alternative was to yield its former principles or lose its constituency,

convention for a general revision of the constitution.

The governor congratulated the people over the fact that peace with the Indians had been restored, after the ill-starred Wounded Knee campaign, without the loss of a man killed in battle. It had not been his intention to recall the Nebraska National Guards until the Indians had been disarmed, and he had sent a telegram to that effect to Brigadier General Colby January 13th; but it was received after Major General Miles had informed Colby that he could safely withdraw his troops and he had already ordered the Nebraska National Guards to their homes.

The legislature promptly repealed the sugar bounty law of 1889, the measure passing the house by a vote of 78 to 16 and the senate by 25 to 6. The nays in the house comprised 5 democrats, 8 republicans, and 3 independents; in the senate, 1 democrat and 5 republicans, thus the repeal was mainly a party measure.⁴²⁹ Boyd county was constituted out of unorganized territory. The most important measure of the session, probably, was the Australian ballot act which both of the old parties also had promised. The bill was introduced by W. F. Porter, of Merrick county, as house roll 141. It passed the house by a vote of 80 to 20 and in the senate it received 32 ayes and no nays. Of the 20 nays in the house 13 were independents, 4 democrats, and 3 republicans. Fifteen of these were farmers.⁴³⁰ Congressional districts were apportioned, the number being raised from three to six on account of the in-

and so by 1894 it was for both fusion and free silver. This is not a singular case. The newspaper, more often even than the man, must accept life on such dictated terms. But it required as much courage, perhaps, to espouse a bad cause—if free coinage of silver is to be so appraised—as to stand true to the good one, inasmuch as the powerful interests at Omaha were in the main for the gold standard.

⁴²⁹ *House Journal*, 1891, p. 527; *Senate Journal*, p. 394.

⁴³⁰ *House Journal*, p. 668; *Senate Journal*, p. 378. In view of our subsequent experience it may perhaps seem odd that there should have been any opposition to the adoption of so beneficent a reform as the Australian ballot; but it had been in vogue in this country only two years, Massachusetts being the first state to adopt it—in 1889. Even the usually progressive *Omaha Bee*—of September 18,

crease in population as shown by the census of 1890. Judicial districts were increased from twelve to fifteen. An act was passed requiring that railroad stations should be given the same names as towns in which they are situated. The state board of health was established, consisting of the governor, attorney general, and superintendent of public instruction; and the act provided that the board should have four physicians as secretaries to assist and advise it. A "Girls' Industrial School for Juvenile Delinquents" was established at Geneva, on condition that forty acres of land should be donated therefor; and an appropriation was made of \$40,000 for the erection of buildings and maintenance. The sum of \$100,000 was appropriated from the state treasury "for the immediate relief of the drouth stricken counties of the state of Nebraska." A "relief commission" was created by the same act, consisting of Samuel M. Elder, Luther P. Ludden, R. R. Greer, Louis Meyer, George W. Martin, John Fitzgerald, Andrew J. Sawyer, Charles W. Mosher, J. W. Hartley, W. N. Nason. The act provided that county commissioners, county clerks, and sheriffs should distribute supplies furnished by the relief commission. Bonds to the amount of \$100,000, to run five years at four per cent interest, were authorized; and the governor was empowered to appoint, with the consent of the senate, a "board of relief" of nine members, who should sell the bonds and deposit the proceeds in the state treasury for the use of the relief commission. A tax of one-eighth of a mill was levied for the interest and principal of the relief bonds. County boards were authorized to use the surplus general funds of the county to buy food, fuel, seed grain, and food for teams and sell them to the needy families at cost, taking promissory notes running three years with interest payable annually. County boards were also authorized to issue bonds, not to exceed in amount three per cent of the assessed valuation of the county or \$20,-

1889—deprecated the disadvantages under which the republicans had labored in the Montana campaign because of "the enactment of the cumbersome Australian election law. The application of the Australian system to a sparsely settled country like

000 in the aggregate, for providing seed and feeding teams for raising crops in 1891. This authority required a majority vote, and the bonds were to be payable in ten years and draw interest at a rate not over seven per cent. A depository law which was destined to cause much loss and trouble was passed. It authorized state and county treasurers to deposit current funds in state or national banks, three per cent interest to be paid therefor on daily balances. Personal bonds approved by the governor, secretary of state, and attorney general were required. It was bad policy on general principles to loan public money upon personal bonds, but the conjunction of drouth and panic illustrated this truth in an unexpected and harmful manner. The sum of \$50,000 was appropriated for an exhibit at the World's Columbian Exposition, and the governor was authorized to appoint six commissioners, two from each congressional district and two of them from each of three parties, with compensation of \$5 a day for actual time devoted to duties, and traveling expenses. The sum of \$24,000 was appropriated to pay the militia and its maintenance, and \$13,200 for railroad transportation on account of the Wounded Knee Indian campaign. The sum of \$300 was allowed to each executive officer for attorney's fees in the election contest, Majors getting \$125 for witness and sheriff's fees also; to John H. Powers \$300 for attorney fees and \$250 for witness and sheriff's fees; to Boyd \$100 and Dech \$125 for witness and sheriff's fees; and from \$250 to \$350 each to eleven notaries public and lesser sums to two others; also \$5,000 for reporting and transcribing testimony.

It was left to the so-called revolutionary populist movement to respond in a material or practical way to the long continued popular demand for railroad legislation; and, notwithstanding the doubtful propriety of reform by this necessarily somewhat crude method, the measure at least deserves that credit. The

Montana is the essence of absurdity." A similar opposition was urged for many years against a primary election system. Nevertheless, it is not surprising that fifteen farmers were found in opposition to the bill.

Newberry bill (H. R. 12), so called because it was introduced by Representative Newberry, was passed in the house by a vote of 78 to 17 and in the senate by 23 to 7.⁴⁸¹

Boyd belonged to the class, distinctive at the time, known as railroad men; so that his veto of the bill was not a surprise but, on the contrary, was expected. Notwithstanding that the bill was necessarily crude in form and that it might be unfair to the railroads, yet it was the deliberate response to the explicit demand of the majority party represented in the legislature, and also to the republican platform. The veto, therefore, was in derogation of the spirit of modern representative government, and it was rightfully resented as such. Accordingly it was an act of political suicide on the part of the governor, and it emasculated his party besides. Disapproval of the veto was so strong that J. Sterling Morton, in spite of his fixed opposition to legislation of that sort, could, as he did, publicly denounce it, as bad party policy, at once thereby getting revenge out of his political enemy and gaining such popular approval

as to be unanimously nominated as Boyd's successor.

The republican convention for 1891 was held at Lincoln September 24th. George H. Thummel, of Hall county, was temporary and permanent chairman. Alfred M. Post, of Platte county, was nominated for judge of the supreme court on the fourth formal ballot, receiving 294 votes to 135 for M. B. Reese; 126 for Amasa Cobb, the incumbent of the office; and 17 for Judge William H. Morris, of Saline county. On the informal ballot Cobb received 199 votes; Reese, 234; Post, 69; T. O. C. Harrison, of Hall county, 30; Morris, 37. The Lancaster delegation supported Cobb. The fact that the Omaha *Bee* opposed the renomination of Cobb and favored Reese may have impressed railroad interests with the need of a change. On the first ballot Douglas county gave Reese, 36 votes; Post, 15; Cobb, 8; Morris, 2; on the fourth, Reese, 17; Cobb, 9; Post, 36; Morris, 1. The *Bee* — September 25th — said, editorially, that "the railroad strength stood by Judge Cobb from first to last and died in the ditch with its favor-

⁴⁸¹ *House Journal*, p. 966. The democratic members of the house voting nay were Ames, of Otoe county; Bernard, Breen, Brennan, Capec, Felker, Ford, Gardner, Huse, Sternsdorf — all of Douglas county, and Shyrock and White of Cass. The republicans were Cornish, McKesson, and Oakley, of Lancaster county; Vandeventer, of Richardson, and Watson, of Otoe; in all twelve democrats and five republicans. Lamp, democrat, of Douglas, a farmer, voted aye. The other nine members from Omaha all voted nay. There were twenty-five democrats in all in the house. All of the independents voted aye. Those voting nay in the senate were Christofferson, democrat, Douglas county; Collins, independent, Gage county; Eggleston, republican, Lancaster county; Mattes, democrat, Otoe county; Moore, republican, Lancaster county; Switzler, democrat, Douglas county; Thomas, republican, Cass county — three democrats, three republicans, one independent. Shea, democrat, of Douglas, did not vote (*Senate Journal*, p. 723). Before the final vote there was a continuous session of seventy-five hours. W. M. Taylor, of Loup county, absconded, and five opponents of the bill objected to dispensing with the further call of the house. The *World-Herald* of August 7, 1894, asserted that Rosewater tried to put the Taylor abduction off on Thomas J. Majors, but that Seth W. Cole, well known as an employee of Rosewater's, "was the person who accompanied Taylor on his flight, and it was Cole's duty to see that Taylor was put well on his way to the Pacific coast. . . . But the fact remains that . . . a state senator was decoyed, abducted, induced, or whatever you may please to call it, to leave the state while the legislature was in session and while the maximum freight rate bill was under

consideration. The purpose was to defeat railroad legislation and every man who had a hand in Taylor's abduction was a republican politician." An interview with Taylor at Portland, Oregon, in which he admitted that he was bribed, was published in the *World-Herald*, July 26, 1891. As should have been expected from the governor's well known antecedents and affiliations and the hints he dropped in his message of February 6, he vetoed the bill; but it was passed over the veto in the house by 75 to 17. In the senate there were 18 affirmative votes and 13 negative. Two-thirds of the members elected being required to pass bills over a veto, it failed of passage (*House Journal*, p. 1882; *Senate Journal*, p. 986.) Of the nays in the vote to pass the bill over the veto, Flamme, democrat, of Otoe county, and Severin, republican, of Lancaster, changed and Gililan was absent on the original passage, making three additions. Ames, Capec, and Vandeventer, who voted nay on the passage of the bill, were absent. Those in the senate voting against the passage over the veto were Brown, democrat, Washington; Christofferson, democrat, Douglas; Collins, independent, Gage; Eggleston, republican, Lancaster; Mattes, democrat, Otoe; Moore, republican, Lancaster; Schram, democrat, Butler; Shumway, republican, Dixon; Starbuck, republican, Thayer; Switzler, democrat, Douglas; Thomas, republican, Cass; Wilson, republican, Dawes; Woods, republican, Pawnee. Shea, democrat, and Taylor, independent, did not vote. Those who changed to nay were Brown and Schram, democrats; and Shumway, Starbuck, Wilson, and Woods, republicans. No reason is given for this change. Whatever else might happen, Lancaster county members in those days gave the big corporations the benefit of any doubt as to measures affecting them.

ite."⁴³² The platform was devoted especially to national questions. It approved the silver coinage law of the administration "by which the entire product of the silver mines of the United States is added to the currency of the people," but denounced the democratic doctrine of free and unlimited coinage, and it repeated the usual generalities about railroad control. John L. Webster, of Douglas county, was chairman of the committee on resolutions and Charles H. Gere was also a member of the committee. H. B. Shumway, of Dixon county, and C. H. Marple, of Douglas, were nominated for regents of the university.

The democratic convention was held at Grand Island September 17th. Frank P. Ireland was president of the convention. Judge Jefferson H. Broady was nominated for judge of the supreme court and F. A. Brogan and S. F. Henniger for regents of the university — all by acclamation. Judge Broady resolutely declined to accept the nomination, and the democratic organization favored giving the support of the party to Edgerton, the people's party candidate.⁴³³ The platform condemned the state board of transportation for "refusing in the

⁴³² A subsequent law partner and close friend of Judge Cobb's said positively to the editor that Burlington railroad interests were instrumental in the defeat of Cobb. This seems a strange statement in view of the former attitude of the company; but in politics, as with God, nothing is impossible. Fair-minded persons who knew Judge Cobb well would not accuse him of subserviency to railroad interests upon the bench. His fault, as in the case of nearly all ambitious politicians of that time, lay in accepting and conforming to the vicious conditions without protest. Judge Reese should be credited with the courage or the temerity to voice his opposition to the prevalent corporation control, when it cost something to do so. The *Bee*, September 23, 1891, said: "Chief Justice Cobb selected among others the following well-known citizens of the capital as delegates to the convention in his interest: F. M. Hall, B. & M. attorney; J. D. McFarland, B. & M. land commissioner; C. H. Gere, B. & M. editor; Alva Smith, B. & M. farmer; C. W. Pierce, B. & M. stock dealer; C. W. Mosher, B. & M. lessee of the state penitentiary; S. J. Alexander, late candidate for mayor of Lincoln; L. C. Burr, R. E. Moore, C. C. Burr, C. O. Whedon, C. E. Magoon, D. G. Courtney, J. L. Caldwell, Tom Cooke, J. R. Webster, H. M. Bushnell, Joseph Teeters. The *Bee* insisted that Cobb had the undisguised sympathy of the Burlington railroad in the convention.

⁴³³ Judge Broady's ostensible reason for declining was that he could not afford to make a canvass. As the campaign turned out there is little doubt that he would have been elected, thus crowning a worthy

face of overwhelming demands to fix reasonable freight rates and give the people relief from exorbitant transportation charges" and declared in favor of a constitutional amendment providing for three elective railroad commissioners. It declared for a tariff for revenue limited to the necessities of the government economically administered and the election of United States senators by popular vote. It favored "a law establishing reasonable maximum freight rates." The friends of Governor Boyd in the convention wished to endorse his recent veto of the Newberry maximum freight bill, notwithstanding that it had been denounced by nearly all the democratic newspapers of the state; but, largely through Bryan's influence, the question was left without action. The *World-Herald*,⁴³⁴ which disapproved the veto, sharply and justly criticised the convention for dodging the issue. The first sharp contest between the gold democrats and Mr. Bryan and his following upon the money question occurred at this convention. He proposed a plank advocating the free and unlimited coinage of silver; but most of the Lancaster delegates stood stoutly against the proposal, and a compromise

career and ambition of this old school democrat. In the meeting of the democratic central committee at Omaha, October 5, there was a tie vote on the question of filling the vacancy on the ticket. James E. North, temporary chairman, in the absence of Chairman Charles Ogden, voted in favor of filling the vacancy. Governor Boyd, coming into the meeting after this decision, strongly advised leaving the place vacant and thought that it would be best for democrats to vote for Edgerton. Dr. George L. Miller insisted on nominating a democrat. On a reconsideration of the question all the members present except North, Howard, and one other, voted against making any nomination. Chairman Ogden took the same view and said that Post could not win. Boyd said that Edgerton would win by a majority of 20,000. William J. Bryan was strongly in favor of Edgerton and expressed himself as being much pleased with the decision of the committee. This early attitude of Bryan's toward the independents foreshadowed the fusion which he afterward strenuously and successfully strove to bring about. The *World-Herald* was also in the fusion mood and said editorially that the failure of the democratic committee to name a candidate in Broady's place was a concession to the antimonopoly sentiment of the democratic party in Nebraska and meant Edgerton's election by assuring him at least seventy-five per cent of the democratic vote. (*Omaha World-Herald*, October 6, 1891.)

⁴³⁴ September 19, 1891. The *Lincoln Daily Call* of September 18, 1891, also denounced the cowardice of the convention on the same ground. The

was agreed upon to strike out "and unlimited" so that the plank read: "We favor the free coinage of silver."⁴⁸⁵

The people's independent convention was held at Hastings August 18, 1891, seventy-eight counties being represented by over six hundred delegates. William A. Poynter, then a state senator from Boone county, was chairman, and C. H. Pirtle secretary of the convention. Joseph W. Edgerton was nominated for judge of the supreme court, without opposition, and A. D'Allemand, of Furnas, and E. A. Hadley, of Greeley, for regents of the university. The platform contained the now recognized orthodox planks of the populist faith—all money to be issued by the government; abolition of national bank currency; free and unlimited coinage of silver; no alien ownership of land; graduated taxation of incomes; government ownership of all means of public communication and transportation; election of president, vice president and United States senators directly by the people. It denounced the veto of the maximum freight rate bill and expressed sympathy for laborers in their efforts to enforce the eight-hour law. After a virulent campaign in which the *World-Herald* insisted that the judicial contest was a sharply defined railroad issue and, in particular, indulged in violent personal attacks upon Judge Post, he was elected, receiving 76,447 votes against 72,311 cast for Edgerton. If the independents had nominated a stronger lawyer than Edgerton fusion would have been successful. Mrs. Ada M. Bittenbender, the prohibition candidate, received 7,322 votes.

The national convention of the people's independent party for 1892 was held at Omaha July 2d.

The republican state convention to elect delegates to the national convention was held at Kearney April 27, 1892. Bradner D. Slaught-er, of Nance county, was temporary and permanent chairman. John L. Webster, of Douglas, Edward D. Webster, of Hitchcock — who

was a delegate from Nebraska to the national republican convention of 1860 — Lucius D. Richards, of Dodge, and Amasa Cobb, of Lancaster, were elected delegates at large. A motion that Edward Rosewater be made national committeeman was carried after a spectacular fight. Opposition raised in the convention to choosing John L. Webster as a delegate, on account of doubt of his fealty to President Harrison, compelled him to come before the convention and spell the name of the president in staccato fashion. The platform endorsed the McKinley bill, Blaine's reciprocity scheme, and Senator Paddock for reelection. The delegates were instructed to support President Harrison for renomination. C. H. Daubach introduced a resolution declaring that Edward Rosewater, editor of the *Bee*, should declare whether or not he intended to support the state ticket in the coming election before the passage of the resolution recommending him for national committeeman, but the test was not brought to a vote. Rosewater was now at the zenith of his power which he used relentlessly but on the whole with salutary effect touching public interests.

The first democratic convention for 1892 was held at Omaha April 13th and 14th. It was one of the most exciting and spectacular political conventions ever held in the state. By this time Mr. Bryan had become characteristically positive and aggressive in the advocacy of the free coinage of silver, while a majority of the democrats were loyal to Cleveland and approved his conservatism with reference to the silver question. At the Lancaster county convention, held for the purpose of choosing delegates to the state convention, there was a very heated contest between the Cleveland democrats and the followers of Mr. Bryan. The former were in the majority but, being unwilling to deal too harshly with so promising and popular an acquisition to the party as Mr. Bryan had become, and, moreover, not appreciating at that time the length to which his

Call said that taking the democratic press as a criterion, nine-tenths of the democrats of the state were in favor of going on record against the veto.

⁴⁸⁵ Among the Lancaster county delegates who

strove stoutly against a declaration for free coinage of silver were Nathan S. Harwood, William McLaughlin, Andrew J. Sawyer, Joseph Wittman, Albert Watkins.

audacity might hurl itself, they magnanimously put him upon the delegation.⁴³⁶ Robert A. Batty, of Adams county, was chairman of the convention. The first controversy was between the Boyd and anti-Boyd factions for representation. At the county convention of Douglas county there had been a break-up, and a double set of delegates asked for admission to the state convention. Charles Offut and Charles Ogden were the leaders of the Boyd faction and Euclid Martin, Timothy J. Mahoney, and Michael V. Gannon of the anti-Boyd faction. The contest resulted in the seating of Boyd's friends. The Lancaster delegation elected Andrew J. Sawyer, a gold democrat, as its representative upon the committee on resolutions; but the convention added Bryan as a member at large of the committee. The platform as reported by the committee merely emphatically endorsed the national platform of 1884, saying nothing specific about the money question. Mr. Bryan in a minority report introduced the additional resolution that, "We declare ourselves in favor of the free coinage of silver."

Half an hour was allowed each side for discussing the minority silver plank. Bryan's friends conceded all the time to him for the affirmative, and the negative time was divided between Robert A. Batty of Adams county, Nathan S. Harwood, Andrew J. Sawyer, and Albert Watkins, of Lancaster, Charles Offut, of Douglas, and Judge James C. Crawford, of Cuming. Immediately after the temporary organization was made permanent (by general consent as the writer remembers for the move was not strictly in order) Albert Watkins offered this resolution:

"Resolved, That because by common consent of the national democracy he stands before all others for the great primary issue of tariff reform and its second, honest administration; and because, whatever differences exist among democrats touching minor questions, he, more than any other man, has the confidence and could command the support of the democratic party, as also of all others who favor tariff and administrative reform in all

⁴³⁶ Lively recollections of the writer, a member of the convention.

sections of the country, Grover Cleveland would be the fittest and best candidate for president."

As the Cleveland resolution was read, "it was wildly cheered and unanimously passed." As first offered the resolution contained instructions for Cleveland; but, on hearing a goodly number of objections to that part of it, the mover promptly withdrew it and the remainder was adopted without opposition and with great enthusiasm. Mr. Bryan's speech upon his silver plank was the first taste that a general assemblage of the democrats of the state had of his magnetic eloquence; and, though at the beginning the convention was overwhelmingly for Cleveland, after he disclosed the fact, which he had theretofore kept secret, that he favored Horace E. Boies of Iowa, for president, it seemed as if the convention was almost willing to follow him. This part of the proceedings was very exciting. Mr. Offut, who was a dramatic Kentuckian, while speaking on the stage against the resolution, turned around and facing Mr. Bryan, who sat near, thinking to surely catch him in an inconsistency, demanded, "You are for Cleveland, are you not?" But Bryan promptly and unexpectedly answered loudly enough to be heard by the audience and with the utmost dramatic fervor, "I am for Horace E. Boies." The free silver part of the convention was very boisterous and unwilling to give the anti-silver speakers a hearing. After the first roll call the chairman announced that Bryan's amendment was defeated by 237 to 267.

"And then! it was like the hot chamber of hell. Men climbed over the tables and yelled in angry denunciation. . . . And that convention went mad—absolutely insane. Men could not do things crazy enough. Batty was hooted at and sworn at. Bryan tried to soothe things. It was impossible. . . . Governor Boyd and three reliable gentlemen on the stage had kept tab. . . . At last in the sheol of noise it was decided to take another vote. . . . The recount was taken amid much excitement, and Chairman Batty finally announced its result—229 yes; 247 no! . . . The majority report was then adopted."

In the midst of the collective brainstorm Bryan's livid face, compressed lips, and defiant

eyes were a vivid reminder of Edwin Booth in his most dramatic moments. In after years Bryan could not have repeated that remarkable theatrical role because only the impetuous abandon and daring, the freshness and fire of youth, unhampered by knowledge and unrestrained by experience could accomplish, or would undertake it. The master actor had been nurtured in the low tariff or free trade school, and his speeches on the tariff question at that time were inimitably apt and taking; but he had given little attention to the deeper and more difficult principles of money, so that his sympathy and his ambition fell easy captive to the superficial shibboleth, "free silver." That great turbulent body of men, representative of the state's sufferings, hopes and fears, was of course less schooled than the ambitious leader, and a majority of them, perhaps, were ready to give him the benefit of every doubt. It was from the first apparent to the maturely thoughtful that this captivating issue was destined to be short-lived, and it was discredited by the sober second thought of the people. Economic privation was an inevitable, if not legitimate source and stimulus of its strength in Nebraska. On the eve of winter in 1890 there were from 1,500 to 2,000 families in destitute condition in the western part of the state, and soulless railroads were hauling coal to them without compensation.⁴³⁷ It was even argued that the alleged gross election frauds of that year should be condoned lest investigation might delay relief by the legislature. "What does our legislature mean by this unseemly wrangle when 20,000 of our citizens are now starving?"⁴³⁸ This was not the temper to learn to labor and to wait before venturing, for possible immediate relief, to dislocate a vast national financial system. Under the influence of the Miller-Boyd faction President Cleveland had made the mistake of going to J. Sterling Morton's home town to select a revenue collector—in the person of Morton's immemorial political and personal enemy, Stephen H. Calhoun. This incident and in addition, perhaps, a natural antipathy on Mor-

ton's part to Cleveland's civil service leanings and to his ponderous philosophical utterances made the fiery Nebraskan very hostile to him during his first administration and after his defeat in 1888. Morton's vitriolic tongue delighted to lampoon Cleveland whenever he came in contact with receptive newspapers. But in this critical fight Morton sulked and left the struggle entirely to his long-time personal and factional friends who comprised a large portion of the ablest men of the party in Nebraska. The irony of the sequel was that Cleveland seemed to have conceived a liking for Morton for the enemies he made and his penchant for making them. At any rate, while his faithful friends themselves went empty of honors, Morton was the principal beneficiary of his success, receiving at his hands the office of secretary of agriculture, the only important place given to Nebraska during his administration. This "heroic" ineptitude, characteristic of Cleveland, was not statesmanship, and it greatly hampered his administration. Nevertheless there was poetic, if not party justice in Morton's tardy recognition and success which when deserved had been many times denied him. The *World-Herald* of April 15 said editorially of this remarkable convention: "There were two great struggles in the convention—the Douglas county contest and the silver fight. Young men led them both. The men who swayed the convention and exerted the greatest influence were Bryan, Offut, Mahoney, Switzler, Watkins and others of their position." Of the delegates at large Governor Boyd and Tobias Castor were relatively old men and W. H. Thompson and Milton Doolittle young men.

It was the opinion of the most acute politicians upon the Nebraska delegation to the national convention that but for the aggressive fight made against Bryan in the Lancaster county convention and which was carried on in the state convention, the enemies of Cleveland would have defeated him. It will be remembered that the delegation from his own state was aggressively against him and without the sixteen delegates from Nebraska he

⁴³⁷ *Omaha Daily Bee*, November 23, 1890.

⁴³⁸ *Morning World-Herald*, January 10, 1891.

could not have sustained his strength long enough to obtain a two-thirds vote under the rule of the national convention.⁴³⁹

The people's independent convention was held at Bohannon's Hall, in Lincoln, June 30th. Jacob V. Wolfe, of Lancaster county, was temporary and permanent chairman. All of the counties except ten participated in the convention with a representation of 722 delegates. The welcome return of Van Wyck to favor and the passing of Burrows was the principal incident of the proceedings. Though the name of the late imperious leader was presented as a candidate for delegate at large it was passed with apparently unanimous tacit assent, while Van Wyck received almost as many votes as John H. Powers, the high man. The independents proudly pointed out that whereas sixteen delegates to the republican national convention comprised seven lawyers, six bankers, and not one farmer, their own delegation of thirty-two contained twenty-four farmers, three lawyers, and three editors.⁴⁴⁰

The republican state convention for 1892 was held at Lincoln August 4th and 5th. John

⁴³⁹ The *Daily State Journal* of April 14, 1892, in its synopsis of the short speech of Albert Watkins, said that it characterized free silver as a craze and showed especially the inconsistency of adopting the free coinage plank proposed by Mr. Bryan, the convention having already elected a Cleveland delegation to Chicago. He said that a silver plank would certainly not be adopted by the national convention, and that the democrats of the house of representatives, with a majority of 160, had decided against free coinage. The present writer vividly remembers how very little thought or knowledge of the principles involved in the free silver proposal was manifested in that notable convention. It happened that I had given unusual attention to the question for that time and was by temperament and economic training opposed to the at least dangerous experiment. I pointed out that Thomas Jefferson, the supreme democratic prophet, priest, and king, had insisted on changing the coinage ratio of the metals when there was but a slight disparity, whereas it was now proposed to open the enormous and apparently inexhaustible supply of silver to free and equal coinage with an existing great disparity in the ratio, and that Jackson, second only to Jefferson in party station and adoration, had been equally conservative and insistent on this point. I insisted that, according to the Jefferson-Jackson principle, such a measure would not only result in driving all gold out of our monetary system, but that the shock of so great and sudden a descent in the value of the standard money would create far worse, instead of better business conditions and would greatly, if not indefinitely, postpone a return to a normal status, which

R. Hayes, of Madison county, was temporary chairman and A. E. Cady, of Howard county, permanent chairman. Samuel D. Mercer, of Douglas, chairman of the state committee, called the convention to order. Church Howe seconded the nomination of his immemorial political rival, Thomas J. Majors, for governor. On the first ballot, he received 344 votes; Lorenzo Crouse, 376; A. E. Cady, 82. On the second day Crouse was nominated on the fifth ballot receiving 446 votes to 327 for Majors. The platform declared in favor of an elective railroad commission, empowered to fix local freight and passenger rates, and for postal telegraph and savings banks, besides approving the national platform.

The state convention of the people's independent party was held at Kearney August 4th. The platform demanded reduction of freight rates to the Iowa level; declared against the restoration of the sugar bounty, and that all obligations payable in money should be payable in any money authorized by the United States government — stipulations to the contrary notwithstanding; favored a constitutional

was the chief desideratum. That the Omaha and Lincoln newspapers complimented and gave a synopsis of this brief statement of fundamental principles shows that consideration of this question, in the study of which the campaign of 1896 became a great national school, was then in the a b c stage.

Tobias Castor, of Saline county, Milton Doolittle, of Holt, William H. Thompson, of Hall, and James E. Boyd, of Douglas, were elected delegates at large. The vote for delegates at large was, Boyd, 500; Thompson, 456; Doolittle, 341; Castor, 321; J. E. Hubbell (Jefferson county), 315; James C. Crawford, 157. The several districts chose delegates as follows: First district, Nathan S. Harwood, of Lancaster county, and Robert Clegg, of Richardson; second district, Charles Offut and John A. Creighton, of Douglas; third district, John Dern, of Dodge, and Fielding J. Hale, of Madison; fourth district, Daniel W. Cook, of Gage, and Matt Miller, of Butler; fifth district, Robert A. Batty, of Adams, and F. H. Spearman, of Red Willow; sixth district, J. F. Crocker, of Buffalo, and James C. Dahlman, of Dawes. At the Douglas county convention the anti-Boyd or Euclid Martin delegates left the hall and held another convention. The stayers were seated in the state convention by a vote of 319½ to 89½. Charles Offut made the principal talk for the Boyd faction and T. J. Mahoney for the other faction. Martin, Mahoney, M. V. Gannon, and Carroll S. Montgomery were the most active on the one side and Offut and Warren Switzler on the other.

⁴⁴⁰ The other two were a "liveryman," and "a politician" — the latter, of course, Paul Vandervoort.

amendment authorizing the loan of the school fund to citizens on first mortgage real estate security at an interest rate of not more than five per cent; the settling of labor differences by arbitration, and equal pay for equal work to both men and women; denounced convict labor; demanded the election of president, vice president, and United States senators by direct vote of the people; denounced the state militia as an expensive ornament. A plank in favor of woman suffrage was laid on the table. Charles H. Van Wyck was nominated for governor on the first ballot, receiving 552 votes to 147 for William Leese and six for William A. Poynter. John H. Pors, the first candidate of the party for governor, refused to be a candidate for the office before the convention and also refused to take the nomination for state auditor. With a fickleness characteristic of politics the convention showed a continuing reaction against the late "Dictator Burrows" and in favor of Van Wyck.

The democratic state convention was held at Lincoln August 30th. Matthew W. Gerding, of Cass county, was temporary chairman and William H. Thompson, of Hall, permanent chairman. A reaction of sentiment against Governor Boyd had taken place, due largely to his veto of the Newberry maximum freight rate bill. Even Morton himself, regarded as an ultraconservative on the question of railroad legislation, thought it expedient to publicly denounce the veto. In the convention there was a decided sentiment in favor of Morton's coming back — explicable largely by the feeling in the party and especially on the part of the Morton faction of it, that Cleveland would be reelected and that to strengthen Morton's leadership would be of material aid in the

resulting division of federal spoils; and so the old leader of many campaigns and as many defeats was enthusiastically nominated by acclamation. The name of Samuel N. Wolbach, of Hall county, was presented to the convention by Constantine V. Gallagher, of Omaha, and Frank P. Ireland, of Otoe, was also named, but both withdrew. Charles H. Brown, of Omaha, a bitter opponent of Miller and Boyd, presented Morton's name to the convention.⁴⁴¹

Euclid Martin, chairman of the democratic state committee, issued a warning to democrats not to be fooled by so-called straight democratic ballots for democratic electors which had been circulated by republicans. "It is the desire," he said, "of the democratic state committee that democrats everywhere should vote for the Weaver electors." The *World-Herald* also urged the same policy. That the device was shrewd is shown by the fact that it came so near winning. The vote for Harrison, republican, was 87,213; for Weaver, people's independent, 82,256; for Cleveland, democrat, 24,943. The fact that the loss of Nebraska to Harrison was not necessary for Cleveland's success did not excuse the stolid foolishness of democrats, prominent and otherwise, who refused to grasp the chance held out to them to procure it. The *Bee* only mildly supported the republican ticket. It had bitterly opposed the nomination of David H. Mercer for Congress and contributed nothing toward his election. It contended that Van Wyck's election would be a menace to creditors on account of his free silver associations, and said that it was plain that the contest lay between him and Crouse. The *World-Herald* (November 5th) attacked Majors on account of his attempt to break into Congress on the

⁴⁴¹ Just before the convention was called to order, J. Sterling Morton said to the present writer that he was in doubt as to the expediency of accepting the nomination, but that he would refer the question to five of his tried friends, namely, Charles H. Brown, Charles B. Rustin, Albert Watkins, Andrew J. Sawyer, and Howard J. Whitmore. Almost as a matter of course four of these gentlemen advised Mr. Morton to accept the nomination; but the writer mildly discouraged acceptance on the ground that in recent years Mr. Morton had made several strong runs for congress and for the governorship, that besides the old factional trouble there was a new

and acute division of the party on the money question, so that it might be better for him to let well enough alone. Mr. Brown's ardent coaching of Morton's cause was presently succeeded by violent denunciation of his long-time political associate. When Morton became purveyor of some patronage, as secretary of agriculture, he refused or neglected to farm out through Brown as generous a portion of that which appertained to the Omaha packing houses as Brown thought due reciprocity demanded. Brown was a fervent hater, especially when a sense of ingratitude stirred, and he never relented. But this is a common incident of the spoils system.

claim that the census of 1874 had been taken in 1872.

All three of the candidates for governor made aggressive speaking campaigns, Crouse and Van Wyck engaging in joint discussions all over the state. Toward the end of the campaign Morton displeased many of his old time friends by directing most of his energies to lampooning Van Wyck, thus apparently playing the rôle of tail to Crouse's kite. The nomination of Crouse was a recognition by republicans of the serious antimonopoly inroads into their party, this present help in time of need having been long and consistently opposed to the aggression of railroads. Though, measured by present standards, Crouse was a conservative, yet his appreciably progressive attitude toward the paramount railroad question and Van Wyck's radical advocacy of free silver coinage gave the *Bee* sufficient excuse for abandoning its old ally. It went so far as to charge him with degeneracy because in the joint debate with Crouse at Beatrice he declared that the republican Congress of 1873, in abrogating free coinage of silver, benefited the "shylocks of Europe" at the expense of the "toilers" of the United States. Crouse was elected by a vote of 78,426, Van Wyck receiving 68,617; Morton, 44,195; C. E. Bentley, prohibitionist, 6,235. On account of his aggressive hostility to Van Wyck, the antimonopolist candidate, Morton's vote was about 2,500 be-

hind the average of his ticket. The republicans lost three of the congressional districts. William J. Bryan, democrat, was elected over Allen W. Field, republican, in the first district; William A. McKeighan, people's independent and democrat, over William E. Andrews, in the fifth district; and Omer M. Kem, people's independent, over James Whitehead, republican, in the sixth district.⁴⁴² By rational coöperation among those voters who stood substantially upon the same ground all of the republicans would have been defeated. Americans, long inured to the two-party habit, are slowly — but surely — learning to vote for present issues regardless of past names.

The proposed amendments to the constitution, one of them for extending investments of the school fund, the other for an elective railroad commission of three members with a term of three years, were defeated; the first received 84,426 affirmative and 11,258 negative votes; the second 80,032 for, 14,185 against; the affirmative vote in each case being less than a majority of all the votes cast at the election.

The 15th legislature met in the 23d session and the 13th regular session January 3, 1893, and finally adjourned April 8th, the sixty-eighth day. The senate comprised fourteen republicans, thirteen independents, and six democrats; the house forty-eight republicans, forty independents, and twelve democrats.⁴⁴³ The republicans of the senate took the hono-

⁴⁴² The full vote for candidates for Congress was as follows:

FIRST DISTRICT

William J. Bryan, dem., 13,784.
Allen W. Field, rep., 13,644.
Jerome Shamp, P. I., 2,409.
R. W. Maxwell, pro., 863.

SECOND DISTRICT

George W. Doane, dem., 10,388.
David H. Mercer, rep., 11,488.
Robert L. Wheeler, P. I., 3,152.
R. W. Richardson, pro., 362.

THIRD DISTRICT

George D. Meiklejohn, rep., 13,635.
George F. Keiper, dem., 10,630.
William A. Poynter, P. I., 9,636.
F. P. Wigton, pro., 867.

FOURTH DISTRICT

Eugene J. Hainer, rep., 15,648.
William H. Dech, P. I., 11,486.
Victor Vifquain, dem., 8,988.
J. P. Kettlewell, pro., 1,312.

FIFTH DISTRICT

William E. Andrews, rep., 14,230.
William A. McKeighan, P. I., dem., 17,490.
O. C. Hubbell, pro., 838.

SIXTH DISTRICT

James Whitehead, rep., 14,195.
Omer M. Kem, P. I., 16,238.
A. T. Gatewood, dem., 4,202.
Orlando R. Beebe, pro., 586.

⁴⁴³ The republicans of the house were from twenty-five counties, as follows: Adams, Brown, Buffalo, Burt, Butler, Cass, Cuming, Dixon, Douglas, Fillmore, Gage, Hamilton, Jefferson, Johnson, Lancaster, Nemaha, Pawnee, Richardson, Saline, Sarpy, Seward, Thayer, Washington, Wayne, York — all eastern except Brown and Buffalo. The democrats were from Butler, Cedar, Colfax, Dodge, Douglas, Hall, Madison, Otoe, Richardson — 9 — all fairly eastern. The independents gained a little in eastern counties, gathering one from a border county — Nemaha — one each from Adams, Brown, Clay, Fillmore, Hamilton, Platte, and Polk, and two, a clean sweep, in Saunders.

rary office by electing Erasmus M. Correll, of Thayer county, temporary president, and the democrats and independents evenly divided the substantial spoils. Three democrats, Babcock, of Douglas, Mattes, of Otoe, and North, of Platte, voted with the republicans, making Correll's total 17. Two democrats, McCarthy, of Howard, and Thomsen, of Dodge, voted with the independents for William Dysart, of Nuckolls county. Hale, of Madison, democrat, voted for Mattes. There were three ballots to choose the officer in question, on three successive days. J. A. Sheridan, independent, of Red Willow county, was elected temporary speaker over Church Howe by a vote of 51 to 48. J. N. Gaffin, independent, of Saunders, was elected speaker over Jensen, republican, of Fillmore, by a vote of 53 to 47. The independents took the chief clerkship, also, for Eric Johnson. They allowed the democrats six minor places.

For eight days beyond his term, pending the revolutionary proceedings of the legislature of 1891 over the contested election case, Governor Thayer held to the executive office at the capitol which, under his orders, was guarded by armed militia. After the canvass of the returns, on the 9th of January, 1891, he applied to the supreme court for a writ of quo warranto to oust Boyd. On granting leave on the 13th, the court intimated to Thayer that in the meantime he had better yield the office to Boyd, whom the legislature had recognized as governor, and on that hint on the 15th Thayer complied with an order of the commissioner of public lands and buildings to vacate the executive office, whereupon Governor Boyd took possession of it. On the 5th of May the court entered a judgment of ouster against Boyd, on the ground that he was not a citizen of the United States and was therefore ineligible, and Thayer was reinstated.⁴⁴⁴

It appeared at the trial that Governor Boyd's father, who had come to Ohio from Ireland, took out his first naturalization papers in 1890,

after the governor had arrived at legal age. The attainment of citizenship by the father, therefore, did not apply to the son, and the supreme court of the state decided that his election was invalid; but an appeal was taken to the supreme court of the United States which decided, February 1, 1892, that when Nebraska was admitted as a state, Boyd was a resident and therefore became a citizen by adoption. Justice Maxwell had dissented from the decision of the state court on this ground. On the 6th of February, John L. Webster, Thayer's attorney, sent him a letter which convincingly assured him that he had been actuated by the highest patriotic motives in holding over until it had been established that his prospective successor was constitutionally eligible to fill his official shoes, and that he might now, with safety to the commonwealth, relinquish the post he had so faithfully and conscientiously guarded. In turn, the hold over governor wrote a letter to Boyd recounting the information he had received and proposing to relinquish the office on the following day; whereupon Boyd again became governor on the 8th of February, 1892.⁴⁴⁵

Governor Boyd was probably the most capable, practical business man who had held the office of governor of Nebraska up to that time, and in his message he naturally struck hard at the financial condition of the state. He said that a deficiency of \$750,000 had developed during the last biennium; there was a registered warrant indebtedness of \$637,383.83, drawing interest at seven per cent; and during the last sixteen months \$88,817.15 had been paid out in interest on redeemed general fund warrants. The governor recommended a re-submission of the proposed amendment touching the investment of school funds and also of the railroad commission amendment.⁴⁴⁶ He cited as an example of the extraordinary and dishonest expenditure for state institutions the administration of the former superintendent of the Lincoln hospital for the insane. He called attention to an investigation of the charges

all losses whatsoever. They might be loaned only on United States or state securities and registered county and school district bonds. The right of investment in school district bonds was the extension of the amendment (*Laws of 1891*, p. 339).

⁴⁴⁴ *Nebraska Reports*, Vol. 31, p. 682.

⁴⁴⁵ *Daily State Journal*, February 8, 1892.

⁴⁴⁶ The school amendment declared that all educational funds were trust funds, the interest and income of the same only to be used, the state to supply

made by E. C. Rewick, which the board of public lands and buildings had conducted in accordance with his demand of September 29, 1892, resulting in a number of criminal indictments. During the nine months of his administration there had been a saving in expenses at this hospital of \$15,637.48 over the expenses of the previous nine months, a difference of nearly twenty per cent. He claimed a large saving for other state institutions and that they could be conducted on an expenditure of sixty-six per cent. of the prevailing expenses, exclusive of salaries. He recommended an investigation of all the state institutions. The sum of \$38,000 had been expended in the Wounded Knee affair — in January, 1891, and a bill for reimbursing the state for this expenditure had passed the senate of the United States and was pending in the house. A year after the veto of the Newberry freight rate bill he had queried members of the legislature to find out whether they would pass such a reasonable measure as he had recommended in his first message if he should call a special session of the legislature; but he found them still radical, from his point of view. The present board of transportation, he said, had the same right to fix and regulate rates of freight as the Iowa commission, but seldom if ever exercised it. If the board were directly responsible to the people there would be better results.⁴⁴⁷ He recommended a choice of presidential electors, except two at large, by the people. Michigan had adopted that plan and the supreme court of the United States had sustained it. According to the report of the relief commission, aid had been given in about ten counties and to approximately 8,000 families, averaging five in number, and during four to six weeks. Already \$30,000 of the \$50,000 appropriated on account of the world's fair at Chicago had been expended — \$16,332.43 for the building — and he recommended an appropriation of \$50,000 more.

By the act of Congress of March 2, 1891 (*Stat.* 26, p. 822), all direct taxes levied by the United States under the act of August 15, 1861 (*Stat.* 12, p. 294), were to be refunded. It ap-

peared from this refunding act that only one tax had been levied, the aggregate for all the states and territories being \$20,000,000, and Nebraska's quota thereof, \$19,312. The usual allowance of \$20,000 for the expenses of the legislative session of 1863 had been offset against the tax and no session was held.⁴⁴⁸

Governor Crouse delivered his inaugural message January 13, 1893. He found the state enjoying a prosperity rarely equalled in its history. Crops had been bountiful and prices in the main fairly satisfactory. There had been good crops in the former drouth stricken districts. Like his predecessor he made a strong appeal for economy in expenditures. Appropriations for state institutions should be cut to the minimum. The other recommendation was for a firm but wise control of railroads. "Your authority to control these railroads is undisputed, and you will stop short of your duty if you fail to do so, if occasion demands it." He remarked that nearly 70,000 votes had been cast for a ticket resting on a platform which declared that the roads were by unjust rates taking millions of dollars from the people annually.

Another Newberry bill (H. R. 33), classifying freight and fixing maximum charges was passed at this session, and the board of transportation was authorized and directed to reduce its rates on any class or commodity and to revise classification but not so as to increase rates. Railroad companies might bring suit in the supreme court to show that the rates were unjust and the court might order the board of transportation to permit the roads to raise rates in amounts fixed by said board but not higher than those charged by any road on January 1, 1893. The bill passed the house, 63 to 30, the nays all republican but three — Leidigh and Sinclair, of Otoe, and Withnell of Douglas, democrats. All the members from Douglas and Lancaster voted no except Ricketts, of Douglas, who was absent. A phenomenally strong if not complete control of public sentiment by the railroads in the two large cities of the state

⁴⁴⁷ Experience with elective commissioners has also been unsatisfactory. The best results are obtained through the appointive plan.

⁴⁴⁸ Vol. I, p. 473, this history.

seems to be indicated by this vote, which was typical up to this time. The bill passed the senate 18 to 14. The nays comprised three democrats — Babcock, of Douglas, Mattes, of Otoe, North, of Platte. The other eleven were republicans. The independent members voted solidly in the affirmative. Clarke, of Douglas, and Everett, of Dodge, republicans; and Hale, of Madison, McCarty, of Howard, and Thomsen, of Dodge, democrats, voted aye.⁴⁴⁹

A bill (H. R. 138) was passed authorizing the supreme court to appoint three commissioners to assist the court under such rules as it should adopt. Their term of office was fixed at three years and no two of them should be members of the same political party. It was enacted that the professors of botany, geology, chemistry, and entomology, in the state university, should be called state botanist, state geologist, etc. The sum of \$35,000 was appropriated for the expense of a commissioner general and employees for the World's Columbian Exposition with authority for the governor to appoint the commissioner general at a salary of \$2,000; combinations for fixing prices on commodities were prohibited; the bringing of persons or associations into the state for police work was prohibited and every undersheriff or deputy was required to be a resident of the state. This much mooted law, directed against the Pinkerton system, which is still in force, passed the house by a vote of 72 to 1, Van Duyn, republican, of Saline county, voting nay. It passed the senate 19 to 12.⁴⁵⁰

A memorial and joint resolution asking Congress to call a convention for the purpose of amending the constitution so as to provide for

⁴⁴⁹ *House Journal*, p. 707; *Senate Journal*, p. 957; *Laws of Nebraska*, 1893, p. 164.

⁴⁵⁰ The nays were Babcock, of Douglas county; Correll, Thayer; Eggleston, Lancaster; Graham, Gage; Hahn, Adams; Lowley, Seward; Mattes, Otoe; Miller, York; Moore, Lancaster; North, Platte; Pope, Saline; Scott, Richardson — all republicans but Babcock, Mattes, and North, democrats. *House Journal*, p. 1084; *Senate Journal*, p. 502.

⁴⁵¹ *House Journal*, 1893, p. 594; also *Senate Journal*, pp. 496, 1084, 1086, 1089. Elder's crass and clumsy illiteracy is displayed in the explanation of his vote for the second Newberry bill. He said:

"Having voted once upon a similar rate, believing this bill to be a less cut in the rates of two years ago, and after introducing a bill in the house that I

the election of United States senators by popular vote was adopted. The preamble truthfully recited that the Congress had failed, neglected, and refused to submit such an amendment to the states, notwithstanding that a large majority of the people desired its adoption. Only two of the eighteen bills for the regulation of railroads were passed. All but one of the eight railroad bills introduced in the house were killed. All of the bills to regulate stockyards were defeated. One of these bills (H. R. 17) passed the house by a vote of 68 to 24, but it died a perfectly natural death in the senate committee on miscellaneous corporations in company with a senate bill of the same kind. Two other similar bills met a like matter of course fate in the general file. Elder, of Clay, speaker of the house in the session of 1891, ostentatiously excused his negative vote on the bill which passed the house with the pretense that he would later have a chance to vote for a better bill.⁴⁵¹ In the circumstances, with which he must have been familiar, this explanation served only to advertise his turpitude; and its singularity, not one of his thirty-nine fellow independents keeping him company, made it the more conspicuous. The radical legislature measurably responded to Governor Crouse's sincere and resolute plea for economy. (In its heyday his party contemptuously confused economy and parsimony.) The resultant saving was abundantly worth while and involved no countervailing loss or inconvenience; and yet this very important and practicable field for reform in governmental administration is the one most neglected.⁴⁵²

There was an exciting contest over the senatorial election, William V. Allen, independent,

believe to be a better bill for the people, but the working majority refused to take action, but notwithstanding all this I am pledged to vote for railroad legislation, and if the senate will pass this bill and it should be signed and become a law, that if it should work disaster to the railroad interest that the people and the courts will adjust this question, I therefore vote aye." (*House Journal*, 1893, p. 711).

Why the independents should have chosen for speaker a man so manifestly unfit at the critical juncture of 1891 is inexplicable. A strong man in the speaker's chair might have steered them through to justice and to power. The vicious interests, the revulsion against which created his party and elected him, ensnared him.

⁴⁵² The following is a comparison of appropriations

being chosen on the 28th day of the session and by the eighteenth joint ballot, receiving 70 votes to 59 for Algernon S. Paddock. All of the 53 independents and all of the 18 democrats, except Farrell, who did not vote, supported Allen on the successful ballot. All of Paddock's supporters were republicans. Kyner, of Douglas, voted for Paul Vandervoort; Ricketts, of Douglas, for Crouse, and Clarke, of Douglas, did not vote. Allen received only one vote on the fourteenth ballot and one on the fifteenth. On the sixteenth he received 65 and the same number again on the 17th. Paddock had 32 votes to begin with and for thirteen ballots his strength varied from 20, the lowest, to 33, the highest. His nearly full republican support on the last ballot was merely a compliment to incumbency, the die of defeat having already been cast by the opposition compromise on Allen. On the fourteenth, fifteenth, sixteenth, and seventeenth ballots John M. Thurston received 61 votes, within one of the total republican strength and within three of victory. John H. Powers, candidate for governor on the independent ticket of 1890, received the full independent vote on most of the ballots up to the thirteenth, when for three ballots it was given to William L. Greene, of Buffalo county. Powers had one additional vote on four ballots and Greene 3 — 56 in all — on one ballot.⁴⁵² The highest votes received by other prominent candidates were, J. Sterling Morton, 6; James E. Boyd, 5; William J. Bryan, 8; Thomas J. Majors, 13.

Senator Paddock had many admirable qualifications for his office, but chiefly of the useful-with-the-agreeable sort. When conditions demanded daring-do, debonairity was seriously deficient. He seemed convinced of the need for an aggressive and stern stand for western interests and for some public control of railroads,

for salaries of officers, members, and employees for a series of years:

1887, \$105,000; republican legislature, Thayer, republican governor.

1889, \$100,000; republican legislature, Thayer, republican, governor.

1891, \$100,000; independent legislature, Thayer, republican, governor.

1893, \$85,000; independent legislature, Crouse, republican, governor.

but fell measurably short of the courage of his convictions. Crouse, being of sterner stuff, had the temerity to grapple in the house with the monster combination and so fell outside the senatorial breastworks. He was taken up for governor in 1892 by the standpat element merely to avoid a more menacing radical alternative. Paddock's fame would have fared better if he, too, had lost at the last with his face full to the front.

J. Sterling Morton and his friends hoped and strove to draw the republican strength to him after it was apparent that Thurston could not win; but the Union Pacific attorney inexorably stood pat, preferring a populist well within the Union Pacific territory to a brother of the Burlington, though his positive railroad regulation precept was, "Hands off." To the last Morton stoutly contended that there was no difference between the relation of railways to the public and that of private business concerns and that they should both alike be left to competitive regulation. Since his day it has been demonstrated that there is indeed no clear distinction between the two classes of industry, both alike being beyond the pale of competition. Mr. Allen stood on a public ownership platform which of course, practically, meant next to nothing; but he was also positively committed to the principle of control, and there was then something doing in that line.

In politics, especially, moral motives wait on considerations of mere selfish expediency, appraised on the basis of its supposititious effect upon public opinion.

The disclosures of the impeachment proceedings and kindred prosecutions showed that republicans would have chosen the wiser as well as the better part if they had voluntarily undertaken their own neglected house cleaning instead of waiting for it to be forced upon them

Following is a table of incidental expenses:

1887, \$80,000.

1889, \$80,000.

1891, \$75,000.

1893, \$55,000.

These items may be found in the laws of the respective sessions.

⁴⁵³ The journals of the house and senate for 1893 contain a record of the proceedings of the senatorial election.



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Charles J. Allen

Wm. T. Allen

by their enemies. The *Bee's* insurgency in the next state campaign was virtually an acknowledgment of this mistake. A resolution was passed to employ three lawyers, one of each political party, to be chosen by the members of the several parties in the house. The republicans selected Stephen B. Pound; the independents, William L. Greene; the democrats, Eleazer Wakeley. Judge Wakeley declined to serve, and George W. Doane was appointed in his place. Barry, independent, of Greeley county; Van Housen, democrat, Colfax; Lockner, republican, Douglas, were appointed a committee on impeachments. A resolution for the impeachment of John C. Allen, secretary of state; Augustus R. Humphrey, commissioner of public lands and buildings; George H. Hastings, attorney general, and John E. Hill, treasurer, passed the house unanimously.

A resolution that articles of impeachment against the executive officers above named for misdemeanor in office be prepared and presented to the supreme court was passed by a vote of 127 to 4. Those voting nay were Cooley, republican, of Cass county; Kyner, republican, Douglas; North, democrat, Platte; and Rhea, republican, Seward; the articles against Hastings were adopted by a vote of 95 to 24; against Humphrey, 92 to 5; against Allen, 87 to 4; against Hill, 95 to 9. Barry, independent; Colton, republican; and Casper, democrat, were appointed a committee to employ attorneys and prosecute the impeachment. The articles of impeachment against the four executive officers named, who constituted the board of public lands and buildings, were confined to charges of fraud which had been perpetrated at the state penitentiary and at the hospital for the insane at Lincoln. Article 1st, against George H. Hastings, attorney general, for example, recited that at the 22d session of the legislature \$40,000 had been appropriated for the construction of a cell house at the penitentiary. The first specification alleged that Charles W. Mosher controlled the labor and service of the convicts in the penitentiary under a contract with the state and during the year 1891 and until February 1, 1892, he employed

William H. Dorgan as his foreman and superintendent to take charge of said convicts; that the board of public lands and buildings, well knowing that said Dorgan was the agent of Mosher, employed him as the agent and superintendent of the state to superintend on its behalf the construction of said cell house; that Dorgan in rendering his accounts from time to time to the state board of public lands and buildings for the labor of said convicts charged the state with the sum of \$1 a day for each convict whereas, in the contracts made by Dorgan in behalf of Mosher to individuals, firms, or corporations, he let the said convict labor at the rate of forty cents a day and that the board of public lands and buildings should have procured said labor for the construction of the cell house at the same rate of forty cents. Specification 2d charged that the board of public lands and buildings from time to time paid over to Dorgan as the agent of the state large sums of money in advance of his procurement of material or expenditure of labor for which the money was to be paid. Specification 4th, charged Dorgan with having expended a part of said funds of the state for material which was not needed or used in the construction of the cell house. Specification 1st of article 3, charged that the board of public lands and buildings let the contract for a supply of coal required for the use of the hospital for the insane at Lincoln, for the quarter commencing April 1, 1890, to the firm of Betts, Weaver & Company; that said firm furnished under the contract for the month of April, 1890, coal to the amount of 336,000 pounds and no more, but rendered an account for 438,000 pounds and that the board of public lands and buildings approved the fraudulent account. Specifications 2d and 3d, made similar allegations of startling discrepancies between the amounts allowed to the same firm and the amounts actually furnished. Specification 4th, charged that in the month of July, 1890, the Whitebreast Coal Company, of Lincoln, actually furnished to the hospital for the insane 250,000 pounds of coal and no more, but made an account for 720,000 pounds, which the board allowed.

Specifications 5, 6, and 7, made similar allegations of fraud perpetrated by the Whitebreast Coal Company and connived at by the board of public lands and buildings. The charges against the other three members of the board were of a similar nature. The article against Thomas H. Benton alleged that he had fraudulently audited the accounts in question; and William Leese, attorney general, was charged with having connived at these and other frauds as a member of the board.

There was a general investigation of the administration of the state institutions in response to charges of corruption and mismanagement. A committee of eight, four from the house and four from the senate, and comprising members of all political parties, reported unanimously that the death of Powell, a convict at the penitentiary, "was the direct and proximate result of cruel and inhuman punishment inflicted upon him." The committee found from the evidence that "the punishment in vogue in the Nebraska state penitentiary for many years has been inhuman, barbarous and cruel in many cases," and gave revolting details in illustration of this charge.⁴⁵⁴

A committee of seven members of the house, comprising three independents, two democrats, and two republicans, was appointed to investigate the administration of the penitentiary.

⁴⁵⁴ *House Journal*, 1893, p. 713.

⁴⁵⁵ *Ibid.*, p. 718.

⁴⁵⁶ Following is a part of the findings of the committee in the case of the Lincoln hospital:

Your committee find that from April 1, 1890, to March 31, 1892, the White Breast Coal & Lime Co. delivered to the Lincoln insane asylum, coal under contract of the value of not to exceed \$8,004.75. That during the same period said White Breast Coal & Lime Co. was allowed on their vouchers for coal, \$18,301.71. This is an overcharge of \$10,296.99.

During the same period Betts, Weaver & Co. furnished to said institution, under contract, coal of the value not to exceed \$4,468.98. They were allowed on their voucher \$10,292.50.

This is an overcharge of \$5,823.52. There was paid to these two contractors for coal during the period mentioned \$28,594.20.

This is an overcharge of \$16,120.51. This is an average overcharge of 129 per cent on the coal delivered.

Your committee has not been able to make a detailed investigation of the claims paid from the fund for the Lincoln insane asylum for drugs, clothing, and boots and shoes; but your attention is respectfully called to the fact that under the superintend-

The committee's unanimous report found gross corruption and mismanagement.

"To begin with, W. H. Dorgan, who was chosen superintendent of construction (of a cell house), did not sustain that high character for honesty which is a pre-requisite for such a position, but had that not been true he was disqualified because of the fact that he was agent or foreman for C. W. Mosher, the prison contractor, whose interest came in contact with those of the state. Under such circumstances we are unable to comprehend by what process of reasoning the board could expect an honest disbursement of the money. The prices paid for material indicate his total unfitness for the trust reposed in him, or his utter lack of business integrity and honesty. On March 15, 1902, Dan Hopkins was appointed superintendent in place of Dorgan, his compensation being at the rate of \$5.00 per day. He seems to have followed the policy of Dorgan. He continued to purchase stone and sand from S. H. Atwood & Co. at the same exorbitant prices. He did adopt a system of keeping the time of the convicts so that no charges for such labor are made, so far as the committee are aware, when they are idle.⁴⁵⁵

A committee of the house, consisting of G. A. Felton and Austin Reiley, independents, and C. D. Casper, democrat, found a still worse state of corruption, if possible, in the administration of the hospital for the insane at Lincoln.⁴⁵⁶

The committee of the house to whom the

ency of Dr. J. W. Bowman (appointed by Governor Boyd) dating from March 2, 1892, the amount paid for the articles mentioned have averaged from 40 per cent to 60 per cent less than the amounts paid for the same articles for like periods during the two years immediately preceding.

Your committee find that during all but two months of the time covered by this report, Dr. W. M. Knapp was superintendent of said asylum; that his attention was frequently directed to the excessive coal bills presented to him for his approval; that he admits that his suspicions were aroused by the large amounts of coal claimed to have been delivered to said institution; but that he took no proper steps to thoroughly investigate or to call the attention of the governor or the board of public lands and buildings to the matter. This failure of Dr. Knapp to properly discharge the duties of his office is deemed by your committee to be highly censurable.

Your committee recommend that civil action be at once commenced against J. Dan Lauer, Frank O. Hubbard, William Sewall & Co., The White Breast Coal & Lime Co., and Betts, Weaver Co., and against their bondsmen to recover of them the sums of money received by them from the state as over-

penitentiary contract between the state and William H. Dorgan and Charles W. Mosher was referred, requested the opinion of William Leese, attorney general, as to its validity, and they were informed by that officer that the act of 1879, which undertook to extend the contract with W. H. B. Stout, and that of 1887, to extend the contract to Mosher, assignee of Stout, were both invalid. Thereupon the committee reported unanimously that in its opinion the contract was null and void and recommended that the state take charge of the plant, prison, and grounds. The house adopted the report. A motion of Jensen, of Fillmore county, that this action of the house be referred to the senate with the request that that body should concur was also adopted; but the senate appears to have smothered the report.⁴⁵⁷ The house committee appointed to investigate the management of the permanent school fund reported that "the state has lost large sums of money in the form of interest which would have accrued to the temporary school fund, the exact amount of which has not been computed by your committee." The committee recommended that action be brought against Hill, ex-state treasurer, to recover the money so lost. This report was signed by two of committee, the third member refusing to concur.⁴⁵⁸

Stevens and Casper, of the committee "to charge on claims presented by and allowed to them against the fund of said Lincoln insane asylum.

Statement of Nebraska hospital for the insane, showing amount charged and paid out upon vouchers for coal from April 1st, 1890, to March 31st, 1892, also amount of overcharge:

WHITE BREAST COAL & LIME CO.				
Qr. ending	Date	Chgd. on Voucher	Actual amt. due	Over-charge
" "	Sept. 30, '90	\$2122.98	\$ 748.17	\$1374.81
" "	Dec. 31, '90	5627.30	2397.55	3229.75
" "	Mch. 31, '91	5437.90	2173.52	3264.38
" "	Sept. 30, '91	2699.20	1082.47	1616.73
" "	Mch. 31, '92	2414.32	1603.00	811.32
		\$18301.70	\$8004.71	\$10296.99
BETTS, WEAVER & CO.				
Qr. ending	Date	Chgd. on Voucher	Actual amt. due	Over-charge
" "	June 30, '90	\$2398.75	\$1292.45	\$1106.30
" "	June 30, '91	3391.38	1196.48	2194.90
" "	Dec. 31, '91	4502.37	1980.05	2522.32
		\$10292.50	\$4468.98	\$5823.52
Total overcharge for White Breast Coal & Lime Co.....				\$10296.99
Total overcharge for Betts, Weaver & Co..				5823.52
				\$16120.51

investigate the charges of improper use of or offers of money to influence the votes of members of the legislature in the matter of the election of United States senators," reported that offers of money were made to eight members for the alleged purpose of so influencing their votes, and in the opinion of the committee the offers were made with corrupt intent. McKesson, of Lancaster county, made a minority report in which he said that Krick and Soderman, members of the house, were guilty of soliciting corrupt offers of money for their votes; that W. A. Dungan, sergeant-at-arms, was guilty of making false statements as to the corruption of members and ought to be removed from his office; and that R. B. Thompson, "who unblushing tells of offers made by him, is deserving of the contempt of his fellowmen, and I only regret that suitable punishment cannot be meted out to him."⁴⁵⁹

Goss, of Douglas, and Gerdes, of Richardson, of the committee to investigate charges that money had been used in relation to insurance legislation, found that corrupt influence of members had been attempted, but unsuccessfully. The committee appointed to investigate the bill presented by Shilling Brothers for merchandise furnished to the state of Nebraska found that the firm had made a gross overcharge and recommended that the sum of

Statement of flour billed to the Nebraska Hospital for the Insane.

By Wm. Sewall & Co., showing amount charged upon vouchers, the actual amount delivered, and overcharged:

Qr. ending	Date	Chgd. on Voucher	Actual amt. delvd.	Over-charge
" "	Sept. 30, '88	27900 lbs.	24050 lbs.	3850 lbs.
" "	Dec. 31, '88	48700 "	35950 "	12750 "
" "	Mch. 31, '89	43500 "	32100 "	11400 "
" "	June 30, '89	49350 "	35000 "	14350 "
" "	Dec. 31, '89	35400 "	20000 "	15400 "
" "	Sept. 30, '90	19250 "	14550 "	4700 "
" "	Mch. 31, '91	35600 "	26750 "	8850 "
" "	June 30, '91	45750 "	32500 "	13250 "
" "	Dec. 31, '91	27000 "	23000 "	4000 "
" "	Mch. 31, '92	21250 "	18000 "	3250 "
		353700	261900	91800

[House Journal, 1893, pp. 725-727].

⁴⁵⁷ House Journal, 1893, p. 934; Senate Journal, pp. 889, 946.

⁴⁵⁸ Ibid., p. 1017.

⁴⁵⁹ Ibid., p. 1074.

\$1,870.88 be allowed for the bill instead of \$2,314.48, the amount claimed. The committee to investigate charges of the improper administration of the institute for feeble-minded youth at Beatrice was able to make a report that was relatively unique, inasmuch as it gave Superintendent A. T. Armstrong, of the institute, a clean score for his management.⁴⁶⁰

Four of the accused men were indicted under the charge of corrupt dealing with the hospital for the insane. Nova Z. Snell had been elected county attorney of Lancaster county in 1890 on the democratic and independent ticket and the prosecutions were begun under his administration. In the meantime, at the beginning of 1893, he was succeeded by William H. Woodward; but Governor Crouse appointed Mr. Snell and the law firm of Reese & Gilkeson — Judge M. B. Reese and J. R. Gilkeson — to assist in the prosecution of this class of cases. Gorham F. Betts was convicted and sentenced to two years in the penitentiary. He escaped, however, with a few months in the Lancaster county jail because the county attorney failed to make out in due time a bill of exceptions on the appeal of the case to the supreme court. The other persons indicted were tried and were acquitted, although the evidence against them was nearly the same as that upon which Betts was convicted. The special attorneys for the state complained that the county attorney hampered them in the trial of these cases and that they were unable to procure proper jurymen. It happened that the Betts & Weaver business had been sold before Betts was tried, and their successors in the business furnished yard sheets which showed conclusively that car loads of coal which had been charged to the asylum and paid for were really run into the private yard of Betts & Weaver and sold as their private property.

The impeachment case against John E. Hill, ex-treasurer, and Thomas H. Benton, ex-auditor, was dismissed on the ground that the defendants had retired from office in January, 1893, the power of impeachment conferred by the constitution upon the legislature extend-

ing only to civil officers of the state and could not be exercised after such officers had become private persons. The case against Attorney General Leese was dismissed on the same ground, and also upon the ground that the managers of the impeachment had, without constitutional authority, changed the articles which had been presented by the legislature. The case against George H. Hastings, attorney general, John C. Allen, secretary of state, and Augustus R. Humphrey, commissioner of public lands and buildings, was also decided rather upon a technicality than upon the general facts. Two of the judges, Norval and Post, held that where an official act for which an officer is impeached results from a mere error of judgment or omission of duty without the element of fraud, it is not impeachable although it may be highly prejudicial to the interests of the state. Impeachment, the majority of the court held, is essentially a criminal prosecution, hence the guilt of the accused must be established beyond a reasonable doubt. Justice Maxwell dissented from the decision of the majority, holding that the duties of the members of the board of public lands and buildings in passing upon the accounts in question were not judicial. He held that the rule of the majority in this case would have protected the notorious Boss Tweed from prosecution.

Judge Maxwell said:

"The appointment of Dorgan, whose interests were altogether with Mosher, is entirely unjustifiable. If the board was busy, as it claims to have been, there was all the more necessity for the appointment of a capable, disinterested superintendent who could be relied upon to look after the business and interest of the state. No ordinary prudent man would have appointed Dorgan . . . nor placed in his hands tens of thousands of dollars; and it is not surprising that the state has suffered serious loss.

"It seems to me the respondents wholly failed in the performance of their duties in the cases specified in these charges, whereby the state during the ten months that Dorgan was superintendent (at the penitentiary), lost a large sum of money, probably not less than \$15,000; and \$234 for resetting the boilers, which was not a debt of the state, together with the sums drawn by Hopkins and Howe to go to Pitts-

⁴⁶⁰ *House Journal*, 1893, pp. 1076, 1089, 1116.

burg, and the respondents to go to St. Louis, in all \$934. The over-payments for coal, all in sixteen months, exceed \$12,000. An ordinarily prudent man would have required the vouchers to be in proper form, giving the numbers and weights of the several cars. There are telephones in all of the public buildings so that it would have taken but a moment to make the proper inquiries in regard to the coal and protect the interests of the state, but so far as the proof shows such inquiries were not made in a single instance. A public officer, like any other servant, should be faithful to his employer to see that in all matters under his control the master shall not be defrauded; in other words, he shall be faithful to his trust, not as an eye servant, but in the sight of God. That is, in effect, the oath that each officer takes to faithfully perform his duty. Our public institutions should be conducted on business principles and without fear, favor, or favoritism, and no money should be drawn from the treasury except in strict pursuance of law. If the court should approve or even condone the conduct of the respondents in these cases, the influence of the decision will be felt in every department of business in the state as tending to weaken the sense of faithfulness of public officers and employes, and in every way prove detrimental to the best interests of society. There are an abundance of men in the state who can, and if the opportunity is given by their selection to the offices filled by the respondents, will faithfully look after the interests of the state; and as the respondents have failed in that regard, the charges are well taken and should be sustained. I therefore vote guilty as charged. I fear the result of the decision, if adhered to, will be to open a door to the grossest frauds in the public institutions of the state. A number of the witnesses for the state testified as if under constraint, and there seemed to be powerful influences affecting some of them aside from the immediate friends of the respondents at work in their favor. The respondents, of course, are not responsible for these influences, but it is my duty to mention them."

Judge Maxwell also observed that Dr. W. M. Knapp, superintendent of the asylum, testified that he did not believe the amount of coal charged had been delivered, and yet he approved vouchers for the full amount.

Judge Post, while agreeing with Judge Norval in the theory which protected the defendants from prosecution, was unsparing in his denunciation of the transactions which were

the subject of the impeachment. He said in reference to the coal bills at the asylum: "The overcharge for the first three months of the respondents' term of office which the legislature failed to detect was 2,020,000 pounds, while for the remaining nine months, according to the specification, it is less than twice that amount. It is not contended that negligence of the legislature, however gross, would excuse the wilful disregard of duty by the respondents. . ."

He said again: "It appears further that Dorgan, the superintendent, rendered a bill for their (convicts') labor at \$1 per day during all of said time (when they were laid off). He attempts to justify his action by reference to a custom to charge subcontractors for the labor of convicts from the time of their assignment unless sick or disabled. This explanation merely proves the wisdom of the scriptural saying that one cannot serve two masters. Dorgan was appointed to employ laborers by the day and to make time contracts for labor."⁴⁶¹

George W. Doane, of Omaha, Stephen B. Pound, of Lincoln, William L. Greene, of Kearney, and Genio M. Lambertson, of Lincoln, were counsel for the state in the impeachment proceedings.

An abortive attempt was made to count in the two proposed amendments to the constitution which, according to the regular canvass of the votes, were defeated at the election of 1892. By authority of a special act of the legislature a committee consisting of the auditor and the secretary of state, Sanders and Thomsen, senators, and Jensen, Soderman, and Gerdes, representatives, recounted the amendment ballots. While they found a discrepancy of about 15,000 in each case in favor of the amendments, yet the railroad commission amendment still lacked about 9,000 and the amendment affecting the investment of public school funds, about 5,000.⁴⁶² It was impracticable to amend the constitution until the questionable scheme of counting every straight or circle-marked ballot for proposed amendments was invented.

⁴⁶¹ *Nebraska Reports*, Vol. 37, pp. 80-157.

⁴⁶² *Morning World-Herald*, March 1, 1893.

CHAPTER X

THE POPULIST PROBATION — RETURN OF THE REPUBLICAN PRODIGAL — HIS CONVERSION TO POPULISM — A PERIOD OF PARTY ROTATION

THE DEMOCRATIC convention for 1893 was held at Lincoln October 4th. Euclid Martin, chairman of the state committee, named T. J. Mahoney for temporary chairman, and he appointed Carroll S. Montgomery as temporary secretary. The temporary organization was made permanent. Under the very vigorous management of Tobias Castor, Nebraska member of the national democratic committee, the convention was composed of a compact majority of Cleveland, or gold, democrats. But William J. Bryan, then possessing unbounded faith in his personal influence, made almost as spectacular a fight to gain control as he made in the famous convention of 1892. He began the struggle by moving that Joseph E. Ong, of Fillmore county, be substituted for Mahoney as chairman, urging that Judge Ong represented principles directly antagonistic to those of Mahoney. The motion was lost by a vote of 390 to 106. Mr. Mahoney's speech to the convention was in a conciliatory strain and expressed a personally friendly feeling toward Bryan. On a second test of strength, the motion by Bryan was defeated, 335 to 146. A motion by Falloon, of Richardson county, that Bryan be made a member of the resolutions committee, on behalf of free silver, was defeated by 373 to 122. Constantine J. Smythe, Edward P. Smith, and C. V. Gallagher, of Omaha, protested against the solid unit vote of the 103 delegates from Omaha, but without avail.

⁴⁰³ Some of Mr. Bryan's opponents foresaw, dimly at least, this coming solution of the vexing question; and the present writer contended that in the meantime, or in any event, the deficiency in the

Bryan closed the unequal controversy in a notably impassioned and defiant speech. "If I am right," he said, "it matters not whether you endorse me or not. If I am right, and so help me God, I believe I am, it matters not whether you endorse me or not. If I am right, I am right, and time will tell if I am right. If you represent the democratic party in saying you are for the gold standard of Wall street, I want to tell you that if the democratic party ratifies your action, I will go out and serve my party and my God under some other name than as a democrat. The democratic party was founded by Thomas Jefferson as the party of the masses. For twenty years the democratic party has denounced the demonetization of silver. If you want to get down on your knees and apologize for what you have said you will go without me." The clarion tone of the keynote "right" as it rang emphasized from Bryan's lips will never be forgotten by his hearers. Though Bryan's impassioned proclamation that the free silver dogma was right and the gold standard wrong and that time would prove it, was dramatically fine and effective, yet, considering that within a few years "the gold standard of Wall street" was adopted, not only in this country, but throughout the civilized world, it but illustrated the remark of Froude — extravagant, of course, as most epigram is — that "great orators have always been proved wrong."⁴⁰⁸ Frank Irvine, of Omaha, a thoroughly conservative or Cleveland democrat, was nomi-

volume of money, if there were any, was not sufficient to prevent the return of business confidence — the indispensable restorative of normal business conditions — while the radical experiment of free

nated for candidate for judge of the supreme court, and Milton Doolittle, of Holt, and J. M. Pyle, of Wayne, for regents of the state university. The platform, presented by William D. McHugh, of Omaha, demanded the prompt and unconditional repeal of "that vicious law, the Sherman silver act;" affirmed the national platform of 1892; and approved the administration of President Cleveland. It favored an amendment of the constitution to provide for three elective railroad commissioners and denounced the so-called A. P. A. movement which was rife at that time. No mention of the liquor question was made in the platform.

The republican state convention was held at Lincoln October 5th. It was called to order by Addison E. Cady, chairman of the state committee, and George H. Thummel, of Hall county, was temporary and permanent chairman. On the first formal ballot Samuel Maxwell received the highest number of votes cast for candidates for judge of the supreme court — 380 out of a total of 927. He ran no higher than this on subsequent ballots. T. O. C. Harrison, of Hall county, was nominated on the fourth formal ballot with 664 votes. Monroe L. Hayward, Joseph E. Cobbey, Elisha A. Calkins, Othman A. Abbott, J. E. Frick, and Manoah B. Reese developed some strength during the balloting. Benjamin S. Baker, of Douglas county, was chairman of the committee on resolutions, which denounced the democratic house of representatives for repealing federal election laws; favored the coinage of both gold and silver as standard money, under such legislation as would maintain parity of values; denounced the independent party for attempting to array the west and south against the north and east; denounced Hoke Smith, secretary of the interior, for cutting off pensions of disabled soldiers. John M. Thayer moved to insert the name of Grover Cleveland to "place the responsibility for the wicked and damnable wrong where it belongs." Thayer

silver coinage would be pretty sure to disastrously retard it. In other words, rest was the best, and an irritant the worst prescription for nervous prostration. And so business "came back" soon after the free coinage ghost was laid and without an appreciable increase in the money volume.

er soon afterward gladly accepted a pension of \$100 a month, voted by Congress and approved by President Cleveland. Though the elections in this odd year would be purely local, yet the resolutions struck the air, not hitting a single local question. Henry D. Estabrook, of Douglas county, and Charles Weston, of Sheridan, were nominated for regents of the state university. The Omaha *Bee* was strongly in favor of Maxwell's nomination for judge of the supreme court, and the *State Journal*, as a matter of course, criticised its attitude.

The people's independent convention was held in Lincoln September 5th, and William A. Poynter, of Boone county, was temporary chairman, and Walter F. Dale, of Harlan, permanent chairman. Silas A. Holcomb, of Custer, was nominated for judge of the supreme court on the first formal ballot. John F. Ragan, of Adams, and J. E. Bush, of Gage, were his leading competitors. Samuel Maxwell received nineteen votes on the informal ballot. E. L. Heath, of Sherman county, and A. A. Monroe, of Douglas, were nominated for regents of the state university. Professor W. A. Jones, of Adams county, was chairman of the committee on resolutions which reaffirmed the national platform adopted at Omaha, July 4, 1892; called on Congress to pass a law "for the free coinage of silver with that of gold with a ratio of 16 to 1;" denounced republican and democratic leaders "who are attempting to demonetize silver, thereby placing the business of the country on a gold basis;" commended McKeighan and Kem, populist members of Congress, for opposing the repeal of the purchasing clause of the Sherman silver act; declared that railroad, telegraph, and telephone lines should be owned and controlled by the government; denounced political organizations, secret or open, based on religious prejudice; alleged that while republicans claimed that the state was free from debt, there were warrants outstanding in the sum of \$700,000 drawing interest at seven per cent; denounced state officers for approving the bond of Charles W. Mosher, president of the failed Capital National Bank, in such form that the state was

swindled out of \$236,000; demanded the enforcement of the Newberry freight law and the prosecution of those under indictment for asylum and penitentiary steals. The *World-Herald* was not yet ready to join the fast increasing free silver procession; and, between furtive caresses, it criticised the free silver declaration of the populist platform.⁴⁰⁴ Just at this time the *Bee* was sharply criticising John L. Webster, of Omaha, on political account and especially for his part in defending "the accused state officers last fall." Edward Rosewater, editor of the *Bee*, stoutly opposed the nomination of Harrison, on the ground that he was a railroad man, and favored the nomination of Maxwell. The *Bee* refused to support Harrison in the campaign.

At the ensuing elections the candidates for the office of judge of the supreme court received votes as follows: T. O. C. Harrison, republican, 72,032; Silas A. Holcomb, people's independent, 65,666; Frank D. Irvine, gold democrat, 37,545; Ada M. Bittenbender, prohibition, 6,357. The republican candidates for regents of the state university were, of course, elected.

The republican convention for 1894 was held at Omaha August 22d; it was called to order by Bradner D. Slaughter, chairman of the state committee, who named Captain C. E. Adams, of Nuckolls county, for temporary chairman; and the temporary organization was made permanent. On the informal ballot for a candidate for the governorship, Thomas J. Majors, of Nemaha county, received 493½ votes and John H. MacColl, of Dawson, 434½. The sixty votes of Lancaster went to Majors and the 108 of Douglas to MacColl; and in a general way the support of the respective candidates was divided by the North Platte and South Platte line. Lorenzo Crouse, of Wash-

⁴⁰⁴ "While the *World-Herald* does not agree with its free silver 16 to 1 financial plank it must be conceded that the document has many features which will commend it to a great many Nebraska voters by reason of their effective attack on existing evils." (*Morning World-Herald*, September 7, 1893.) The *State Journal* still coyed with bimetalism and perfunctorily harassed the democrats in their difficult undertaking to repeal the Sherman silver purchase act.

ington county, received a complimentary vote of 32, and Addison E. Cady of Howard, 6. The first formal ballot stood, 552½ for Majors and 401½ for MacColl. Both of the leading candidates represented the reactionary and so-called railroad element—Burlington and Union Pacific respectively; and neither was available, because there was a real uprising in the party against the old order, which the wheel horses, with obtuse obstinacy, failed to recognize, playing bravado instead of level judgment. This reckless reactionism was manifested by the nomination of Majors against the well-known and old-standing hostility and opposition of the domineering, but also progressive antimonopoly editor of the *Bee*. Anticipating this theatrical gauntlet-throwing, Mr. Rosewater had prepared a bomb—a letter resigning his membership in the republican national committee—which he defiantly threw into the convention. The scathing arraignment contained in this letter was incessantly pressed by the relentless *Bee* and echoed by the opposition press throughout the campaign.

Omaha, August 22. Hon. C. E. Adams, chairman republican state convention. My dear Sir: I desire through you to convey the accompanying letter to the republican convention now in session. Very truly yours, E. Rosewater.

Omaha, August 22, 1894. To the Republican State Convention: Two years ago the republicans of Nebraska through the unanimous vote of the state convention requested the delegates to the national convention to place me on the national committee. I have endeavored to discharge that trust loyally and conscientiously to the best of my ability. The action of your convention impels me to tender my resignation as national committeeman. You have nominated a man for governor who has been branded as an accessory to forgery and perjury by a republican congressional committee of which Hon. Thomas B. Reed was chairman, a man who stands self-convicted of falsifying official records and procuring the issue of a fraudulent voucher while in the capacity of president of the state senate; a man who has consorted with boodlers and jobbers and converted the room of the lieutenant governor in the capitol of the state into a den for debauchery; a man who has been the pliant tool of the railroads, in season and out of sea-

son, and whose nomination was procured by the combined influence of corporate cappers, professional bribe givers, jury fixers and impeached state house officials.⁴⁶⁵ I cannot and never will ask any self-respecting republican who loves his state and country and desires to perpetuate the free institutions under which we live, under a republican form of government, to help rivet the chains of subserviency to corporate monopoly and tyranny upon the people of this commonwealth. I believe it my sacred duty to uphold the standard of true republicanism at any sacrifice. I desire to be free from all restraint which might be imposed upon me by remaining on the national committee. Very respectfully, E. Rosewater.

John M. Thurston, just fitted by antecedents and temperament to be the Baal of this fatuous standpatism, was vociferously elected to fill

⁴⁶⁵ For a summing up of these charges see the *Omaha Daily Bee*, November 4, 1894. The *World-Herald* of February 21, 1892, published the report of the committee on the judiciary of the house of representatives, January 16, 1883, which was the basis of the *Bee's* charges. Majors had been elected contingent member of Congress in 1876 and he applied for admission at the called session which began in August, 1877. After an investigation, Mr. Willits, from the committee on the judiciary, submitted a report, April 1, 1882, recommending that Majors be seated as an additional representative from Nebraska in the 47th Congress; but after further investigation it was discovered that both Patrick O. Hawes—who had been elected a contingent member in 1874—and Majors had represented that the state census taken in 1874 was the census of 1872. After the discovery of the fraud, Mr. Willits made the statement that he based his report in favor of seating Majors upon the belief that the state contained about 228,000 people in 1872, according to a census alleged to have been taken that year, when in fact this was the population shown by the census of 1874. Among the papers submitted was a copy of what purported to be the state census of 1872, certified by John J. Gosper, secretary of state, on the 20th of November, 1874. "After Messrs. Valentine, Hawes, and Majors had testified in this investigation, while all supposed that the original certificate of the state census, published in the report as that of 1872, was lost, it was found among the house records. It is the same which Hawes had in 1876 . . . but the figure '4' in '1874' at the top and in the certificate had been changed to a '2.' This is plain even to a casual observation." February 18, 1882, S. J. Alexander, secretary of state, telegraphed to Mr. Majors correctly that no census had been taken in 1872, and, on the 22d, that the first census was taken in 1874; but "being told that was not satisfactory," on the first of March he sent a telegram to E. K. Valentine, then the regular member of the house, that a census was taken in 1872. "In April, 1882, he was told by two letters from Mr. Majors what he needed, and deliberately attached his seal to a copy of the printed census which was in question, except he left the

Rosewater's place, and the standpat organ at the capital triumphantly announced that, "Thurston succeeds the traitor!"

The report of the convention's proceedings to the *State Journal*, by Mr. W. E. Annin, politician and journalist to the manner born and bred, reached the climax of obtuse boasting: "MacColl men joined the friends of Majors in the protracted cheering, in the throwing up of hats and waving of canes in vigorous resentment against the Omaha editor's insolent characterization of a republican gathering, which had repudiated his dictatorship and which he was now feebly attempting to repudiate." In one of those reactions which are never so sudden or severe as in politics, perhaps, in an inevitably short time Thurston was

date blank, expecting it to be filled up by Mr. Majors to meet the exigencies of the situation. Comment is useless." On the 21st of June, 1882, the house passed a preamble and resolution directing that the whole matter be recommitted to the committee on judiciary for investigation, which resulted in the report of the committee whose effect was to ignominiously quash the whole scheme. Thomas B. Reed, afterward the very noted speaker of the house of representatives, was chairman of the judiciary committee which made this report, though Mr. Hammond, of Georgia, presented and apparently prepared it.

"Conclusion.

"We report, therefore, that Thomas J. Majors is responsible for the misinformation which induced this committee to make the report of 1st April, 1882 (No. 911, first session 47th Congress), and that he was aided therein by S. J. Alexander, secretary of state of Nebraska, by Pat. O. Hawes, and Dr. P. Schwenk, and George H. Roberts. And we report that the testimony of Davis is false, and we ask the adoption of the following resolution: Resolved, That the Clerk of this House be, and he is hereby, required to furnish a printed copy of this report, including the evidence, to each of the following officers: The district attorney of the District of Columbia, the Attorney-General of the United States, and the governor of the State of Nebraska, that they may take such action as they may deem suitable to the gravity of the wrongs committed by the persons whose conduct is in this 'conclusion' set forth."

The report of the committee, which included also the testimony taken, much of it of a startling character, is report No. 1863, 47th Congress, second session, house of representatives. The great expectations of the scheme are illumined by this excerpt from the report: "Dr. Schwenk swore that Mr. Majors told him not to tell Hawes about his going to Nebraska (to get the needed certificate from Alexander) because Hawes was hanging around here with the expectancy that if he, Majors, got into Congress, Hawes would come in for his pay. That 'pay' would have been over ten thousand dollars."

contumeliously cast out and Rosewater returned to the leadership which he retained to his death—though with not a little reactionary conserving on his part.

The long undisturbed exercise of power by men singly or in parties surely induces mental and moral obtuseness or atrophy. And so republican leaders could not read the plain lesson of the defeat of "Tom" Majors, but the next time blindly bucked the line with "Jack" MacColl — not perceiving that these gentlemen of the old school had had their day in Nebraska. In each instance they put these staled players into the power of the repudiated Rosewater who, perforce, proceeded to put them out of the game. These were the last of the old line plunges but one — the disastrous success behind Dietrich in 1900.

The remainder of the ticket was made up, in the main, of the standpat order.⁴⁶⁶ Genio M. Lambertson, chairman of the committee on resolutions, a consistent advocate of sound money, committed the party as far as was practicable, in a plank which declared that, "while we favor bimetalism and demand the use of both gold and silver standard money, we insist that the parity of the value of the two metals be maintained, so that every dollar, paper or coin, issued by the government shall be as good as any other." Mr. Lambertson probably believed that, in the face of the wide and rapidly widening disparity in the value of the gold and the silver dollar at the existing ratio, which it was impracticable to correct, owing to popular prejudice and the steady depression in the value of silver, his declaration for a double standard was quite impracticable and really moonshine; yet in emphasizing the necessity of parity of value, like Mary of old, he had done what he could. The local features of the platform were a declaration that the maximum freight bill ought to be enforced

⁴⁶⁶ Robert E. Moore, Lancaster county, lieutenant governor; Joel A. Piper, of Harlan, secretary of state; Joseph S. Bartley, of Holt, treasurer; H. C. Russell, of Colfax, superintendent of public lands and buildings; A. S. Churchill, of Douglas, attorney general; H. R. Corbett, of York, superintendent of public instruction.

⁴⁶⁷ Mr. Gaffin was nominated for lieutenant gov-

"until the same is declared void by the courts or is repealed;" that the laws forbidding fictitious capitalization of railroad companies should be enforced; that railroad rates should be made fair and reasonable; that the beet sugar bounty should be restored; and for the submission to the people of an amendment to the constitution authorizing the investment of school funds in county and school district bonds, as well as state bonds. The platform virulently attacked the democratic administration for injuring the public credit and hostility to sound money; and yet it was not difficult to foresee that President Cleveland's heroic endeavor at the very time to preserve both was dismembering his party and providing a sound money legacy for the complaining party, which would maintain it in power for many olympiads. The saving clause of the demand for the enforcement of the freight rate law, "until the same is declared void by the courts," was significantly and safely prophetic; for immediately after the election the decision of the United States circuit court repealing (it would be more deferential, perhaps, but not so exact, to say invalidating) the act was announced.

The people's independent convention was held at Grand Island August 24th. William L. Greene, of Buffalo county, the most silvery tongued of all the populists of Nebraska, was temporary and permanent chairman. Silas A. Holcomb, of Custer county, was nominated for the office of governor on the first ballot, receiving 437½ votes to 294½ for James N. Gaffin, of Saunders county.⁴⁶⁷ The resolutions endorsed the Omaha national platform; they demanded the free and unlimited coinage of silver at the ratio of 16 to 1; municipal ownership of public works; liberal pensions for soldiers and sailors; national laws for the encouragement of irrigation; compulsory arbitration of labor disputes; a new maximum

ernor by acclamation; James McFadden, of Furnas, for secretary of state; John W. Wilson, of Keith, for auditor; John H. Powers, of Hitchcock, unanimously, for treasurer; Daniel B. Carey, of Dodge, for attorney general; Sidney J. Kent, of Lancaster, for commissioner of public lands and buildings; William A. Jones, of Adams, for superintendent of public instruction.



Silas A. Holcomb

freight rate law or enforcement of the existing law; the immediate relief of sufferers from the drouth; and they denounced as treason the repeal of the purchasing clause of the Sherman silver act. The convention was large and confident. The committee on credentials reported that 747 of the entire list of 751 delegates were actually present. Adversity stimulates sacrifice and enthusiasm for reform. It was a convention of well-meaning men on the whole; but they deceived themselves in looking to offhand, arbitrary legislative enactments to stop financial evils and railroad inequity. It has been left to steadier (and so abler) men and steadier times to grapple intelligently with those two difficult problems and patiently follow them through a slow solution.

The democratic convention for 1894 was held in Omaha September 26th and was called to order by Euclid Martin, chairman of the state committee, who named Matt Miller, of Butler county, for temporary chairman. W. S. Shoemaker, of Douglas county, moved to substitute Edward P. Smith of that county. Miller, thereupon, said that he had been sent to the convention instructed for 16 to 1 free silver and Robert A. Batty, of Adams county, was in the same predicament. Miller withdrew and Smith was elected chairman, unanimously. Even the conservative Samuel W. Wolbach, of Hall county, yielded to the bewitching panacea and corrected a statement by William H. Thompson that he, Wolbach, was against 16 to 1. Thompson, who for a time assumed a conservative attitude toward the money question, was now for Bryan's radical régime. William D. Oldham, of Buffalo, was permanent chairman of the convention. William J. Bryan was nominated unanimously for United States senator, and a resolution for the free and unlimited coinage of silver at the ratio of 16 to 1, without waiting for the consent of any nation on earth, and declarations for a tariff for revenue only, the election of United States senators by the people, and a constitutional convention to ratify the amendment, were adopted. The convention also approved the maximum freight rate bill which had been

passed by the last legislature. A resolution by Euclid Martin favoring the free coinage of silver, but to be brought to a parity with gold, by international ratio or otherwise, was tabled, by a vote of 392 to 159. Bryan forced the nomination of Silas A. Holcomb, of Custer county, for governor, though Thompson, of Hall, favored Judge Ong, of Fillmore, a democrat. Holcomb was nominated on the first ballot, receiving 324 votes to 188 cast for Frank P. Ireland, of Otoe county, representative of the gold democrats. An attempt by Juan Boyle, of Buffalo county, to inject a stereotyped scurrilous attack on J. Sterling Morton, then secretary of agriculture, was frustrated by Morton's friends, among them George W. Doane, of Omaha. A motion censuring Boyle was put by a delegate and declared to have carried. At this time James E. Boyd humanly manifested jealousy of Morton on account of his elevation to the cabinet, and the instigation of Boyle's unseemly attack was charged to him. Mr. Oldham's rulings, as chairman, were often very arbitrary and unfair. Upon the nomination of Holcomb, about fifty delegates bolted from the convention, assembled in another hall and elected Dan W. Cooke, of Gage county, chairman. Among the bolters were George P. Marvin, editor of the *Democrat* at Beatrice, George W. West, of Polk county, Judge James C. Crawford, of Cuming, Deforest P. Rolfe, of Otoe, John A. McShane and Euclid Martin, of Douglas, and John D. Carson, of Fillmore. The bolters nominated John A. McShane for governor; John D. Carson for lieutenant governor; Deforest P. Rolfe, of Otoe, for secretary of state; Otto Bauman, of Cuming, for auditor; Luke Bridenthal, of Gage, for treasurer; John H. Ames, of Lancaster, for attorney-general; Jacob Bigler, of Chase, for commissioner of public lands and buildings; and Milton Doolittle, of Holt, for superintendent of public instruction. McShane declined the nomination for governor and Phelps D. Sturdevant, of Fillmore, was substituted, and Rodney E. Dunphy, of Seward, was substituted for Carson. The platform endorsed the administration of President Cleveland and ap-

proved the national platform of 1892, especially the money plank and Cleveland's interpretation of it. The regular convention nominated Francis I. Ellick, of Dodge, for secretary of state; Gottlieb A. Luikhart, of Madison, for treasurer; James C. Dahlman, of Dawes, for auditor; Daniel B. Carey, of Dodge, for attorney general; William A. Jones, of Adams, for superintendent of public instruction; and Sidney J. Kent, of Lancaster, for superintendent of public lands and buildings. The candidates for secretary of state, treasurer, and auditor were democrats; the others, populist; but Dahlman was subsequently withdrawn from the ticket.

There were two principal reasons why Bryan overcame the majority of the last year against him and came into full power. The convention of 1893 was composed largely of expectant aspirants to federal offices under the new democratic administration; and while the few who in the meantime had been chosen remained loyal to their ostensible principles, the easy or natural tendency of the time to flock to the silver standard was stimulated, in the case of the many who were left, by disappointment or revenge. The second powerful factor which worked to Bryan's advantage was the increasing hard times. Free silver was a siren note to sing to people in those pinching conditions, and, falling from his silvery tongue, was to the many irresistibly seductive. On the 28th of August, 1894, the *World-Herald* made the important announcement that from September 1st William J. Bryan would be its editor-in-chief. Mr. Gilbert M. Hitchcock made the statement that the general management of the paper would continue in his hands, but that "its editorial policy will be mapped out by Mr. Bryan from time to time along the line of his well known political convictions." This event insured the permanency of the fusion policy of the democratic party.

The campaign was desperately fought on both sides. As we have seen in the foregoing pages, fusion of the democrats with insurgent republicans had often been attempted but without successful results. This year, however,

for the first time, these diverse elements had a leader in William J. Bryan peculiarly adapted to getting and holding them together and especially for making the most of the misdoings and misfortunes of the party in power. Persistent bad crops, for which it was not responsible, could be played against it more effectually, even, than the persistent bad administration for which it was responsible. The majority had been so long and so successfully taught that general economic prosperity, so natural and inevitable that the worst government seemed inconsequential, were due to the party which had continually been in power, that it was quite consistently held responsible for the pinching adversity. And then the republicans had been so long accustomed to political success under vicious corporation leadership and government that they were very slow to comprehend or care for the ominously increasing demands for reform.

Majors, the republican candidate for governor, was emphatically a politician of the school which naturally arose and flourished after the Civil War — a blend of the "old soldier" and the railroad servant. His army record had been good in the south and on the plains in the Indian war of 1864; he was a good neighbor, with a large local following; and throughout the state one of "the boys." But the *Bee* on the republican side and the democratic and populist press on the other side so aggressively exposed his now misfit virtues that his respectable opponent, whose merits were mainly negative, was victorious by a vote of 97,815 to 94,113 for his putatively popular antagonist. Phelps D. Sturdevant, straight democrat, received only 6,985 votes and E. A. Gerrard, prohibitionist, 4,440.

As a counter to the anti-fusion deprecation of the conservative or reactionary democrats, the *World-Herald*⁴⁶⁸ sprung the deadly paral-

⁴⁶⁸ *Morning World-Herald*, October 3, 1894. In the same issue a letter, written by Morton in 1890, is quoted, in which he suggests that the holding of a convention in Lincoln, say on Jackson's day—January 8, 1891—to form a more perfect union between the Farmers' Alliance and democrats might be a judicious movement. "Democracy and the Alliance," he said, "should form a trust to further conserve the rights for which they have fought."

lel of the more incongruous fusion in 1884 of democrats, led by J. Sterling Morton, with antimonopoly-greenback-prohibition insurgents. The now well-fused fusionist organ, under the editorship of Bryan, reminded Morton and other rabid anti-fusionists that only ten years before there was a formal division of the places on the state ticket among the motley fusionists, the democrats being allowed the candidates for the offices of governor, secretary of state, and attorney general, and the antimonopolists the rest. Two presidential electors were awarded to the democrats, two to the antimonopolists, and one to the greenbackers — a comprehensive miscegenation. According to the contemporaneous account of the *Omaha Herald*, democratic organ, the antimonopolist nominations were endorsed by the democratic convention with three times three cheers. The *World-Herald* reproduced with malicious pleasure Morton's fetching denunciation of capitalistic turpitude in the platform.

"Corporate capital, whether in the form of banks, manufacturing establishments or railroads, must keep its hands off from the reserved rights of the people. The democrats of Nebraska denounce all railroads within the state which elect or attempt to elect, which influence or attempt to influence delegates to political conventions, members of the legislature, senators, or members of Congress. Corporate capital as such must not be permitted thus to enroach upon popular rights. We assert the right of the legislature to control the railroads;

⁴⁶⁹ Kem received 17,077 votes and Matthew A. Daugherty, his republican opponent, 14,676. Results in the other districts were as follows:

FIRST DISTRICT

Jesse B. Strode, rep., 18,185; Austin H. Weir, P. I., 12,730.

SECOND DISTRICT

David H. Mercer, rep., 12,946; James E. Boyd, dem., 8,165; D. Clem Deaver, P. I., 3,962.

THIRD DISTRICT

George D. Meiklejohn, rep., 16,531; W. N. Hensley, dem., 8,019; John M. Devine, P. I., 11,738.

FOURTH DISTRICT

Eugene J. Hainer, rep., 19,493; Shannon S. Alley, dem., 2,763; William L. Stark, P. I. and F. S. D., 15,542.

FIFTH DISTRICT

William E. Andrews, rep., 16,410; Thomas F. Ashby, dem., 875; William A. McKeighan, P. I., 15,450.

The *World-Herald* of November 8th complained

we deny the right of the railroads to control the legislature."

Among the members of the committee who subscribed to this incendiary doctrine were such immemorial wheel horses as Tobias Castor and Joseph W. Paddock, now as strenuous as Morton himself against the demoralization and general enormity of fusion; James E. North, now as ardent a purist as any, moved the appointment of the committee to negotiate the fusion; and D. P. Rolfe, equally sensitive to the wickedness of miscegenation, presented the committee's favorable report. Laying aside the inconsistency of the contradictory attitudes, from Morton's point of view they were both explicable and logical. Fusion of the Morton-led democrats with radicals in 1884 would have checked, or choked, the radicals, while fusion of Bryan-led democrats in 1894 with populists, encouraged and strengthened the cause of radicalism and might empower it.

William J. Bryan made a campaign for a vote of preference for the office of United States senator; but John M. Thurston, his republican opponent, refused to enter the contest in that manner. Bryan received 80,472 votes, Thurston, 1,866, and C. E. Bentley, the prohibitionist candidate, 25,594. The opposition candidates for seats in the lower house of Congress received heavy support, but only one of the six, Omer M. Kem, of the sixth district, was elected.⁴⁶⁹ Though fusion had

of improper influence at the elections. It said that all men known to be opposed to Majors were kept off the election board at South Omaha and while there should have been a plurality in that place of from 700 to 800 for Holcomb, yet his vote fell 600 below the registered vote and to only half of what it should have been. "It is an open secret that more than 10,000 nonresidents have been imported from the states of Wyoming, Colorado, Iowa, Kansas, and other adjacent states to be used as political mercenaries." The *World-Herald* insisted that in spite of the depletion of the population of western counties to the number of 50,000 during the last two years, on account of the drought, yet they showed an increased vote. The poll at Lincoln, McCook, Beatrice, and other towns, it averred, was larger than it was in the presidential election two years before.

A humorous illustration of the effect of environment on one's principles occurred at the democratic congressional convention at Broken Bow, September 24th. It was left to a committee composed of Gering, of Greeley county; John T. Maher, of Dawes

been successfully accomplished for the head of the state ticket, it failed in detail, as illustrated by the disorderly factionism in the second, third, and fourth Congress districts, which insured, if it was not wholly responsible for republican success.

The sixteenth legislature convened in the twenty-fourth—fourteenth regular—session, January 1, 1895, and finally adjourned April 5th, after a session of sixty-nine days. Robert E. Moore, lieutenant governor, of Lancaster county, was president, and John C. Watson, of Otoe, temporary president. There was an almost revolutionary reversion to republicanism in this legislature. The senate comprised twenty-five republicans and eight populists, and not a single democrat. The little group of populists came from the counties of Butler, Colfax, Dawes, Greeley, Harlan, Holt, Nance, and Valley. Charles L. Richards, of Thayer county, was speaker of the house, which comprised seventy-two republicans, twenty-two populists and six democrats. The populists came mainly from western counties, but were slightly represented as far east as Butler, Nemaha, Saunders, and Seward. The half-dozen democrats were from as many counties,

county; Cox, of Custer; and Hale, of Scotts Bluff, to decide between nominating a democratic candidate or endorsing Kem, the populist nominee. Mr. Maher vouched for Kem as being "a better democrat than Gorman"—the well known national democratic leader and United States senator from Maryland. In the preliminaries of the presidential campaign of 1912, Mr. Maher was a strenuous promoter of the candidacy of Governor Judson Harmon, of Ohio, for the presidency—a reputed "safe" conservative. In the fifth congressional district McKeighan was renominated on the first ballot by a vote of 57½ to 42½ for Thomas Ashby, straight democrat, of Franklin county. William H. Thompson, of Grand Island, strenuously favored endorsing the populist McKeighan and said that he could be depended upon to sustain the democratic administration, upon the tariff question. Though James E. Boyd, the democratic candidate in the second district, adopted the national platform of 1892 and especially its money plank, the *World-Herald* supported him in preference to Deaver, the populist candidate, who could not be persuaded to retire. There was a break-up in the democratic convention in the fourth district when Alley, of Saline county, regarded as too much of a "goldbug," was nominated with 74 out of 112 votes. Sixty-eight Bryan delegates withdrew from the convention.

The nominating convention of the first district was remarkable for the great number of ballots required for a decision. On the first ballot Cass county

Butler, Colfax, Dodge, Nuckolls, Sarpy, and Thurston.

The legislature promptly restored the sugar bounty which its predecessor had repealed. The revived act provided for a bounty of five-eighths of a cent a pound for sugar manufactured from beets, sorghum, or other sugar yielding canes grown in Nebraska, on condition that the product should contain ninety per cent crystallized sugar and that the manufacturer should have paid as much as \$5 a ton to the producer for them. Three-eighths of a cent additional was yielded to factories established after the passage of the act. Republicans were more obtuse than the populists in thus persistently pressing this gratuity upon the despotic, insatiable, and faithless sugar trust—or else they were incorrigible. The attorney general, state auditor, and state treasurer were constituted a state banking board with power to appoint a secretary at \$1,500 a year. The legislature appropriated \$50,000 for the relief of persons who were in want on account of dry weather and hot winds, the existing commission of nine members to control the distribution of this fund. The sum of \$200,000 was appropriated for supplying seed

gave its 21 votes to Samuel M. Chapman, of that county; Johnson, 12 for Church Howe; Lancaster, 51 for Strode; Nemaha, 12 for Howe; Otoe, 16 for Chapman; Pawnee, 12 for Howe; Richardson, 2¼ for Chapman, 13½ for Howe, 2¼ for Strode, and 1 for Allen W. Field. After the 1098th ballot Strode threw up the sponge and left the convention; but he was nominated on the 1246th ballot, receiving 93 votes in all. Church Howe made the successful break for Strode by throwing his 12 Nemaha county votes to him. Until this ballot the field was against Lancaster county. The platform declared for bimetalism to the extent of coinage of the American silver product at a ratio that would make gold, silver, and paper of equal value. The intention was sound, but the method delusive. Mr. Strode afterward stood for the single gold standard, while most politicians were still hesitating for fear. The convention was held at Nebraska City, August 14th, 15th, and 16th. David H. Mercer, republican, was renominated at Omaha by acclamation August 20th, and his platform was chiefly personal puffery. His political career was based upon the grossest materialism—obligations for appropriations he had got for Omaha—a common, but in this case, an unusually overworked vice. John M. Devine, of Colfax county, was nominated for the populist candidate in the third district, at Norfolk, August 21st, receiving 77 votes against 69 for John S. Robertson, of Madison.

and food for teams during the spring of 1895. Another act authorized the county boards of the several counties to issue bonds for an amount not exceeding \$50,000 for seed and food for teams. Still another authorized county boards to use surplus general funds and county bridge and road funds for the same purpose. Another act authorized the loaning of sinking funds and other surplus funds of counties and townships for supplying seed and food for teams, for which notes should be taken running not less than twelve months nor longer than twenty-four, with annual interest at the rate of seven per cent, one per cent of which should go to the county treasurer for the expense of transacting the business. County commissioners were also authorized to use any surplus in any precinct bond fund for seed and feed for teams. The sugar bounty bill was vetoed by Governor Holcomb and passed over the veto by a vote of sixty-eight to twenty-three in the house and twenty-five to five in the senate. Those voting nay in the senate were Bauer, Campbell, Dale, Sprecher, Stewart, all populists; but two populists voted aye. In the house five democrats and eighteen populists voted nay and none of either party aye. As might have been expected in the reactionary political conditions, there was no constructive or progressive legislation in this session.

At the election of 1895, T. J. Norval, republican candidate for the office of judge of the supreme court, received 79,291 votes; Samuel Maxwell, candidate of the people's independent party, 70,566; T. J. Mahoney, gold democrat, 18,636; C. J. Phelps, regular democrat, 10,079; A. G. Wolfenbarger, prohibitionist, 4,344. Judge Maxwell was heavily supported by the silver democrats, but without formal fusion was unable to win. It was reported that the most of Judge Norval's speech at the nominating convention was, "I accept the nomination as a republican," whereat "the convention cheered wildly." Such sentiments or such a demonstration would not be thought discreet on a similar occasion now; so that, though judges of our courts are still chosen

by the pernicious partisan method, we have made slight progress toward reform. Standpat republicans bitterly resented what they regarded as Maxwell's recreancy. In the republican convention this year, John M. Thurston denounced Judge Maxwell, "as one who, unmindful of his obligations of gratitude, turned his back on the party whose bread he had eaten for twenty years when he failed to be renominated by it." The heavy vote received by Maxwell served in part to illustrate Thurston's now rapidly waning influence. In a letter to the *World-Herald*, dated October 26, 1896, Judge Maxwell declared himself in favor of free silver and Bryan for president. The state campaign of 1896 was the most exciting, perhaps, ever held in the state, owing in part to the stress of hard times and in part to the fact that a very large part of the population was electrified by the nomination of William J. Bryan for the presidency of the United States. He stood upon a radical free silver platform; and while the republicans hedged, expressing themselves merely in favor of "a sound dollar" without committing themselves especially as to its meaning or how it was to be attained, yet they were regarded as champions of the coming gold standard.

Encouraged by their success of 1895, but unwisely forgetting their reverses of the years before, the republicans nominated for the head of their ticket, John H. MacColl, of Dawson county, widely reputed as a railroad man of the old school and substantially a replica of the Majors nomination of 1894. The populists and regular democrats renominated Governor Holcomb and the handful of gold democrats, with fatuous persistency, nominated Robert S. Bibb, of Gage county. The *Omaha Bee* again opposed the republican candidate and threw its influence in favor of Holcomb, who was elected by a vote of 116,415, against 94,723 for MacColl, 3,557 for Bibb, 5,060 for Joel Warner, prohibitionist, and 913 for Richard A. Hawley, nationalist. In the congressional contests the fusionists came back overwhelmingly. There was formal fusion of democrats and independents in all the districts, and

the republican candidates were successful in only two of them. In the first district Strode was reelected over Jefferson H. Broady by a slender margin of 17,356 to 17,113; and in the second district, Mercer also was reelected, receiving 14,861 votes to 13,286 for Edward R. Duffie; in the third district Samuel Maxwell defeated Ross L. Hammond by 23,487 to 18,633; in the fourth, William F. Stark defeated Eugene J. Hainer by 20,515 to 18,844; in the fifth, Roderick D. Sutherland defeated William E. Andrews by 18,332 to 15,621; in the sixth, William L. Greene defeated Addison E. Cady by 19,378 to 14,841. On the average the all-round ability of the republican and fusionist candidates was nearly equal, but the republicans had the advantage of measurably greater stability. All the other fusion candidates of the state ticket were elected by majorities somewhat less than Governor Holcomb's lead.

The seventeenth legislature met in the fifteenth regular session, January 5, 1897, and finally adjourned April 9th, the seventy-fourth day. The senate comprised seventeen independents, seven democrats, seven republicans and two silver republicans; the house, forty-nine independents, twenty-eight republicans, twenty-one democrats and two silver republicans. Frank T. Ransom, silver republican, of Douglas county, was elected temporary president of the senate and James N. Gaffin, independent, of Saunders county, was elected speaker of the house, receiving 68 votes against 29 for George L. Rouse, republican, of Hall county. Frank D. Fager, independent, was elected chief clerk. There were scandalous charges of bribery at the Douglas county elections, and, after an investigation, John Jeffcoat, democrat, was seated in the senate in place of J. H. Evans, republican, by a vote of

⁴⁷⁰ No republican voted for seating Jeffcoat and three democrats and three independents voted for Evans. In the house C. W. Baldwin and John F. Roberts, democrats, and John H. Taylor and John O. Yeiser, independents, unseated Frank Burman. John H. Butler, Levi Cox, and Joseph Crow, republicans. Rouse, republican, headed the minority committee report, which found "another paragraph in the chapter of the shameless official prostitution that has long been a disgrace of the chief city of Ne-

braska and made her elections such as to cause every fair-minded citizen of this state, regardless of party, to blush when they are mentioned." (*House Journal*, 1897, p. 310. It was alleged that more than \$60,000 was expended by republicans in Douglas county for campaign purposes.

17 to 13.⁴⁷⁰ There were ineffectual attempts by this legislature to get hold of the key to the coming reform revolution by passing a law prohibiting the issue and use of free railroad passes. House roll 40, a sweeping prohibition; house roll 336, which applied only to officeholders; house roll 418, applying to delegates to political conventions, were all indefinitely postponed. A bill limiting passenger fare on railroads to two cents a mile (H. R. 419) met the same fate. The most notable measure of the session was an act providing for the regulation of stock yards and fixing the charges thereof. This tardy victory was proof and product of the improvement of this legislature over its predecessors, both as to mind and morals; for theretofore all measures of this kind had been defeated by fair means or foul. But in the gauntlet of the court it was turned into a barren victory. Judge Smith McPherson, of the southern district of Iowa, presiding in the circuit court of the United States for the district of Nebraska, decided that the act was invalid on account of its defective title. There was a distinct variation between the title of the bill as it passed the two houses of the legislature and that under which it was enrolled and signed by the governor. A belief that former bills of the same kind as this one had been defeated by improper means strengthened the suspicion that the defect was not inadvertent or innocent.^{470a} The enactment of the present regulatory law by the legislature of 1911 was largely owing to the careful persistence of its promulgator, Senator J. Ammy Ollis, Jr., of Valley county. Other important laws were, an act conferring the right of initiative and referendum upon municipalities; extending the powers of the board of transportation over telephone and telegraph companies; prohibiting the issue of free passes or reduction

^{470a} This case was decided September 23, 1901: *Simpson vs. Union Stock Yards Company*, *Federal Reporter*, vol. 110, p. 799.

of rates by street railway companies to the officers of cities or villages and the use by such officers of gratuities from telephone and telegraph companies; and the repeal of the Russian thistle and sugar bounty acts. A drastic law compelling holders of land to undertake to exterminate the Russian thistle was the result of an apparently well grounded fear that it was about to become a general nuisance; but during the intervening two years this weed had been dying out through sheer lack of virility, and Nature completed the work of extermination which was for a time a great burden upon farmers.

At the election of 1897, John J. Sullivan, fusionist, defeated Alfred M. Post, republican, both of Platte county, for judge of the supreme court by a vote of 102,828 to 89,009. Charles W. Kaley and John N. Dryden, republican candidates for the office of regent of the university, were defeated by E. Von Forell and George F. Kenower, fusionists. In 1898 the republicans of Nebraska for the first time declared definitively in favor of the modern money standard: "We are in favor of the maintenance of the present gold standard and unalterably opposed to the free and unlimited coinage of silver." This declaration was timely, because it contributed toward reassuring and calming the skeptical and unsettled state of the public mind. Such an avowal, made two years, or one year, before, in the full of the perturbation, would have had more moral merit, because it would have cost something — courage and perhaps temporary disadvantage. Only the new craft challenges the gale with full sail. The republican party had then so long fed on power that its only thought was to trim to conserve it. In this emergency, whatever merit lay in merely being good ballast, it deserved. A few years later Attila Roosevelt, scourge of standpatism, perceived that the ballast stage was counted as the Past, and led on again with sails.

William H. Thompson, chairman of the resolutions committee of the democratic convention of the same year, fatuously declared that the free coinage of silver at the ratio of 16 to 1

ought to be kept for the paramount issue of 1900. In the same convention, Constantine J. Smythe, attorney general, said in a speech that Judge Charles L. Hall of the district court of Lancaster county, where Eugene Moore, state auditor, had been prosecuted on the charge of converting to his own use insurance fees to the amount of \$23,208.05, said he was guilty; that Judge Cornish, of the same court, also said Moore was guilty; and that Judge Sullivan of the supreme court, said he was guilty; but the other two judges, Norval and Harrison, said that he was not guilty and two were stronger than one. Moore agreed to certain facts before Judge Albert J. Cornish, of the district court of Lancaster county, who thereupon found him guilty and sentenced him to the state penitentiary for a term of eight years. On appeal, the judgment of Judge Cornish was reversed by the supreme court on the technical ground that Moore had not the legal authority to collect the insurance fees for the misappropriation of which he had been convicted. The court held that the insurance companies, by mistake, paid the fees to the auditor when they should have been paid to the treasurer. This was not the first case in which official embezzlers had escaped justice through sheer technicality of the supreme court. Such lapses of justice are now boldly characterized by the press and the public in general. Judge Sullivan, in his dissenting opinion, cited a case tried before Judge David J. Brewer — afterwards a judge of the United States supreme court — in which he shattered a similar defence by apparently common sense logic. "But we hold that when one assumes to act as agent for another, he may not, when challenged for those acts, deny his agency; that he is estopped, not merely as against his assumed principal, but also as against the state; that one who is agent enough to receive money is agent enough to be punished for embezzling it." The state also brought a civil suit in the district court of Lancaster county to recover those fees from Moore. The case was tried before Judge Charles L. Hall and judgment was rendered against Moore, but the supreme

court reversed it on the same ground as that on which it had reversed the criminal case.⁴⁷¹

In 1898 William A. Poynter, fusionist, was elected governor over Monroe L. Hayward, republican, by a vote of 95,703 to 92,982, and the rest of the fusion candidates for state offices were elected by majorities about the same as Poynter's majority. Republicans carried the first and second congressional districts and the fusionists the other four.⁴⁷²

The republicans came back into power in the legislature of 1899, having twenty-one members of the senate against twelve fusionists, and fifty-two members of the house against forty-eight fusionists; two of them, however, were unseated during the session. Adolph R. Talbot, of Lancaster county, was temporary president of the senate and Paul H. Clark, of Lancaster, speaker of the house. Hayward was rewarded for his sacrifice in the campaign of 1898 by election for United States senator, but died before taking his seat. The choice of Hayward was simply a republican recourse to respectability in lieu of, or as a sop to reform, which the party was not yet prepared directly to endorse. Hayward had been a competent and thrifty business lawyer with a dignified leaning toward politics, but lacking real equipment for statesmanship and the instinct and the impulse for reform which are now essential to the acceptable statesman. While he was not notoriously and essentially a railroad attorney,

⁴⁷¹ The criminal case is reported in vol. 53, p. 831, and the civil case in vol. 56, p. 82.

⁴⁷² Following are the votes of the several districts:

FIRST DISTRICT

Elmer J. Burkett, republican, 16,960; James Manahan, fusionist, 14,466.

SECOND DISTRICT

David H. Mercer, republican, 11,951; Gilbert M. Hitchcock, fusionist, 11,023.

THIRD DISTRICT

William F. Norris, republican, 17,333; John S. Robinson, fusionist, 18,722.

FOURTH DISTRICT

Edmund H. Hinshaw, republican, 18,377; William L. Stark, fusionist, 18,904.

FIFTH DISTRICT

Clarendon E. Adams, republican, 15,487; Roderick D. Sutherland, fusionist, 16,354.

like Thurston, for example, yet he was regarded as the local attorney, with the implication of next friend, of the Burlington company. Indeed, it would have been difficult to find, at that time, a virile politician who was not a railroad politician. Hayward had never evinced sympathy with reform aspirations. He was, therefore, as much out of joint with the times as Dietrich and Millard.⁴⁷³

Governor Holcomb, in his farewell message, said that Nebraska had furnished for the war with Spain three regiments of infantry of maximum strength — 1,326 men — and one troop of cavalry. He drew rather a lugubrious picture of the western part of the state on account of the successive years of drouth. His financial statement showed that at the beginning of 1894 there were funding bonds outstanding to the amount of \$449,267.35; grasshopper relief bonds, \$100,000; general fund warrants, \$577,825.75. At the close of 1896 there was \$468,267.35 in bonds; \$1,936,273.47 in warrants, a total of \$2,404,540.82. In November, 1898, there was \$153,267.35 in bonds and \$1,571,684.01 in warrants, a total of \$2,724,951.36. This condition showed shameful mismanagement and violation of the constitution. The *World-Herald* — August 15, 1898 — declared that there had been a decrease of over half a million dollars in the running expenses of the state government for the year ending April 1, 1898, as compared with the expense

SIXTH DISTRICT

Norris Brown, republican, 13,401; William L. Greene, fusionist, 15,415.

Some attention was paid at this election to the constitutional provision for expressing preferences for candidates for the office of United States senator; but because there was not sufficient positive public sentiment to make the expression effective the total vote was very small.

⁴⁷³ The *World-Herald*, August 22, 1898, quoted Benjamin S. Baker, who was a candidate for governor in the republican convention of 1898, as saying that Hayward, the successful candidate, had said to him that "the B. & M. will not let me run for Congress." August 28th, the same paper quotes a statement of the *Omaha Bee*, October 2, 1893, that Hayward was "a railroad republican from away back." There was no cutting loose from such demoralizing affiliations until the pass evil was abolished in 1907. The same newspaper, September 16, 1898, said that the *Bee* prevented Hayward's nomination for judge of the supreme court in 1879, by denouncing him as a corporation tool.

for the republican year, ending April 1, 1896. During the last two years of the republican administration the interest-bearing debt had increased from \$1,188,575.59 to \$2,463,709.95. During the first eighteen months of the fusion administration this debt had decreased by \$700,542.99.

The following history of the accumulation of this floating debt was prepared by Mr. Charles O. Whedon in January, 1905, shortly before the legislature provided a mill tax to wipe it out:

The convention which framed the state constitution of 1875 incorporated in that instrument a provision requiring the legislature, at its first session thereafter, to provide by law for the funding of all then outstanding indebtedness of the state. The constitution submitted to the people also provided that to meet casual deficits in the revenues the state might contract debts never to exceed in the aggregate one hundred thousand dollars. That there should be no ground for construction and no necessity for interpretation, it was further provided that no greater state indebtedness than one hundred thousand dollars should be incurred, except for the purpose of repelling invasion, suppressing insurrection or defending the state in war. Containing these explicit provisions, the constitution was submitted to a popular vote, adopted, and since the first day of November, 1875, has been the supreme law of the state.

In compliance with the requirement before mentioned, the legislature of 1877, the first that convened after the adoption of the constitution of 1875, by law provided for the issuance of state bonds to the amount of \$566,369.38, and therewith the unfunded or floating debt of the state was cancelled.

The constitutional limit of the state debt is \$100,000. On the 30th day of November, 1904, the aggregate of the outstanding floating interest bearing debt, represented by outstanding warrants, as stated in the message of the governor to the legislature of 1905, was \$2,253,386.40, or \$2,153,386.40 in excess of the constitutional limit. The annual interest charge on this debt exceeds \$90,000. How has this debt been created? No money can be drawn from the treasury except in pursuance of a specific appropriation made by law and on a warrant issued by the auditor thereon. Primarily, then, the responsibility for the existing state debt rests with the legislature.

Criminal extravagance in legislative expenses appears to have commenced with the twentieth session which convened in January, 1887. Prior to that time the appropriation for legislative expenses had never exceeded \$85,000. That year the appropriation for the same purpose was \$185,000, \$100,000 in excess of any previous appropriation for the same purpose. How was this money expended? The amount paid to the members of the senate on account of their salary and mileage was \$10,434, while the amount paid to officers and employees of the senate was \$24,695.60, or nearly two and one-half times as much as was received by senators. The amount paid for stationery and postage exceeded \$102 for each member of the house and senate. At the next legislative session the appropriation for legislative expenses was increased to \$190,000. Of this amount \$32,566.37 was paid to members of the house and \$35,510.25 to officers and employees. At the same session senators received \$10,646.60, while officers and employees of the senate received \$24,966.40. The amount paid for postage was \$4,461.40, sufficient at letter rates, to pay the postage on 223,070 letters, or 1,677 letters for each member of the legislature.

The constitution fixes the compensation of members of the legislature at \$5 per day and mileage at the rate of ten cents per mile for each mile traveled going and returning, and expressly prohibits their receiving any pay or perquisites other than their salary and mileage. Each member takes and subscribes an oath to the effect that he will support the constitution and perform his official duties to the best of his ability. If the constitutional prohibition against receiving pay or perquisites beyond the stipulated mileage and salary means anything, it means what it says, and is a prohibition against other or further expense to the state on account of any public service rendered by members of either house of the legislature. Regardless of this provision of the supreme law of the state, in 1895, twenty members of the senate, under the designation of "visiting committee of the senate," drew from the treasury \$2,335.58, an average of more than \$116.75 each, in excess of salary and mileage. The precedent established in 1895 of increasing the compensation of members of the house and senate beyond the constitutional limit by allowances from the treasury under the designation of "visiting committees" of the house and senate appears since to have been quite popular. Said Mr. Justice Maxwell, voicing the opinion of the supreme court more

than twenty years ago, and before the amendment to the constitution increasing the compensation of members of the legislature:

"A person accepting an election to either house of the legislature impliedly pledges himself to devote his time and services during the session to the interests of the state. . . . The compensation is fixed at \$3 per day. Now, suppose the legislature made an appropriation for the payment of articles to be donated to the members in addition to the compensation provided for in the constitution, could the auditor be compelled to draw his warrant for the articles so donated? That he could not will readily be seen, because by the act of drawing his warrant he in effect certifies that the claim is authorized by law."

During the legislative session of 1891 certain proceedings were inaugurated in the house of representatives. To the proposed action it was objected that it was prohibited by the constitution of the state. This objection was met by the terse remark of Representative Shrader, of Logan county, "Damn the constitution!" He might as consistently have added, "Damn the official oath!" How far short of expressing the contempt in which the constitution is held by the legislative department of the state did the frank remark of Representative Shrader come?

The statute of the state fixes the compensation of the secretary of the senate, the chief clerk of the house, and each assistant clerk at \$4 per day; sergeant-at-arms and chaplain at \$3 per day. The members of the twenty-third session of the legislature drew pay for a session of sixty days. For the same session the secretary of the senate would have been entitled to receive \$240; he drew \$568. The assistant secretary would also have been entitled to receive \$240; he drew \$608. The second assistant was also entitled to \$240; he drew \$564. The chaplain was entitled to \$180; he drew \$264. The chief clerk and first, second, third, and fourth assistants were entitled to receive \$240; they each drew \$600, save the fourth assistant who received only \$500.

In 1897 the members of the senate and house received pay for sixty days' attendance. At the same session the secretary of the senate drew pay for one hundred and twenty-seven days. The expense of conducting his office during that session was as follows: secretary, \$604; first assistant, \$604; second assistant, \$604; stenographer for secretary, \$348; messenger for secretary, \$255; custodian of secretary's office, \$246; a total expense on account

of the office of the secretary of the senate during the sixty days' session of \$2,661, or \$33.35 per day. At the same session the senate had in its employ seventy-seven persons, exclusive of the members, and the average daily pay received by these employees, including seven pages, whose compensation is by statute limited to \$1.50 per day, was \$4.42. The session of 1897 has not been selected because the amount expended was exceptionally large, but as one instance of extravagance which led to the appropriation for legislative expenses from 1887 to 1903, inclusive, of the enormous sum of \$1,324,000.

In his report of 1894 the auditor of public accounts, speaking of the incidental expenses, said:

"Enormous quantities of drugs, stationery, hardware, queensware, dry goods, lumber and groceries are bought and lavish prices paid for them out of the incidental fund, besides immense hack, hotel, and transportation expenses of committees of pleasure seekers. . . .

"Excessive numbers of clerks and employees have been too prominent features of our most recent legislative sessions, and in many other ways the legislatures have been made very burdensome to the state. Almost everything that can be found in the retail market is bought in considerable quantities and charged to legislative incidental expenses. The printing for the legislature is necessarily an expensive feature and should be carefully scrutinized. Gavels, engraved, at \$20 each, ink stands at \$18 each, and safes, step ladders, barrels of oil, dictionaries, hammers, bolts, boxes of soap, leather valises, rope, chains, hinges, plate glass, thermometers, mirrors, and scores of similar purchases tend to the belief that the public funds are not being used for the best purposes, and these seem to be contracted for and bought prior to the convening of the session of the legislature and without any special authority therefor being provided by statute."

In his report for 1896, speaking of all the public institutions of the state save the university, normal school at Peru, and soldiers' home at Milford, the auditor said:

"During the same period (for twelve months ending November 30, 1906) I find that these institutions had an average of 2,504½ inmates, while an average of 47½ officers and 390½ employees were in charge of them at an average expense of \$14,709.86 per month, or \$176,518.32 annually, for salaries and wages alone, and when we understand that all of these officers and employees are fed and housed by

the state we can realize that they actually cost the state a greatly increased sum over the figures given, but the exact amounts are not obtainable. These statistics disclose that it requires the service of one employee for each 6½ inmates and one officer for each 52 2-3 inmates, on an average. These statements do not include our educational institutions — the university or the normal school at Peru — neither do they include the soldiers' and sailors' home at Milford, which has an average force of 4 officers and 6½ employees for 24½ inmates."

In his report for 1900 the auditor, after stating the amount of the state debt, said:

"I would respectfully call your attention to the large number of state boards and departments created during the last few years, which demand an army of secretaries and clerks and tons of printed matter, many of which have proven very expensive luxuries to the people, the chief beneficiaries being the successful place hunters."

In his message to the legislature of 1903, Governor Savage, among other things, said:

"In the conflict for political spoliation the office seeking class seems to have out-generaled and defeated those who stand for economy, with the result that a large number of names have been added to the pay roll and bureaus and departments have been established absolutely without any apparent justification. This policy has been pursued by all political parties until now the state has in its employ at high wages sufficient officers and employees to transact ten times the amount of business devolving on them. A critical investigation will show that in many instances one department is duplicating the work of the other with no other object than to find employment for those whom the legislature has from time to time established in public office."

The state law provides that all persons having claims against the state shall exhibit the same with the evidence in support thereof to the auditor to be audited, settled, and allowed within two years after such claims shall accrue. It also provides that the auditor, whenever he thinks it necessary to the proper settlement of an account, may examine the parties, witnesses, or others, on oath or affirmation, touching any matter material to be known in the settlement of the account.

The purpose of this legislation is that all persons who seek to take from the treasury money upon claims shall present the same with the evidence in support thereof to an executive officer of the state, who shall judicially in-

vestigate the same, determine their validity and the liability of the state thereon. If this provision of the statute had been followed it may safely be asserted that not twenty per cent of the amounts heretofore appropriated on account of miscellaneous claims and deficiencies would ever have been made. In 1898 the auditor, in his report to the governor, stated that the amount of claims on file in his office aggregated \$12,370.19. The legislature which convened about one month after the date of the report appropriated in payment of miscellaneous claims \$226,516.77. In his report of 1900 the auditor reported that the claims on file in his office aggregated \$26,605.92. The legislature, which convened on the first day of the following January, appropriated in payment of miscellaneous claims \$182,735.97. Aside from the item of wolf bounties, amounting to \$32,000, the auditor in his report of 1902 makes no mention of claims on file against the state in his office; presumably there were none at the date of his report. The legislature which convened in 1903 appropriated in payment of miscellaneous claims \$182,899.41.

Here we have three reports from the office of the general accountant of the state showing claims on file in his office amounting to \$70,976.11. We also have three sessions of the legislature, one following immediately upon each report, and the appropriations made at these sessions in payment of such claims as the auditor reports, aggregate \$602,152.15, or more than half a million dollars in excess of the claims reported. The man has not yet been born who has the temerity to assert that evidence could have been produced to the auditor which would have justified him in allowing all these claims, or which would sustain them in a court of justice. Instead of presenting their claims with the evidence in support thereof to the auditor for his settlement and allowance, claimants go to the legislature, where an appropriation is made and then the appropriation act, bearing the approval of the governor, is presented to the auditor as the evidence supporting the claim. The auditor, instead of passing upon the validity of the claims and determining whether the state is liable thereon, accepts the appropriation act as final and draws his warrant. To what extent are the now outstanding warrants of the state, aggregating more than two and a quarter million dollars, valid obligations upon which the state is liable?

The constitution of 1866 did not authorize the governor to veto any specific item con-

tained in a legislative appropriation. He might veto the entire appropriation, but he could not select one or more items and from those withhold his approval. This constitutional defect was appreciated by the convention of 1875; it therefore inserted in the instrument which resulted from its labors a provision to the effect that the executive may disapprove any item or items of appropriation contained in bills passed by the legislature and the item or items so disapproved shall be stricken from the bill unless repassed by a three-fifths vote of all the members elected to the legislature. It was contemplated that the legislature might be induced to make unauthorized or excessive appropriations and thereby create a state debt beyond the constitutional limit. To guard against such a contingency the power was vested in the governor to withhold his approval from appropriations which would result in prohibited legislation. By its terms the constitution is declared to be the supreme law of the state. It also contains this provision: "The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed." This provision relates not alone to statutory enactments, but to the provisions of the constitution as well. To the performance of that duty not only the present executive, but each and all of his predecessors in office pledged themselves by their official oaths. How has this duty been performed? According to the report of the auditor of date December 1, 1888, the outstanding general fund warrants of the state aggregated \$106,265.66, while the cash in the treasury to the credit of that fund was \$6,444.29, leaving the net state indebtedness on account of the general fund, \$99,821.37, or \$178.63 less than the constitutional limit. Is there any reason for believing that if those who since that date have enjoyed the honors and emoluments and assumed the duties and responsibilities of the executive office had taken care "that the laws be faithfully executed" the state debt represented today by general fund warrants would exceed two and a quarter million dollars? Can it be said that three-fifths of all the members elected to the legislature would have voted to override the executive veto and thereby create the present debt? In 1901 Governor Dietrich withheld his approval from items included in appropriation bills aggregating nearly \$150,000 and the appropriations were not made over the veto. Is there any reason for believing that the legislature would not have sustained the executive had the constitutional power vested

in that officer been exercised to the extent of confining the state debt within constitutional limits? The appropriations made in 1903 aggregated \$3,740,280.70 and exceeded those made in 1901 by \$664,971.19 and \$1,148,907.10 in excess of the appropriations of 1899. The excessive appropriations of 1903 were largely due to the enactment of a new revenue law. That act received executive approval on the 4th day of April. Its purpose was to increase the taxable value of property of the state and it was known that such result would follow. It was also known that under that law more money would be extracted in the form of taxation. The acts increasing appropriations were not passed until several days after the revenue act was signed by the governor. In support of appropriations asked it was urged that the new revenue act, which would increase valuations, had received executive approval and under it sufficient money would be raised to meet the appropriations if made. The harvest was discounted before it was gathered. It is a rule of general prevalence that, given the chance to increase the amount of money raised by taxation, taxing officers rarely fail to avail themselves of the opportunity. In 1904, under the new revenue law, eleven more persons were employed in making the assessments of property in Lancaster county than in 1903, and the added expense was but little short of \$3,000. It is a matter capable of mathematical demonstration that the tax levy of 1904 in Lancaster county under the new revenue law exceeds by at least \$70,000 public necessities.

The state is confronted by an interest bearing debt, which, with the accumulated interest, probably exceeds by two and a quarter million dollars the constitutional limit. To pay this it is now proposed to levy a tax of two mills on the dollar valuation to be maintained until the debt is discharged. This means an increase of state taxes over the levy of 1904 of 33 1-3 per cent. At various times the state has appropriated on account of expositions \$250,000, and by his recent message the governor recommends that still another be made. These appropriations have been made upon the theory of advertising the resources of the state. Would it not be a better advertisement if we were able to say that the state had no debt and that in Nebraska taxes upon agriculture, the principal industry of the state, and upon all property was lower than in any other state in the union?

In the past neither express constitutional provisions nor official duty and obligation have proven sufficient to prevent the creation of an

immense illegal debt. If in the future wasteful extravagance shall obtain, how long will it be before the people of this state have cause to say, as was said of old, "We have borrowed money for the king's tribute, and that upon our lands and vineyards."

First, the precedent of making appropriations which the authorized levy would not meet was established; then recourse was had to increase of taxable value of property for the purpose of meeting the unwarranted appropriations, and now it is proposed, necessarily so, to increase the tax levy to pay the appropriations previously made.

There is a growing tendency on the part of those who administer state and municipal affairs to take from the individual and the property owner under the form of taxation an undue and unnecessary portion of earnings, savings and accumulations; and this too frequently for the benefit of the grasping, the lawless, the idle, the improvident, and the officeholding class. Capital, industry, and agriculture soon abandon a country where taxation eradicates net profit.

Taxation is the legitimate support of government and against legitimate taxation no protest ought to be or can be successfully interposed. The present state debt, illegal though it may be, ought to be paid, for it was contracted by reason of the illegal and unwarranted action of state officials. It has well been said that there is no wealth or power equal to that which ultimately comes to an individual or state when in all her engagements she keeps her faith unbroken. This principle should apply even to unauthorized state indebtedness created by those to whom the people have entrusted the administration of public affairs. If the burdens of taxation are increased to pay the existing state debt, and increased they must be, it is more than likely that in the future the state will have upon its pay rolls none but necessary employees and public officers, and these will realize that for their services they can receive nothing but the compensation provided by law. It ought to be understood that the executive will interpose his veto to any claim which the law requires shall first be audited, settled and allowed by the accounting officer of the state. The auditor should know that he will be held to strict accountability and liability on his official bond for the settlement and allowance of every claim against the state in support of which the records of his office will not disclose ample and satisfactory proof justifying its allowance.

For the education of the youth, the protection of the unfortunate, the defense of society

against the depraved and the vicious, for every legitimate governmental purpose the state should, and its people will cheerfully and more than generously, contribute under the forms of taxation. Less than this they can not do; more than this they ought not to do.

The legislature of that year — 1905 — passed an act (S. F. 7) levying a mill tax upon the grand assessment roll to redeem this floating debt. The last payment was made January 29, 1910. This special tax was collected in four annual levies: in 1905, \$304,470; 1906, \$313,060; 1907, \$329,413; 1908, \$391,735; total \$1,338,678. The general fund was drawn on to make up the balance of the total amount.

The legislature of 1899 amended the non-compulsory primary election law; passed the first corrupt practices act; created a food commission under the fiction imposed by the inadequate constitution constituting the governor the commissioner but authorizing him to appoint a deputy to do the work at a salary of \$1,500 a year; established a soldiers' and sailors' home at Milford and appropriated \$2,000 for the relief of sick and wounded soldiers of the First regiment Nebraska infantry, in the Philippine Islands, and a like sum for the Third regiment then in Cuba. The governor vetoed the bill (H. R. 114) to continue the supreme court commission and the house failed to pass the measure over the veto by a vote of 45 to 45. The principal objections adduced to the continuation of the commission were that the people had twice rejected amendments to the constitution for increasing the number of judges; that the pseudo body detracted from the dignity of the court and the weight of its decisions; and that with proper clerical help the court could more satisfactorily perform its constitutional duties without the aid of the commission. Attempts to pass acts abolishing free passes on railroads, still premature, were indefinitely postponed.

At the election of 1899 Silas A. Holcomb, former governor, was elected judge of the supreme court over Manoah B. Reese, the republican candidate, by a vote of 109,320 to 94,213; and John L. Teeters and Edson Rich, fusionists, were elected regents of the univer-

sity over William B. Ely and Edmund G. McGilton, republicans. The episode of the republican convention of 1900, held at Lincoln, May 2d, was the passing of John M. Thurston, who was chosen delegate at large to the national republican convention, but in a perfunctory manner and merely in recognition of his high official position. The convention perfunctorily invited him to make a speech and he perfunctorily responded with little spirit but marked brevity. At that, he received only 690 votes while Edward Rosewater had 992 and the other two successful candidates respectively, 972 and 983. None of Thurston's support came from his own county. For many years he was the most popular politician in his party, and he had been elected senator with more acclaim and apparent good will than had been awarded to any preceding senatorial candidate. And yet Thurston had not changed appreciably in the meantime. The change was in popular opinion or sentiment. But if that were just and right now, how inexcusably unjust and wrong it had been during the years of the Thurston hero worship! Thurston possessed strong popular qualities; but whether his public dereliction or the public caprice was the more reprehensible it would be unprofitable to consider. The parties to the ill-starred transaction had discovered that to have constituted a professional railroad attorney and lobbyist a representative in congress could have but one result, alike unfortunate to both.

In a fierce struggle for control of the delegation from Lancaster county to the republican state convention of 1900 David E. Thompson successfully opposed most of the leaders of the party in Lincoln, including Charles H. Gere, editor of the *State Journal*, Allen W. Field, Frank M. Hall, Genio M. Lambertson, Robert E. Moore, and Charles O. Whedon. The county convention passed a resolution favoring Thompson as a candidate for United States senator. The sudden and forceful advent of Mr. Thompson into politics and his starting of the *Lincoln Daily Star* — in 1902 — had the salutary effect of driving the *Journal* from its nearly lifelong standpatism into measureable progression; a

very timely change for the *Journal*, withal, inasmuch as it was borne to greater prosperity on the incoming tide of republican insurgency while the *Star* was left on the flats of receded standpatism.

At the presidential election of 1900, electors for William McKinley, republican, carried the state against those for William J. Bryan, democrat, by a majority of about 8,000. The prohibition candidates received about 3,600 votes; the middle-road populists, about 1,100, and the socialists about 800. Governor Poynter was defeated as a candidate to succeed himself by Charles H. Dietrich, of Adams county, by a vote of 113,018 to 113,879; John S. Robinson of the third congressional district, William L. Stark of the fourth, Ashton C. Shallenberger of the fifth, and William Neville of the sixth, all fusionists, were elected members of the federal house of representatives; Elmer J. Burkett and David H. Mercer, republicans, were elected in the first and second districts.

In the senate of the legislature of 1901 there were nineteen republicans, twelve fusionists, and two democrats; in the house of representatives, fifty-three republicans, thirty-four fusionists, ten democrats and three populists. The acts of this session were prolific of boards and commissions. The exciting episode or, more accurately, the principal business of the session, was the election of Governor Charles H. Dietrich, and Joseph H. Millard of Omaha for United States senators. The contest continued from January 15th to March 28th, inclusive, the election occurring on the fifty-fourth ballot, the successful candidates receiving all of the seventy republican votes. David E. Thompson, of Lancaster county, afterward ambassador from the United States to Mexico, was apparently the most formidable candidate through the greater part of the contest. March 20th, his vote rose from a range of about 36 to 56, after an alleged caucus. He reached his highest vote, 59—six short of success—March 22d and March 26th, and withdrew March 28th. Though unable to gain the prize himself, he had strength enough to dictate the



Charles W. Dietrich

election of the two successful candidates. William V. Allen, incumbent, started in with 57 votes, as a candidate to fill the vacancy caused by the death of Senator Hayward; and W. H. Thompson, candidate for the full term, received 58 votes. On the second ballot, Gilbert M. Hitchcock had 57 votes, Allen 57. Allen received a high vote all through the contest but his highest was the same as Thompson's — 59 — lacking six of election. On the last ballot Allen had 58 votes, W. H. Thompson, 52, Hitchcock, 8. Edward Rosewater received from 14 to 16 votes most of the time; and from the 47th to the 53d ballots from 29 to 32, the last being his highest number. Dietrich was chosen for Hayward's unexpired term.

It was strenuously alleged that David E. Thompson at a critical time during the contest made a bargain with the fusionists for enough votes to secure his election. The alleged formal agreement to that end was published in the newspapers, and many affidavits and less formal assertions were made by members of the legislature that they knew that the signature of Mr. Thompson to the compact was genuine. While this alleged agreement did violence to the code of party fealty then in vogue, yet such of the concessions as were not innocuous and therefore inconsequential were creditably progressive.⁴⁷⁴ The two new senators were entirely antipathetic to the reform spirit which had at last filtered through the bourbonism which had encrusted the state since its beginning.

During the year 1901 both of the old parties began to comprehend that the demand for reform legislation and especially for the abolition of railroad passes was in earnest if not in a revolutionary temper. In the democratic convention of that year the resolutions committee refused to report a declaration against the use of railroad passes by officeholders, of-

ferred by Edgar Howard, of Platte county, but when he included newspaper passes the bobtail concession to reform was accepted.

The republicans dodged this issue but righteously faced another more pressing. Joseph S. Bartley, state treasurer, 1893-1897, embezzled \$555,790.66 of the state funds, for which he was sentenced to twenty years in the penitentiary and a fine of \$303,768.90. Ezra P. Savage, lieutenant governor, having succeeded Governor Dietrich when he became United States senator, paroled Bartley for sixty days. The republican state convention, August 28, 1901, by a vote of 998 to 165, demanded the recall of the parole which would have expired September 13th. Savage contended in the convention that Bartley, if let alone, would restore the amount for whose loss he was responsible, estimated at \$325,000; and Charles O. Whedon pleaded, in palliation, that when Bartley went out of office he left to his successor \$1,042,000 and added large sums afterward, some on the day of his arrest. The convention hissed the delegates from Lancaster county when they voted against the resolution. Edward Rosewater and Addison E. Cady spoke strongly for it. Nevertheless, on the 21st of the following December, Savage commuted Bartley's sentence to five years, seven months, and eight days, thereby stirring up hot public indignation. There was and remains strong suspicion that over thirty thousand dollars was spent to procure this pardon. It is circumstantially related that Governor Poynter was corruptly approached for the same purpose. Governor Mickey declared in his annual message of 1907 that, "the people were robbed of this immense sum which had been exacted from them, to run the government, in times of financial distress." The liability of Bartley's bondsmen and others involved in his transactions was safely lost in the mazes of the courts.

⁴⁷⁴ Following is a copy of the alleged compact:

MY CREDENTIALS

I, D. E. Thompson, pledge the fusion members of the Nebraska legislature my solemn word of honor that if by their votes I am elected to the United States senate, I will do as follows:

First—I will oppose the policy of imperialism and entangling alliances with any nation.

Second—I will oppose any increase in the regular army.

Third—I will oppose the retirement of the greenbacks and the issue of currency by banks and will favor an increased use of silver as money.

Fourth—I will oppose government by injunction and favor an income tax.

Fifth—If elected I will remain out of republican caucuses.

D. E. THOMPSON.

The strong dissenting opinions in the case of the state against the Omaha National Bank and others (*Nebraska Reports*, Vol. 66, p. 857), which involved \$201,884.05 of the lost funds, do not invest the court with infallibility, at that time.^{474a}

At the election of 1901 Samuel H. Sedgwick, republican, of York county, was elected judge of the supreme court over Conrad Hollenbeck, fusionist, of Dodge county, by a vote of 98,993 to 86,334. The republican candidates for regents of the state university were elected by about 5,000 majority. The populists made no reference to free coinage of silver in their platform of this year; but the democrats continued loyal by successive affirmations of the Kansas City platform until, finally, in 1904, by a like indirection, they assumed the opposite attitude by accepting their national platform adopted at St. Louis. The silver republicans had dropped out of formal activity or notice by 1902. The republicans came back generally at this election. John H. Mickey, republican, of Polk county, was elected governor over William H. Thompson, democrat, of Hall county, by a vote of 96,471 to 91,116. Republicans carried five of the six congressional districts — Burkett, the first district; John J. McCarthy, of Dixon, the third; Edmund H. Hinshaw, of Jefferson, the fourth; George W. Norris, the fifth; Moses P. Kinkaid, the sixth. Norris displaced Ashton C. Shallenberger in the fifth by a majority of 181. Gilbert M. Hitchcock, fusionist, defeated David H. Mercer in the second district. This ended Mercer's political career. The proposed amendment to the constitution received 49,147 votes to 15,999 against. In 1903 the republicans were again successful, electing John B. Barnes for judge of the supreme court over John J. Sullivan, the fusion candidate, by 96,991 to 87,864. The legislature of 1903 was again overwhelmingly republican, the senate containing twenty-nine members of that party and only four fusionists, and the house seventy-six republicans against twenty-four fusionists. W. H. Harrison, of Hall county, was temporary president of the

^{474a} *Nebraska Reports*, Vol. 66, p. 857.

senate and John H. Mockett, Jr., speaker of the house.

The easy sailing for the republicans continued in 1904. Governor Mickey was reelected governor, receiving 111,711 votes to 102,568 cast for George W. Berge, fusionist. The republican convention this year made an initiative step toward the voluntary submission of the choice of United States senators to the people, which was formally adopted by the so-called Oregon pledge law enacted by the legislature of 1909. Mr. Burkett's election was unanimously recommended by the convention of the year in question. This was the high tide year of republicanism. The opposition could not claim a single member of the senate elected that year, and in the house there were ninety-one republican members to nine fusionists. Of the forlorn band of fusionists two came from Richardson county, one from Platte, two from Butler, one from Polk, one from Holt, one from Custer and Logan. W. H. Jennings, of Thayer, was temporary president of the senate, and George L. Rouse, of Hall, speaker of the house. Theretofore conservative if not reactionist, the old party was fast catching the revolutionary reform spirit from President Roosevelt; and for the first time, in Nebraska, it set about resolutely to pass vital reform legislation, or to try to do so; but effective regeneration could not be assimilated at a single sitting, and so the real work was postponed to the following session of 1907. In their convention — September 14, 1905 — republicans declared in favor of primary elections for all public offices and that, "We believe that the giving of free transportation upon railways is detrimental to the interests of the people and recommend that a law be enacted by the legislature of this state to prohibit it." George L. Sheldon's positive stand for those reform measures brought him the governorship the next year. The democrats, at their convention, September 20th, also first definitively committed themselves to the vital reform measures. They declared in favor of a general primary election system, of the initiative and referendum, and demanded that

members of the legislature and judges must give up all railroad passes. Judge William G. Hastings, whom the convention nominated for judge of the supreme court, introduced a resolution demanding the passing of a law making it a criminal offense to give or accept free transportation except in case of bona fide employees and genuine cases of charity, and it passed with one negative vote—that of Glover, of Hamilton county, who thought the inhibition an infringement on individual rights. This declaration — Mr. Bryan's contribution — was passed without dissent: "We denounce the acceptance of the Rockefeller gift by the regents of the university, and demand the withdrawal and the return to Mr. Rockefeller of any money that may have been received from him." But public opinion remained too sordid to appreciate or appraise the moral value of this sentiment. The money — \$66,000 — was accepted and the building stands as a monument to the still lurking Machiavellianism of public moral sentiment, namely, that the end justifies the means. Perhaps the university, in its great need for better housing, has been a material gainer by accepting this gift from funds which the people, owners and sponsors of the institution, hotly declared had been taken from them by the most piratical and unlawful methods. The least that can be said about this bewildering puzzle in ethics is that thousands of the staunchest friends and enforced supporters of the university have been stung to the quick by this, as it seems to them, venal lapse from common moral principle and will go on believing that the university is a loser by such methods in both the material and spiritual aspect.

There were only fifty delegates from twenty-three counties in the populist convention this year; and the democrats conceded them only one candidate — for regent — upon the state ticket. Charles B. Letton, republican, was elected judge of the supreme court over his fusion competitor, William G. Hastings, by a vote of 96,167 to 72,949, and the two republican candidates for regent of the university

were elected by approximately the same majority.

The contrast between what was said and what was not said by the republican convention of 1904 and its declarations of the next year are comical if taken seriously at all. In 1904 the vital state questions were not referred to, while the convention sorrowed over the loss of "another gifted and beloved leader, Senator Marcus A. Hanna;" and it recommended John L. Webster, who continues to pride himself on his arch-standpatism, as a candidate for vice president. A florid puff for the insurgent President Roosevelt added variety to the peculiar mixture. The culmination and positive expression of anti-pass sentiment in 1905 precipitated an epidemic of reform hysteria among the politicians. The more susceptible of the state officials vied with one another, not only in giving up the until now cherished tokens of railroad favor but in doing it in the most ostentatious manner. Those of us who had witnessed the periodical religious revivals in our earlier country settlements were struck with the similarity of the emotional manifestation. In the height of the excitement in those revival meetings, women would not infrequently tear brooches from their breasts and rings from their ears and disdainfully throw them upon the floor—usually, however, to be restored on the restoration of normal temper. But the sacrifices of the religious neophytes were at least sincere.

The new awakening naturally culminated — at a convention held in Lincoln, August 22, 1906 — in the nomination by the republicans of George L. Sheldon, of Cass county, for governor on the second ballot, the several standpat aspirants receiving but slender support. The declarations of the platform were consistent with the well known views of the candidate and were direct and unequivocal. They censured the Burlington & Missouri and Union Pacific railroads for having refused to accept the valuation of their property by the state board of equalization; demanded that the next legislature should enact a direct primary law for the nomination of all state, county, and dis-

strict officers, including United States senators and members of the lower house of the federal congress, favoring in the meantime the nomination of United States senators by state conventions; demanded an amendment of the federal constitution providing for the popular election of United States senators; demanded the passage of a stringent anti-pass law by the next legislature; favored and approved the proposed amendment for an elective railroad commission and declared that if it should not be adopted at the election the legislature must pass laws to give the state the same advantages as Congress had already given the nation under the "railroad rate bill;" declared in favor of the taxation of railroad property within cities and villages the same as other property for municipal purposes; and favored the passage of an equitable compensation act for employees of corporations. The convention praised the fight by state officers against conspiring trusts — the net result of which was to promote Attorney General Norris Brown to a United States senatorship.

The dramatic feature of this convention was the appearance and defeat of Edward Rosewater for the United States senatorship to which he had long aspired. On the first ballot the vote was 401 for Norris Brown, of Buffalo; 273½ for Rosewater. The remaining 153½ were divided among four other candidates, 46½ going to Joseph H. Millard, the outgoing senator. Brown was nominated on the sixth ballot with 433 votes against 291½ for Rosewater. Mr. Rosewater's highest vote was 306½ — on the fifth ballot. The whilom doughty editor's speech at the close of the contest impressed the listeners as a premonitory farewell.⁴⁷⁵ He died suddenly in the *Bee* build-

⁴⁷⁵ Mr. Rosewater's remarks, in part, follow: "I need hardly say to you that I appreciate the cordial greeting you have given me here at this parting, for it is a parting hour for me in this contest. I was desirous of the place in Washington, but now shall go back to the place in Omaha to labor with the pen which is sometimes mightier than the sword. In the campaign that is now closed, there have been no differences between Mr. Brown and myself which would call for a committee of conciliation. I have endeavored to treat him fairly and I think he has no cause for complaint, or will have in the coming campaign. I am a republican, and whenever the re-

ing August 30th, but a week and a day after the curtain had been drawn in the convention over his political aspirations. Mr. Rosewater may fairly be called the Joseph Pulitzer of Nebraska journalism, though the *New Yorker* was distinguished by genius in his profession where the Nebraskan was limited to great talent. They were alike in the characteristics of independence, progressiveness, and relentless pursuit of their journalistic quarry, to slight extent respecters of persons. While the *Bee* did very effective constructive work in the building of Nebraska, its most important field of influence, perhaps, was unhorsing political grafters and exposing administrative corruption and other abuses. To have established a dominant newspaper, such as the *Bee*, upon original and persistent insurgency, anticipated full thirty years, was a great achievement. All of the other principal daily newspapers of Nebraska — as, also, of the newer northwest — had been founded, and continued to depend for the bread of life upon corporation and party — equivalent to state — patronage, with the subserviency which the condition implies; and all attempts to establish opposition papers independent of these subsidies failed, perforce. But the exceptional *Bee* ultimately destroyed its immediate pampered rivals, the *Republican* and the *Herald*. It may be said of the *State Journal* that it was the most level in its conformity of all the subsidized organs and the most potent of the forces which established Lincoln against great odds; so that, in the Machiavellian sense, it well deserved its survival. And, after all, the famous Italian's immoral superficial expediency test or sanction is far more common and potent in human affairs, and especially public affairs, than the public is frank enough

publicans of Nebraska in convention assembled nominate a clean and competent man by legitimate means I will support him. I hope and trust that I will be able to do my share toward bringing about a solution of the problems that are before us.

"I have endeavored always to clean out graft and corruption. I want to implore you and appeal to you to nominate a clean ticket — a new deal — to name men of independence who will be just to corporations and to all citizens before the law, but who will uphold the standard of integrity and place it upon the capitol." (*Daily State Journal*, August 23, 1906.)

to admit. Hence our constant contact with survivals and successes of the unfit — according to orthodox moral standards.

The democratic convention nominated Ashton C. Shallenberger, of Harlan county, for governor upon the first ballot, George W. Berge, of Lancaster county, being his principal competitor. The resolutions adopted by the convention promised that if the democrats should get into power they would enact a stringent anti-pass law; taunted republicans upon their neglect to enforce the law of 1897 which in effect prohibited the issue of railroad passes to officeholders and delegates to conventions; denounced the last republican legislature for defeating the anti-pass law; and declared themselves in favor of enacting a maximum two-cent passenger bill.

The discriminating public, however, was inclined to look backwards a few years to the neglect of the fusionists themselves, when they were in power, to keep their positive and implied pledges for reform. Now that the republicans had manifested complete conversion to a progressive program, they reaped the advantage of their normal majority in the state. Sheldon, for governor, received 97,858 votes to 84,885 cast for Ashton C. Shallenberger, democrat, who was the nominee of the people's independent party as well as of his own. Harry T. Sutton, prohibitionist, received 5,106 votes, and Elisha Taylor, socialist, 2,999. The preferential vote for candidates for the United States senatorship was taken in earnest this year, Norris Brown, republican, receiving 98,374 votes to 83,851 for William H. Thompson, his democratic opponent. The republican candidates for member of Congress were successful in five of the six districts; Gilbert M. Hitchcock of the second district being the only successful fusion aspirant. Ernest M. Pollard was elected in the first district, J. F. Boyd in the third, Edmund H. Hinshaw in the fourth, George W. Norris in the fifth, and Moses P. Kinkaid in the sixth. The proposed amendment providing for an elective railway commission was carried by the overwhelming vote

of 147,472 to 8,896, and three republican railroad commissioners were chosen at the same election.

The republican candidates for membership of the legislature were also overwhelmingly successful. The senate contained twenty-eight republicans, three people's independent and two democrats; the house, sixty-nine republicans, twenty-six people's independent and five democrats. The legislature kept the platform pledges of the party with remarkable fidelity. Among the progressive laws which it enacted are a railroad employers' liability act; a general primary election law; an act revising the pure food law; an anti-lobbying law; a sweeping anti-pass law; a law fixing two cents as the maximum rate for passenger travel; a law providing for the issue of railroad mileage books and a terminal railroad taxation law. This unique body in its reform enthusiasm kept the pledge of the democrats also in the passage of the most radical, if not the most important measure of the session, the two-cent rate bill.

The liquor question, which had been almost dormant, politically, for many years, was probably precipitated by an act prohibiting brewers from holding any interest in saloons. It passed the senate by a vote of 25 to 4 and the house by 67 to 21. The two-cent passenger rate bill passed the house without opposition, receiving 90 affirmative votes, and the senate by 27 to 4. Burns, of Lancaster county; Glover, of Custer; Gould, of Greeley; and Hanna, of Cherry, all republicans, were the four opponents of this measure. A bill was also passed making a flat reduction of fifteen per cent in freight rates. Both the passenger and freight enactments are still in force although their validity is being tested in the courts.

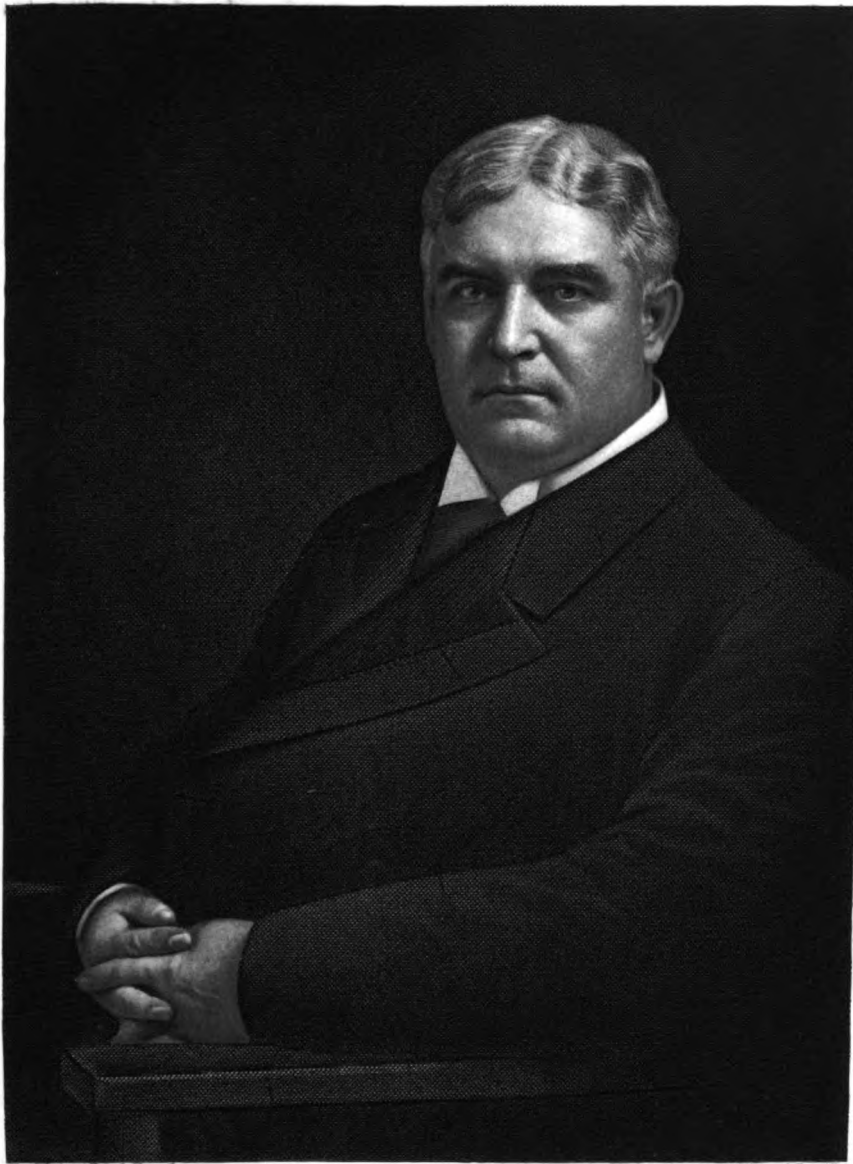
The first general primary election in the state was held September 3, 1907. At this election Manoah B. Reese, republican, of Lancaster county, was nominated for judge of the supreme court, receiving 30,111 votes against 22,757 cast for his competitor, Samuel H. Sedgwick, of York county. George L. Loomis, of Dodge county, received the democratic and

people's independent nomination for the judgeship. The republicans elected their ticket, which included, also, a railroad commissioner and two regents of the university. Judge Reese received 102,387 votes; Judge Loomis, 77,981. Under the new primary act state conventions of the several parties were authorized to be held in Lincoln, on the fourth Tuesday of September of each year, for the purpose of adopting platforms and for conducting the business of the party organizations. These conventions were first held September 24, 1907. The democratic convention of 1908 for choosing delegates to the national convention instructed the delegates to vote for the nomination of William J. Bryan for president; and the people's independent convention was a side-show in this respect. The republican convention was friendly to the nomination of Taft but the delegates were not instructed. At the election of 1908 there was a friendly feeling toward the candidacy of Mr. Bryan and he carried the state, receiving a very complimentary majority. The maximum vote for democratic electors was 131,099; for republican electors, 126,997. The highest vote for a prohibition candidate was 5,179; for a socialist candidate, 3,524.

Three influences contributed to the election of Shallenberger over Sheldon and by a larger majority than that received by Mr. Bryan. The state ticket was the beneficiary of the friendliness toward the home candidate for the presidency; Governor Shallenberger was an exceedingly virile and taking campaigner, greatly excelling his competitor in this respect; and the liquor interests apparently favored somewhat the democratic state ticket. Shallenberger received 132,960 votes against 125,976 for Sheldon; and W. H. Cowgill, democrat, was elected railroad commissioner over J. A. Williams, the republican incumbent; John A. Maguire, democratic candidate for member of Congress in the second district, defeated Ernest M. Pollard, the republican incumbent; Gilbert M. Hitchcock, democrat, was re-elected in the second district; James F. Latta, democrat, was elected in the third district. The

republican candidates were successful in the other three districts, though in the fourth district, C. F. Gilbert, democrat, was defeated by Hinshaw, the republican incumbent, by the narrow margin of 21,819 to 22,674 and F. W. Ashton was defeated by George W. Norris in the fifth district by the still narrower margin of 20,627 to 20,649. The two amendments to the constitution increasing the number of judges of the supreme court from three to seven and their salaries from \$2,500 to \$4,500; and enlarging the field for the investment of state educational funds so as to include registered school district bonds of this state and "such other securities as the legislature may from time to time direct," were both adopted — the first by 214,218 to 16,271; the second by 213,000 to 14,395. The democrats also controlled the legislature; having nineteen members of the senate against thirteen republicans and one people's independent, and sixty-five members of the house against thirty-one republicans, two people's independents and two fusionists. Though the republicans apparently left the democrats nothing to conquer in the world of reform they discovered and appropriated several important measures. The twenty-third legislature met in the thirty-first session, the twenty-first regular session, January 5, 1909, and finally adjourned April 1st of that year — the sixty-fifth day. George W. Tibbets, democrat, of Adams county, was elected temporary president of the senate, and Charles W. Pool, democrat, of Johnson county, speaker of the house.

The most notable enactment of the session was that requiring all saloons in the state to be closed from eight o'clock in the evening until seven in the morning. This was the first amendment of great importance to the Slocumb license law, which had been in force ever since 1881; and it broke like a thunderbolt upon the saloon interests. It grew out of a comparatively unimportant and innocent bill (S. F. 283), introduced by Senator Wiltse, republican, which merely required the closing of saloons on primary election days. This bill passed the senate by a vote of 30 to 2, Bartos, of Saline,



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and Klein, of Gage, both democrats, voting nay. In the house Victor E. Wilson, democrat, of Polk county, chairman of the judiciary committee, reported an amendment incorporating the 8 o'clock closing clause, but excepting cities of the metropolitan class—which meant Omaha—from its jurisdiction. The exception was afterward stricken out and in its sweeping form the bill passed the house by a vote of 51 to 38. Thirty-five of those voting nay were democrats, 1 a populist—Dolezal, of Saunders—and 2 republicans—Ellis, of Gage, and Erick Johnson, of Adams. Twenty-seven democrats, and 2 fusionists—Boyd, of Hamilton, and Botts of Valley—and 1 populist—Evans, of Hamilton—voted aye; leaving 21 republicans voting on that side. The amended bill passed the senate by a vote of 19 to 13, 12 republicans, 6 democrats and 1 people's independent voting aye; and 12 democrats and 1 republican voting nay. A goodly number of men, some members, some outsiders, and some republicans and some democrats, claimed the honor of inventing this early closing measure. It was undoubtedly suggested in the first place by the seven o'clock closing rule which had been adopted by the excise board in Lincoln in 1908. The saloon interests pressed Governor Shallenberger very hard to persuade him to veto the bill; but he refused to do so; and this refusal probably led to his loss of renomination and reelection. The principle of the law is sound and in practice it has been salutary. It has been generally enforced throughout the state, except in Omaha, where there is complaint that it is violated.

Other notable enactments of the session were a bank guaranty law, patterned after that which had become notorious in Oklahoma; a corporation occupation tax; an amendment of the closed primary law permitting voters to receive and cast ballots at the primary elections without requiring from them any declaration as to their party affiliations, past, present, or future, commonly known as the open primary; a fire commission, a supplement to fire insurance; a law providing that judicial and educational officers should be elected without any

partisan distinction. Unfortunately the supreme court found it necessary to annul this very desirable measure because of a technical defect in its form. As has already been shown, the people had found the way to virtually choose United States senators by their own popular vote, but this legislature put the new departure into better form by passing what is known as the Oregon pledge law, which permits candidates at the primaries for membership in the legislature to pledge the public that in case they shall be elected they will vote for that candidate for the United States senatorship who receives the highest vote for that office at the general election next preceding the election by the legislature. It is not likely that the United States senate will much longer stand in the way of a long standing and positive public opinion in favor of amending the constitution so as to provide in proper form for the election of senators by popular vote. In the meantime, however, this Oregon device seems to serve its purpose.

The constitutionality of the bank guarantee law has been affirmed by the supreme court of the United States; so that, while the right to compel all state banks to stand sponsor for the management or mismanagement of all has been established, the expediency of the measure is still questionable.

An attempt was made at this session to pass a bill through the house by which the question of licensing saloons within a county should be referred to the vote of the people of that division, but it was defeated by a vote of 39 to 52. The 39 voting aye comprised 20 republicans, 17 democrats, 1 fusionist, and 1 people's independent. Forty-two democrats, 8 republicans, a fusionist, and an independent voted against the measure.

At the election of 1909, three judges of the supreme court were chosen under the constitutional amendment increasing the full bench to seven; and the republican candidates were successful by small majorities.⁴⁷⁶

⁴⁷⁶ John B. Barnes, Jacob Fawcett, and Samuel H. Sedgwick, republican candidates, received respectively 93,498, 92,681, and 92,891 votes. The vote for the fusionist candidates was as follows: James

In the campaign of 1910 all normal calculations were upset by the injection of the prohibition question and the invasion of the democratic ticket by large numbers of republicans through the opportunity offered by the open primary law which had been passed at the late session of the legislature. While Governor Shallenberger had incurred the bitter hostility of the extreme liquor interests by signing the eight o'clock closing law and, naturally, in the circumstances, had not recouped from the strong partisans of prohibition or county option, yet his administration had been so virile and his personality in general so taking, that his renomination and reelection were generally conceded by politicians. But the aggressive pro-saloon republicans, to the number of about 15,000, voted for James C. Dahlman, the democratic mayor of Omaha, and he was nominated over Shallenberger by the narrow margin of 27,591 to 27,287. If the governor had stood firmly on his well-known opposition to county option, he would have been renominated. His announcement to the democratic convention that he would sign a county option bill, if one should be passed, was bad politics as well as bad statesmanship. Chester H. Aldrich, a radical partisan of county option, was nominated by the republicans. At the same primary Elmer J. Burkett was nominated by the republicans to succeed himself as United States sena-

tor, and Gilbert M. Hitchcock, of Douglas county, was nominated by the democrats.⁴⁷⁷

The conventions of the democratic and republican parties for 1910, held according to the primary election law on the 26th of July, were unusually exciting, the temporary perturbation of the democrats amounting to turbulence. Their convention was held at Grand Island, and W. J. Bryan started the trouble by an aggressive advocacy of a county option plank as follows: "We favor county option as the best method of dealing with the liquor question." The extreme or Dahlman element offered the following plank: "We favor local option as now provided by law but are opposed to county option." The Bryan plank was rejected by the overwhelming vote of 647 to 198 and the Dahlman plank by 638 to 202. The plank proposed by the majority of the resolutions committee was adopted without division: "We oppose county option and making any other plan of dealing with the liquor traffic a question of party creed. We favor strict enforcement of the present law, and any change therein should be made only by direct vote. We do not believe that good government and good morals are best subserved by dividing the people into hostile camps on strictly moral questions." This was a palpable evasion of a question upon which the public mind had sharply divided, and it was verbose at that. A

R. Dean, 90,438; Benjamin F. Good, 90,065; John J. Sullivan, 91,108. The vote for republican candidates for member of the board of regents of the university was as follows: Charles S. Allen, 104,188; W. G. Whitmore, 100,960; Frank L. Haller (to fill vacancy), 98,183. The vote for democratic candidates was as follows: Charles T. Knapp, 71,438; Harvey E. Newbranch (to fill vacancy), 85,171. D. C. Cole, people's independent, received 24,891. The highest vote for the prohibition candidates was 7,597, and for socialist candidates, 4,995.

⁴⁷⁷ The following table, which includes the primary vote for the state at large and for the two principal counties, Douglas and Lancaster, illustrates the free interchange of courtesies between members of the two principal parties.

FOR GOVERNOR			
	Lancaster County	Douglas County	State
Chester H. Aldrich, rep.	2,131	891	20,627
Wm. Elmer Low, rep.	298	218	3,868
Addison E. Cady, rep.	1,188	3,738	15,616

James C. Dahlman, dem.	1,896	7,356	27,591
Ashton C. Shallenberger, dem.	1,365	1,918	27,287
Ashton C. Shallenberger, p. i.	42	43	3,148
George I. Wright, pro.	43	9	463
Clyde J. Wright, soc.	82	124	841

FOR UNITED STATES SENATOR

	Lancaster County	Douglas County	State
Charles O. Whedon, rep.	1,466	720	9,607
Elmer J. Burkett, rep.	2,029	2,409	21,682
Alfred Sorenson, rep.	47	497	2,155
Clarendon E. Adams, rep.	145	581	4,661
Thos. M. C. Birmingham, rep.	74	254	1,796
Gilbert M. Hitchcock, dem.	1,251	6,762	29,387
Richard L. Metcalfe, dem.	1,207	773	12,217
Willis E. Reed, dem.	289	527	5,799
Willis E. Reed, p. i.	2	2	301
Gilbert M. Hitchcock, p. i.	8	23	1,284
Richard L. Metcalfe, p. i.	31	13	1,229
Thos. M. C. Birmingham, p. i.	1	5	207
Thos. M. C. Birmingham, pop.	45	10	433
Thos. Lippincott, soc.	40	15	107

plank endorsing the eight o'clock closing law was adopted by a vote of 710 to 163. Bryan invited another defeat by seeking to amend a motion by Gilbert M. Hitchcock providing that amendments to the platform should only be considered through the media of majority or minority reports. The proposed amendment was defeated by 465 to 394. This was the first defeat that Mr. Bryan had suffered in a democratic convention in Nebraska since his spectacular fight against the gold democrats in the convention of 1893.

Republicans saw in wooing the increasing prohibition sentiment the only opportunity of defeating Governor Shallenberger, whose re-nomination was expected as a matter of course; and so at their convention, held in Lincoln, they adopted a county option plank. "The minority of the resolutions committee, led by John L. Webster, of Omaha, sought to evade the issue by declaring that a question within the purview of the police power had no place in a political platform, but the flat declaration for county option was preferred to this compromise by a vote of 558 to 276. This convention was thoroughly insurgent in spirit and action. Even the long scorned "populistic" initiative and referendum, though rejected by the resolutions committee, was taken up by the convention and adopted by the decisive vote of 524 to 289. A resolution offered from the floor by Congressman George W. Norris, denouncing Cannonism and approving the insurgent movement in and out of Congress, was also carried by a decisive majority. Thus democrats and republicans vied with one another in espousing radically progressive measures while each party was sharply divided on the prohibition question.

There was much bad logic wasted in both conventions in attempting to differentiate prohibition, which for the time was called county option, as a moral question. Mr. Bryan, especially, emphasized this contention in a specious declaration that the question being moral was therefore one of right or wrong and therefore he must be for prohibition because that was right and nobody could afford to be

wrong. Many thoughtful and disinterested people regard the question of license or prohibition as one of expediency to be decided upon one's best judgment as to which plan would more satisfactorily deal with the admitted evils of the liquor traffic. The oppression of the trusts and of the beneficiaries of the tariff is no less immoral than the evils growing out of the liquor traffic; and, by a like facile assumption that they are moral issues, they, too, might be taken out of their proper arena of politics.

Mr. Bryan declared that, "The people of Lincoln are so well pleased with having closed its saloons that they will not be terrified into opening them again by threats of the removal of the state capital." Nevertheless, within a few months, the people of Lincoln, confronted by a removalist legislature, were so terrified at the menace, that the procurement of liquor was facilitated to the uttermost, and on the very heels of the terror — which abated only with final adjournment of the legislature — they voted saloons in again by a decisive majority.

The result of the election indicated a preponderance of public opinion in the state against prohibition — particularly spreading prohibition through the medium of county option in contradistinction to the usual plan of municipal option. The attitude of James C. Dahlman toward the liquor question was so fantastically unmoral as to make him an unavailable candidate, and his defeat was therefore inevitable. Aldrich, republican county optionist, received 123,070 votes; Dahlman, 107,760. The rest of the republican state ticket was also elected, though by much smaller majorities than that of Aldrich. Charles W. Pool, democratic candidate for secretary of state, for example, received 111,137 votes against 111,229 cast for his competitor, Addison Wait. Gilbert M. Hitchcock, democratic candidate for United States senator, received 122,517 votes against 102,861 cast for Burkett, republican. The democrats gained both houses of the legislature, having fifty-four members of the house to forty-five republicans and one people's independent; and nineteen senators

against fourteen republican.⁴⁷⁸ The republicans, in the circumstances, had everything to gain, temporarily, and nothing to lose by risking their chances upon the throw of the prohibition die. Mr. Bryan won nothing in the contest except the defeat of Dahlman, his long time friend and party lieutenant; and since there was no increasing menace of the saloon interests, while on the contrary they had received in the shape of the eight o'clock closing law in the very last legislature, their most damaging blow since the passage of the Slocumb law in 1881, there was no plausible call for a sudden or radical change of attitude toward them. It seems that Mr. Bryan's sudden hostility may be attributed to complex impulses: to a mistake in local political diagnosis; to resentment against the liquor interests which he thought had opposed his candidacy in 1908 and whom he hoped, by a virtual alliance with the republicans, to punish by the infliction of county option — near prohibition; and to a feeling that his relations toward the democratic party would now permit him to pursue a natural temperamental bent or predilection.

Mr. Bryan is, preëminently, an evangelist. His greatest work, in the political, and the more extended sociological field, has been done in the rôle of an exhorter of the religiously moral type. It is likely, therefore, that he has long felt that the saloon as an institution is fundamentally a wrong which ought to be outlawed as a matter of course. So long as he was the titular leader, or strove to be the real leader of a great national party, it would have been disastrous, alike to himself and the party, for him to espouse prohibition. So long as that relationship endured true statesmanship for-

⁴⁷⁸ Republican candidates carried three of the six congressional districts in 1910. In the first district John A. Maguire, democrat, defeated William Hayward, republican, by 16,501 to 15,763; in the second district C. O. Lobeck, democrat, defeated Abraham L. Sutton, republican, by a vote of 15,912 to 15,673; and James P. Latta, democrat, carried the third district over J. F. Boyd, republican, by 25,945 to 18,566. Charles H. Sloan, George W. Norris, and Moses P. Kinkaid were the successful republicans in the fourth, fifth, and sixth districts. A proposed constitutional amendment requiring that alien immigrants

bade such a course on his part. Had his personal bent become paramount in 1910, as against party leadership, or did he believe that national party success lay in prohibition? While for many years Dahlman had been very useful to Bryan, his own influence and patronage had given this favorite the principal basis for his political distinction and the prestige which put him into the important office of mayor of Omaha. Republican enthusiasm for the paramount "moral" issue of county option was so rushing and so gushing that it spent its force within a single year, and by discreetly dropping it the backslid converts were able to win a normal victory at the election of 1911.⁴⁷⁹

The twenty-fourth legislature met in the thirty-second session — the twenty-second regular session — January 3, 1911, and finally adjourned April 6th of that year — the sixty-seventh day. The house of representatives comprised fifty-five democrats and populists and forty-five republicans. Only one member, Frank Dolezal, of Saunders county, registered as "people's independent," but seven registered as democrats and independents — a distinction now without an appreciable difference. There were forty-seven "admitted" democrats in that body. John Kuhl, democrat, of Pierce county, was speaker. The senate comprised nineteen democrats and fourteen republicans. John H. Morehead, of Richardson county, democrat, was temporary president.

In point of economy the public is a great gainer by the present method of virtually choosing United States senators at the polls, leaving to the legislature the formal constitutional duty of ratifying the popular choice. In the senate all of the democrats and all of the republicans but one voted for Gilbert M.

must become full citizens—involving residence in the country five years—before acquiring the right to vote, received 100,450 affirmative votes to 74,878 negative; but this was not a constitutional majority.

⁴⁷⁹ The vote for the three republican candidates for judge of the supreme court was: Charles B. Letton, 104,191; William B. Rose, 101,273; Francis G. Hamer, 97,014. The vote for democratic candidates was: James R. Dean, 94,785; William L. Stark, 86,710; Willis D. Oldham, 86,457.

Hitchcock according to the decision of the people at the general election of 1910. In the house the vote was not so nearly unanimous, though Hitchcock received 87 votes to 10 cast for Elmer J. Burkett, his republican opponent at the election. Two questions, the one largely growing out of the other, excited and kept up a lively interest during this session until they were settled. A county option license bill (H. R. 392) was defeated in the house by a vote of 50 to 48—not a constitutional majority. The 50 affirmative votes were cast by 40 republicans and 10 democrats; the 48 negative votes by 42 democrats, 1 people's independent, 5 republicans. A similar bill introduced in the senate (S. F. 118) was defeated by the close vote of 16 to 17. Of the 16 senators voting aye 13 were republican and 3 were democrats. All those voting nay were democrats except 1—Bartling, of Otoe county.

The great activity of republican leaders in Lancaster county in favor of county option, coupled with the fact that Lincoln had voted to abolish saloons, aroused the hostility throughout the state of the positive partisans of the saloons, and the people of various localities took advantage of this animosity to build up a formidable sentiment in favor of removing the capital from Lincoln. A bill (H. R. 246) providing for the removal of the capital was ordered to be engrossed for third reading in committee of the whole, but it failed of final passage in the house by a vote of 38 to 58. Another bill of the same nature (H. R. 382) was amended in the committee of the whole so as to provide that any city or village might become an aspirant for the capital at an election to remove it, under regulations prescribed by the bill. This change defeated the scheme of the removalists whose hope was based upon first carrying a simple proposition to remove the capital, thus excluding Lincoln from the resulting contest between the aspirants. A motion to not concur in the report of the committee of the whole was defeated by a vote of 18 to 58. The bill was abandoned at this stage, thus ending

what in the earlier part of the session appeared to be a formidable movement.

Another measure which excited unusual interest was the bill (H. R. 620) providing for the levy of a one mill tax on the grand assessment roll for eight years—1911 to 1918, inclusive—to be used for “designing, locating, erecting and equipping a complete university plant on the university farm . . . or on land contiguous thereto, now owned or which may be acquired by the state, and removing thereto all the colleges of the university, together with their equipment, and for such other purposes as the board of regents deem necessary for the completion of said plant.”

A joint committee of the two houses, comprising eleven members, in a well considered report,⁴⁸⁰ adduced fairly the arguments in favor of and against the removal proposal; but the committee unanimously reported in favor of removal as the best policy, though on the explicit condition that the mill tax for eight years should be provided to carry out the formidable enterprise. Perhaps some members of the committee merely acted diplomatically in recommending removal, in the belief that the onerous condition of providing the heavy tax would not be accepted. Though the committee of the whole house recommended that the bill be engrossed for a third reading yet it failed of passage by a vote of 40 to 53. The arguments of the committee in favor of the consolidation were unanswerable, barring the question of the expense involved; and that objection was founded upon a prejudice or misconception rather than upon good judgment. For the convenience and advantage of a great and homogeneous plant the state might well have afforded the expense involved. Considering the pressing need of the university for adequate housing and the magnificent growth, both qualitatively and quantitatively, which would have resulted from this reasonable liberality, the people would have been amply repaid. Many conservative friends of the university, however, hesitated to embark

⁴⁸⁰ See *House Journal*, 1911, p. 369, for the report of this committee.

in the experiment, feeling that it might not be carried out as proposed and that the failure would result in disaster.

This legislature was also fairly entitled to be called progressive, as shown by a considerable number of enactments along lines of modern growth. After a long contest stock yards were placed under the control of the state railway commission with power to regulate the service and charges of all kinds, a notable advance along the line of corporation control. A bill was passed authorizing all cities with a population of 5,000 or upwards to adopt the commission plan of government. The form prescribed is similar to the so-called Des Moines plan. This plan is not the best of its class, but a proposed amendment to the constitution permitting municipalities with a population of 5,000 to make their own charters will give a proper opportunity for the adoption of the most approved forms. One of the most important acts of the session was the passage of a joint resolution submitting an amendment to the constitution giving the people power to enact laws directly and to reject objectionable acts of the legislature. The rules under which the power may be invoked are calculated to check the excessive and inconsiderate use of the initiative and referendum which has resulted in other states where the principle has been adopted. A still wiser restriction was adopted at the last session of the legislature of the radical state of Wisconsin. While leaving to the voters the power to reject any law or part of a law enacted by the legislature, the proposed initiative amendment provides that measures may not be directly enacted by popular vote until they have been introduced in the legislature. Every "proposed law shall consist of a bill which has been introduced in the legislature . . . or at the option of the petitioners there may be incorporated in said bill any amendment or amendments introduced in the legislature." A majority of the electors voting on any proposed bill is sufficient to carry it. The serious defect in direct legislation lies in the inability of unorganized masses of people to properly formulate or-

dinary bills. The result is that bills of this kind are often prepared by irresponsible individuals or coteries without the necessary discussion and amendment then and there, which are the advantages, if not indispensable conditions under which laws are enacted in the usual manner by the legislature. Under the Wisconsin method every proposed bill, which is of sufficient importance to attract attention, will be discussed and amended and will go to the people in better form than under the ordinary initiative method; and there will be no difficulty in procuring the introduction of every desirable bill in the legislature. The people have yet to learn that direct legislation should be used only in an emergency or held as a club over the heads of legislators who might otherwise ignore their wishes. Direct legislation cannot take the place, in great measure, of legislation by selected representatives. The chief care of the people should be to improve the character and ability of their legislatures, rather than to depend upon substituting direct legislation for their work. An amendment to the constitution was proposed which provides that compensation for members of the legislature for each session shall be \$600. Under the present provision the maximum compensation is \$300—\$5 per day for not more than sixty days. The adoption of the proposed amendment would probably result in somewhat longer sessions, which would be conducive to more careful and better work. Another amendment provides for a "board of commissioners of state institutions" to be appointed by the governor with the consent of two-thirds of the members of the senate in executive session and not more than two of whom shall belong to the same political party. This board would have control of all the state charitable, reformatory, and penal institutions. Another proposed amendment provides that all state, district, county, precinct, and township officers, except school district officers and officers of municipalities, shall be chosen at elections held in the even numbered years, thus doing away with annual elections. These proposed amend-

ments are all of a progressive, if not a radical character.⁴⁸¹

The only act of importance affecting the liquor traffic passed at this session was an amendment (H. R. 555) of section 7,175 of Cobbey's statutes which makes it the duty of incorporated cities and villages having less than 10,000 inhabitants to submit to the voters at any municipal election the question of "license" or "no license" on petition of thirty freeholders filed thirty days before any such election. Theretofore, the general practice in municipal elections in Nebraska had been to elect a council known to be either for or against license. The method of voting directly upon the question itself, prescribed by the new law, is preferable to the former method because its result is more certain and voters are left free to choose municipal officers with reference to their general fitness and free from the bias engendered by the liquor issue. The fact that no reactionary measure affecting the liquor traffic was passed by this legislature, which was dominated by "wets," indicates that the liquor interests have no firm hold in Nebraska. They may avoid general prohibition in the state only by a policy of noninterference.

Political conditions in the state will probably be appreciably affected by the extension, before long, of the suffrage franchise to women. It is likely that the requisite amendment to the constitution will wait on the adoption of the initiative amendment, now pending. If

⁴⁸¹ Four amendments to the present state constitution have been adopted. The first, approved at the election of 1886, increased the per diem of members of the legislature from \$3 to \$5 and provided that every regular session should be not less than sixty days in length instead of forty days; the second, adopted at the election of 1906, provided for an elective state railway commission of three members whose term of office is six years and salary \$3,000 a year; the third amendment, adopted at the election of 1908, increased the number of judges of the supreme court from three to seven and their salary from \$2,500 to \$4,500. The fourth, also adopted at the election of 1908, extended the regular investment of educational funds to registered school district bonds of the state, "and such other securities as the legislature may from time to time direct."

Owing to the apparent impracticability of procuring enough votes specifically for amendments, to constitute a constitutional majority, the legislature of 1901 enacted a law which authorized state conventions of political parties to "declare for or

that measure is approved, a suffrage amendment will doubtless be presented under its authority. The rapid growth of the industrial activity of women has spread and increased their desire for suffrage; and this, in turn, has favorably changed the attitude of men; so that it is likely that the right will be granted whenever it is formally demanded. While the objections to extending the franchise to women are as strong and important as ever, yet they are relatively weakened by the economic changes in question. It is unlikely that thus doubling the number of votes will, on the whole, improve the administration of public affairs. It would not be surprising if a general test should show that, owing to their temperament, vocation and more circumscribed environment, women will use the ballot even less wisely than men use it; but the injustice, equivalent, perhaps, to inexpediency, of denying the right to vote whenever a considerable proportion of women desire and demand it may well outweigh the objections to the change.

The most talented suffragists of the country were massed in Nebraska for the amendment campaign of 1882; but they were not able to prevail against the inherent prematurity of their issue. Mrs. Clara Bewick Colby, of Beatrice, was the ablest and best equipped of the state leaders in that struggle; and Mrs. Harriet S. Brooks, Mrs. Ada M. Bittenbender, Mrs. Belle G. Bigelow, Mrs. Lucinda Russell, Mrs. Orpha C. Dinsmore, Mrs. Bar-

against" pending amendments; and the declaration would then be incorporated in the regular ticket. By this arrangement every straight party ticket voted is counted for the amendments. The primary election law of 1907 authorizes voters at primary elections "to declare themselves in favor of or against" any pending amendments, "and if a majority of the electors of any party voting upon such amendment shall declare in favor of or against any such amendment, such declaration shall be considered a portion of the ticket of such party." In February, 1907, the supreme court decided, in a test suit, on an information in *quo warranto*, that the law of 1901 was constitutional, resulting in the validation of the amendment which provided for an elective "state railway commission" (State ex-rel. Attorney General vs. Hudson J. Winnett et al., vol. 78, *Nebraska Reports*, p. 379). The reasoning and conclusion of the court have a necessity-the-mother-of-invention smack. But when the electorate, offered the putative nectar of suffrage, refuse to drink, something must be done.

bara J. Thompson, Mrs. Gertrude McDowell, Mrs. Mollie K. Maule, Mrs. Jennie G. Ford, Mrs. Hetty K. Paynter, Mrs. Esther L. Warner, Miss Lydia Bell, and Clara C. Chapin were among the prominent participants in the campaign. Erastus M. Correll, of Hebron, established the *Western Woman's Journal* as a campaign organ. Mrs. Colby established the *Woman's Tribune* in 1883 and continued its publication until recently, successively, in Nebraska, in Washington, D. C., and in Portland, Oregon. Whether her cause were worth the sacrifice or not, she has, of a surety, been a martyr to it. The principal national leaders who took part in the amendment campaign were Miss Susan B. Anthony, Miss Phoebe Couzins, Mrs. Elizabeth Cady Stanton, Mrs. Helen Gougar, Mrs. May Wright Sewall, Mrs. Lillie Devereux Blake. Judge Oliver P. Mason and Charles F. Manderson publicly supported the amendment.

Here ends a political survey in detail of the commonwealth from the very beginning to the very present, continuous and, it is hoped, perspicuous. To the probably many queries why the political story should be the principal part of the work, it is sufficient to say that politics always has been the principal part of all histories. This is doubtless directly or chiefly due to the fact that government touches the ordinary interests of the people immediately and comprehensively; and, day by day, they are looking to it more and more as guardian of their dearest, that is, their economic interests. Furthermore, the game of politics in itself has always been fascinating to many people.

Prior to the reign of the railroads, our territory and state were unduly torn by sectional division and ridden by unscrupulous pioneer politicians. For thirty years — from about 1875 to about 1905 — the state was absolutely dominated by railroad politicians under direct surveillance and influence of their corporate overlords. Our earlier railroad ventures were, for obvious reasons, undertaken at great risk, and so were more than ordinarily at the mercy of the frontier predacious politician. In these pernicious relations the railroads were, per-

haps, as much sinned against as sinning. In view of such conditions, it is not surprising that the editor of a leading newspaper of the state, during all of that trying-out period, declared that its history ought never to be written because it was so rotten. If, therefore, the picture here presented seems sometimes, or often, of the Sodom sort, it is the fault of the subject and not of the painter. Contemporary newspapers are the most faithful reflectors of social conditions, and so they have been drawn on to play off the lights and shades against one another from opposite points of view. Nor must it be imputed as the fault of the narrator, if the drama is to be recited at all, that there are too many small men in its rôles. For here a condition confronts us, not a theory. The powers that have controlled American politics, and especially in frontier communities like Nebraska, have pushed the smaller men into political place and prominence because they were the most subservient to their uses. Furthermore, in the marvelously rapid and rich development of industrial conditions which has been going on in more recent years, private business has been more profitable and alluring to the strong men than the game of politics. It was the fortune or misfortune of Thomas Ford to have been governor of Illinois and also to have written a history of the state in the early part of the decade of 1840-50. The governor was possessed of an ingenuous philosophy of life which he allowed to carry his narrative into bitter personalities. He frankly said that he wrote about small events and little men because there was nothing else in the history of Illinois to write about. And he found comfort in this disagreeable necessity in the reflection "that history is only philosophy teaching by example; and may possibly teach by small as well as large ones. Observation of the curious habits of the small insects has thrown its light upon science as much as the dissection of the elephant." The experience of Governor Ford is matched by that of every political historian. Nevertheless, it need not be said that Nebraska has from the first possessed its due proportion of able and virile

men; but they have not in due or desirable proportion entered the vocation of politics.

The achievements of the strong men in private occupation, including railroad builders and operators, are, relatively to those of men in political life, obscure and unavailable. While in many cases the careers of such men have been portrayed at more or less length in this work, yet, owing to these obstacles, surmountable only in more auspicious conditions, the attention paid to them is perforce disproportionate.

The fact that, at least until quite recent years, the career and character of most of the political leaders of Nebraska have been made and marred by corporation power and influence, is a cause of still keener general regret and embarrassment of the contemporary historian. J. Sterling Morton, for example, exercised an important influence upon the affairs of the commonwealth — exceeded only by that of the long time editors of the leading newspapers. A statesman without office, he was throughout his long career in Nebraska a recognized leader in politics. While not the ablest, he was probably the brightest and most alert man known to our political life — excepting Mr. Bryan, who is still on the stage and in a class by himself, and whose activities have been mainly in the national field. Originality is vouchsafed to very few men. Unusual ideas and acts are usually mistakenly called original. Morton came nearer being original than any of our public men. His motives and measures were almost a medley of contradictions. He had a keen mental conception of democratic principles, of the justice of a square deal for all the people, and yet he could not resist the temptation to put himself largely under corporation leadership while at the same time seeking and filling the place of leader of one of the two principal parties of the state. The rise and unusual development of the people's independent party in this state was due directly

to the long continued dominance of the democratic party by two virile leaders, J. Sterling Morton and Dr. George L. Miller, who at the same time were known to be closely allied to railroad interests. Those interests cunningly exploited them as the only democrats of consequence in the state, with the result that there was a plethora of generalship with a paucity of privates. In other fields these men gave great service to the state; and it is a grave misfortune, both to themselves and to the commonwealth, that they lived under conditions which seemed irresistibly to so divide their allegiance. Morton's lively sense of humor and considerable gift for satire which, though often rough, was always ready, were, perhaps, the source and media of his most effective and useful public service. For forty-eight years he kept these weapons sharp and incessantly used them in piercing or exposing the natural shortcomings of the continuously dominating republicans in Nebraska. Dr. Miller's invaluable service to the state, coexistently with that of Morton's, was the inspiring enthusiasm with which he "stood up for Nebraska" through good and evil report. In the great task of inculcating and staying faith, where doubt was so strong and persistent, he excelled any other citizen. Mr. Morton's influence in this respect was a good second, if second at all, to that of Dr. Miller. From the first he admonished the people that the surest success lay in tilling the soil, avoiding kiting speculation and leaving the certainty of the farms to fly to illusive gold fields, and urged the practice of economy in both domestic and public affairs, thereby abating, measurably, the American vice of extravagance. Lorenzo Crouse, Samuel Maxwell, and Manoah B. Reese, though not as brilliant in ability as some of their republican contemporaries, stand out conspicuously as champions of the popular cause at a period when such an attitude required courage to the point of temerity. Judge Maxwell's dissenting opinions in the Olive murder case,⁴⁸²

⁴⁸² The Olive tragedy was typical of the cowboy stage of development. I. P. Olive, a wealthy cattle owner who had come from Texas and brought the characteristic Texas cattleman's temper, grazed

his cattle in Custer county, but lived at Plum Creek. His brother, Robert, with the reputation of a desperado, sought safety in the assumed name of Stevens. Luther M. Mitchell, sixty-three years of

as early as 1881, in the Capitol case, in the James E. Boyd naturalization case, and in the impeachment trials of 1893, stamp him as a consistent champion of "substantial justice" as against the clogging course of technical court procedure, which has become a serious popular irritant. The recent death of Justice Harlan, of the United States supreme court, has shown that the all animating democratic spirit which made him most beloved of any judge of that tribunal was manifested and discovered through persistent dissenting opinions.

age, and Ami Ketchum, twenty-three, had homesteads on Clear creek in Custer county. The Olives charged them with stealing their cattle and as they, too, were fighters, tragedy was inevitable. The Olives got out a warrant against Ketchum for stealing cattle, though no foundation for the charge was established. On the morning of November 27, 1878, Stevens with three other men of like desperate character, attacked Ketchum and Mitchell just as they were preparing to leave home, Mrs. Mitchell having already got into the wagon. The Olive gang opened fire, but Ketchum was ready with his pistol and mortally wounded Stevens. The other men wounded Ketchum in the arm; but, on the loss of their leader, the attacking party rode off without further accomplishing their object. I. P. Olive offered a reward of \$700 for the arrest of Ketchum and Mitchell which aroused the cupidity of several sheriffs of the neighboring counties. Two of them, Crew, of Howard county, and Letcher, of Merrick, arrested the men and put them in the Buffalo county jail at Kearney. Sheriff Gillan, of Keith county, took the prisoners from the jail and started to Custer county in a wagon. I. P. Olive with a party of men followed Gillan, who turned the prisoners over to them. The fiends tied ropes without the slip knot around the necks of Mitchell and Ketchum, so as to prolong torture, and hanged them on a tree in Devil's Cañon, about four miles from Broken Bow. Olive shot Mitchell with his rifle and a fire started under the men either by design or accident burned them in a fearful manner. I. P. Olive and Fred Fisher were tried at Hastings, in the spring of 1879, before William Gaslin, Jr.; and though the evidence seemed to have been ample to convict the prisoners of murder in the first degree, they were found guilty in the second degree, and the judge sentenced them to life imprisonment. At the January term, 1881, the supreme court released the prisoners on the ground that Custer county at the time of the murder had been legally organized and that therefore that was the only place for the trial. The court also found, incidentally, that since the legislature had neglected to provide judicial machinery for Custer county, persons committing crimes there could not be punished at all. Judge Samuel Maxwell, however, in a strong and positive opinion, held the contrary and insisted that Judge Gaslin had properly assumed jurisdiction of the case. Thus, by sheer technicality, but which was, possibly, technically correct, the perpetrators of one of the most brutal murders in the annals of crime escaped punishment. Owing to the Custer county fiasco Olive's accomplices escaped trial. Mr.

The same fault must be found with many of the brightest leaders of the republican party. Among these Charles F. Manderson was the most conspicuous, if not considerable figure. Manderson's chief, and important service to Nebraska lay in lifting it onto a higher plane of reputation for respectability than it had theretofore occupied. His somewhat ostentatious aristocratic demeanor and associations, so unusual in a representative from a relatively crude western society, can be overlooked for the good it accomplished in demonstrating that

Thomas Darnall, who assisted in the prosecution of Olive, and is now a resident of Lincoln, remembers the circumstances of the tragedy distinctly. For some sixty days after the crime was committed the regular officers of the law refused to arrest Olive or any of his gang. Eventually two of Ketchum's brothers assumed the rôle of detectives and with great skill and courage made the arrests. Gillan, the sheriff, evidently acted without authority in taking Ketchum and Mitchell from the Buffalo county jail into Custer county, where there was no jail and no court to try them. He "bluffed" the authorities by assuming to be a United States marshal, which, if true, would not have invested him with any authority in the premises. It was the general belief in the vicinity where the different parts of the tragedy were enacted, that Gillan was in collusion with Olive and deliberately procured the prisoners for him. The wrists of the two men were chained together; they were then thrown over a pole or branch of a tree, their feet nearly touching the ground. The murderers poured oil and whisky on their clothing and then ignited it by shooting at close range. The lower parts of their legs were burned off. Before the supreme court finally released Olive, one of his cowboys killed him with a Winchester rifle, in Lexington. Contemporary newspaper accounts disagree as to particulars of the tragedy; but the above account is probably substantially correct.

In the capitol case (Nebraska Reports, v. 15, p. 263) it appears that the specifications had been artfully contrived so as to insure or justify the acceptance of "Boss" Stout's bid, though it was \$41,187.25 higher than the bid of Robert D. Silver, his competitor, and, at least, an equally responsible builder. Maxwell's dissenting opinion riddled the casuistry of the contention of the majority opinion that certain technical requirements of the specifications, which Silver had not met, were material and valid and must be complied with. The grinning imperfections of the capitol are a perpetual illustration of the contractor's lively sense of the propriety—and privilege—of preserving congruity between the moral standard of letting, and the mechanical standard of performing the contract. Silver, by James W. Savage, his attorney, applied to the supreme court for a writ of mandamus ordering the board of public lands and buildings to award him the contract, which was denied. The best and the worst that may be said is that the denial of the writ met public expectation.

Nebraska was not inimical to gentlemen, and that they might be bred here as successfully as hogs and corn. Manderson's mistake and misfortune lay in not being amenable, or adapting himself to inevitable social, and especially, political progress along democratic lines. In his attitude toward capitalism, corporations, and class distinction he remained to the end a bourbon, though always a gentleman bourbon. Inasmuch as he was the only senator from Nebraska who has been granted two full consecutive terms, it is to be regretted that he did not acknowledge the distinction thus bestowed and respond to the obligation it imposed by assuming confidential relations with the people and, in some sort, subordinating his timid and halting conservatism or reactionism to their clearly opposite spirit and aspiration. What a fine influence he might have exerted if, after retirement, he had used the knowledge and influence gained at Washington as the representative of the people in their behalf, instead of devoting this experience to the service of a great railroad corporation, to gain legal control of which the people were engaged in a mighty and doubtful struggle! Though Manderson was a salutary antidote to Van Wyck, yet, surely, it would have been better for all concerned if, instead of irritating the people by aloof restiveness or reactionism, he had condescended, or rather aspired, to lead them, though never so gently, in their just and well-meant endeavor.

The most hopeful sign of our own times is that conditions are making wherein the strong men of the state, in point of character as well as general capacity, will be encouraged to lead in the conduct of its affairs. The prospect of social possibilities opens up more broadly and more promisingly than ever before; and the outlook ought to be attractive enough to draw the most capable citizens into the public service, instead of burying themselves in devotion to personal gain.

The populist party died of negation, while a momentous positive policy awaited and beckoned it. But the populist revolution was very useful as a check and clog to habitual repub-

lican corruption and extravagance and a stimulus to progressive thought and action. Destruction of the free railroad pass system was the key to both positive and negative reform. Burrows, editor of the *Farmers' Alliance*, persistently preached this proposition in 1891, when populists controlled the legislature, but to ears that heard not. Governor Holcomb pressed it upon the republican legislature of 1895, though half apologetically. The Napoleonic Burrows asserted and reiterated the fact: "The pass is a bribe." The Fabian governor timidly ventured:

"I am of the opinion that the very general issuance of passes to individuals is pernicious in its influence, has a tendency to debauch the public mind and should be opposed to the same extent as the possession of free transportation by those in public life. . . . I respectfully recommend to your careful consideration the propriety of enacting a law to prevent the issuance of free transportation and its acceptance by officials or persons in private life, save the bona fide employees of the railroad companies."

But this tincture was further diluted:

"I do not apprehend that these passes are given with the intent of unduly influencing official action or legislation favorable to the corporations, nor do I believe the users of this transportation feel that they are placed under any obligation that would render them incapable of honest and unprejudiced action. They are doubtless given as a matter of courtesy and accepted as such."

When, in 1897, opportunity ministered to action, because the populists controlled the executive and legislative departments and so had a free hand, the governor evaded the palpably proper short cut and took the roundabout way.

"Some action might very properly be taken to discourage discrimination between political parties by railroad corporations operating within the state. The issuance of free passes to an army of political workers and the giving of special rates for the political meetings make the railroad companies a power in shaping the political destinies of a state. Where the power is all wielded in the interest of one party and to the prejudice of another party its weight cannot well be overestimated."

This carries a curious implication that the

free pass wrong lay in some discrimination in favor of republicans and against populists! Accordingly, the legislature of 1897 passed an act prohibiting corporations from giving or contributing "money, property, transportation, help, or assistance in any manner or form to any political party, or to any candidate for any civil office, or to any political organization, or committee, or to any individual to be used or expended for political purposes." Superficially this seemed a real anti-corrupt-practice act. In fact it was a dead letter law — because all the politicians of any consequence had individual passes and so were under control. So long as populists were inconsequential they got no passes; but before this time they, too, had to be reckoned with and were awarded their share. With every-

body served individually the law was inherently almost inconsequential; because there was nobody left out of importance enough to enforce it. Manifestly, only the sweeping anti-pass law could meet the evil. When Governor Poynter came in he strenuously demanded such a law — but from a reactionary republican legislature. Populist opportunity was gone forever. Populist leaders, many of them otherwise good and true men, fatuously catered overmuch to the general fear that they would be injuriously radical. They lacked even the semblance of a La Follette; and so they promised but left fulfillment — and credit therefor — to the republican legislature of 1907, largely; and, for the rest, to the two succeeding democratic legislatures.^{482a}

^{482a} Albert J. Cornish, a republican member of the legislatures of 1891 and 1893 and now (1912) judge of the district court, Lancaster county, confirms this estimate. He declares that the pop-

ulist members of those bodies were mostly honest, fair-minded men, but they lacked good leadership. Judge Cornish believes that with a capable speaker they would have won their contest in 1891.

CHAPTER XI

ESTABLISHING THE STATE UNIVERSITY — ITS DEVELOPMENT AND PRESENT CONDITION

THE POLITICAL story of the state discovers that those who sought to cripple or destroy the new capital and those who had a like intent against the political cabal of the capital made common cause. The attack of the allies was also directed, incidentally, against the state university, which for many years was treated by the Omaha hostiles as a local institution of Lincoln. The main fault found was that the university was opened too early; and its scant patronage and an inferentially high per capita cost of students was industriously ridiculed and denounced. While the complaint was very plausible, its foundation was as flimsy as that of the first building. The act of Congress of July 2, 1862, provided that a quantity of the public lands in each state, equal to 30,000 acres for each senator

⁴⁸³ *U. S. Statutes at Large*, v. 12, p. 503. The amendatory act of July 23, 1866, provided that the state might accept the grant within three years of the passage of the act and that the required colleges must be established within five years of the filing of the acceptance with the commissioner of the general land office (*Ibid.*, vol. 14, p. 208). There was a lengthy debate in the constitutional convention of 1871 as to the necessity or propriety of inserting a section declaring that "the location of the university and agricultural college at the capital of the state, as already established by existing laws, is hereby sanctioned and confirmed." The discussion disclosed the usual jealousy of Lincoln though the grounds for it were not clearly established, for it was shown that, recognizing the latitude of the act of congress which required that "at least one agricultural college should be provided," the proposed section provided that "other agricultural colleges and experimental stations may be established when the wants of the people may so require." But the objectors feared there was danger lurking in the words, "as already established by existing laws." It was shown that the act of 1869 specifically provided for establishing "the state university and the agricultural college" and for the erection of the necessary buildings. Mr. McCann said: "I know the opinion of the Secretary of the Interior. He

and representative to which the state was entitled by the apportionment of 1860 — 90,000 acres in the case of Nebraska — might be appropriated to create a perpetual fund for the maintenance of at least one college, where the leading object should be to teach such branches of learning as are related to agriculture and the mechanic arts, but without excluding scientific and classical studies and including military tactics. If there should not be enough lands subject to sale at \$1.25 an acre at private entry, script for the deficiency might be issued which the state could sell and the purchaser locate, but not to cover more than a million acres in any state. The act prohibited the use of the proceeds of these lands for the erection of buildings.⁴⁸³

The enabling act of April 19, 1864, required

asked me if we had built an agricultural college; I answered him that we had. I told him that we were going to use it as a university and agricultural college, but I think it would be well to recognize it as such, (in the constitution) with this proviso, that whenever circumstances will allow, agricultural colleges (will) be located elsewhere throughout the state." Owing largely to the keen legal perception of Thomas that the recognition was unnecessary and the effective oration of Mason, the section was stricken out.

Though Mr. Estabrook reminded Judge Mason that the law provided that ten per cent of the agricultural college fund should be used for maintaining the experimental farms, yet Mason's speech was prophetic in spirit, anticipating the subsequent development of the main college farm, and the special appropriations by congress for their maintenance. Judge Mason said:

"For my own part, I believe I am in favor of recognizing as the agricultural college of this city this building over here in this oatfield; but I want to see our agricultural college surrounded by broad acres upon which to experiment. Now it is true that this section provides for the erection of other agricultural colleges; but when we build an agricultural college, I don't believe in planting it in anybody's town. I want it where they can plant trees

seventy-two sections of the public lands to be "set apart and reserved for the use and support of a state university."⁴⁸⁴

By the act of the legislature of 1869 for establishing the state university, the general government was vested in a board of regents consisting of twelve members, nine of them appointed by the legislature — the first nine, however, to be appointed by the governor, three from each judicial district — for a term of six years, and the governor, the superintendent of public instruction, and the chancellor of the university.⁴⁸⁵ The governor was ex officio president of the board. A secretary and librarian and a treasurer were chosen by the board. The act provided that the university should consist of six departments: a college of ancient and modern literature, mathematics and natural sciences; a college of agriculture; a

and have broad acres for practical experiments in order that the poor men of our state may gain thereby and save the large sums which many of us, in the early settlement of our state, have lost heretofore in experimenting. For the purpose of securing our lands, I am in favor of letting this section stand, and call this an agricultural college, but I am not in favor of calling it, by constitutional provision, the agricultural college of this state. I want lands around our agricultural colleges as well as these experimental farms. I wish my boy to go from the field with sweat still on his brow to his books. I would take him from practical farming to the schoolroom, from the toil of the muscle to the toil of the brain, and for that reason I would have my buildings upon a farm. Therefore I am in favor of the planting of our agricultural college, not in Lincoln, not in Nebraska City, not in Omaha, not anywhere, except in the country which God has made, and the farmer is to inhabit. These being my views, I believe I am in favor of striking out the whole section." (*Nebraska Constitutional Conventions*, Vol. I, p. 320.)

Thereupon "the convention divided, and the motion to strike out section nine was agreed to." The purchase of the college farm a few years later met Judge Mason's specifications. It was "well in the country" then, but the greater Lincoln is gradually surrounding it, so that in a few years it will become a specialized city park.

⁴⁸⁴ *U. S. Statutes at Large*, Vol. 13, p. 49.

⁴⁸⁵ Following is the membership of the first board of regents: From the first judicial district, John C. Elliott, of Otoe county, for two years; Robert W. Furnas, of Nemaha, for four years; David R. Dungan, of Pawnee, for six years.

From the second judicial district, Rev. John B. Maxfield, of Cass, two years; Abel B. Fuller, of Saunders, four years; Champion S. Chase, of Douglas, six years.

From the third judicial district, William B. Dale of Platte, two years; William G. Olinger, of Burt,

college of law; a college of medicine; a college of practical science, civil engineering and mechanics; and a college of fine arts when the annual income of the university should reach \$100,000.

The act provided that two sections of agriculture college lands or of saline lands should be set apart for a model farm. In his message to the legislature of 1871, Governor Butler recommended that, inasmuch as there were no such lands in an eligible situation, a section or more of the state lands should be sold and the proceeds applied to the purchase of a farm of not more than 320 acres as near the university campus as possible. The very beautiful, eligibly situated, and successfully conducted farm of the present day was the child of this suggestion.⁴⁸⁶

The first report of the board of regents of four years; Fyfield H. Longley, of Washington, six years.

The ex officio members were David Butler, governor; Samuel D. Beals, superintendent of public instruction; Allen Richardson Benton, chancellor of the university.

⁴⁸⁶ January 22, 1873, Governor Furnas gave notice to the state land commissioner that under the act of February 15, 1869, directing the governor to set apart two sections of any agricultural college or saline land for the purpose of a model farm as a part of the college of agriculture, selections had been made as follows: s. w. $\frac{1}{4}$ sec. 13 (comprising the present state fair grounds), the s. $\frac{1}{2}$ sec. 14, (the swampy tract west of the present state fair grounds), s. $\frac{1}{2}$ of s. $\frac{1}{2}$ sec. 21, (south of the present lake or "Capital Beach"), s. e. $\frac{1}{4}$ sec. 34, (north of hospital for insane), s. w. $\frac{1}{4}$ sec. 5, (northwest of West Lincoln), n. w. $\frac{1}{4}$ sec. 8, and s. e. $\frac{1}{4}$ sec. 6, (Lancaster precinct), all in township 10 north, range 6 east. (Vol. E, p. 455, Miscellaneous Records, office of register of deeds, Lancaster county, Neb.)

June 25, 1874, Moses M. Culver and wife, in consideration of \$6,050 in cash, and \$11,550 payable in four years, executed a bond to deed to the board of regents the s. w. $\frac{1}{4}$ sec. 17, and the s. e. $\frac{1}{4}$ sec. 18, all in township 10 north, range 7 east — the present agricultural college farm — and the deed was executed July 8, 1879. On the date of the execution of the bond, the regents sold to Culver, for \$5,700, the n. e. $\frac{1}{4}$ of n. e. $\frac{1}{4}$, sec. 24, town 10, north, range 6, east. June 5, 1878, the regents sold to the Nebraska Exposition Association 131 $\frac{1}{4}$ acres of the s. w. $\frac{1}{4}$ sec. 13, town 10 north, range 6 east. After various changes of title the exposition association continues to hold about 100 acres of this tract for state fair grounds.

At a meeting of the board of regents held in December, 1872, the committee on lands reported that the selection of 90,000 acres for the benefit of the agricultural college had been completed, the lands

the state university to the governor gave an account of its establishment. The board was organized at a meeting held in Lincoln, June 3, 1869, Augustus F. Harvey being elected secretary, and John L. McConnell treasurer. At this meeting plans and specifications for the first building, presented by M. J. McBird of Logansport, Indiana, and which had been adopted by the commissioners of public buildings, were approved. At the second meeting, begun September 22, 1869, the regents attended the ceremonies of the laying of the corner stone of the first building — September 23d; at the third meeting, begun December 22, 1870, Uriah Bruner, of Cuming county, was elected regent in place of William B. Dale, and Rev. Henry T. Davis, of Lincoln, was chosen secretary of the board in the place of Augustus F. Harvey, the original incumbents of these offices having removed from the state. At this meeting — December 23, 1870 — President Butler reported university funds on hand to the amount of \$26,431.23, and that the income for the coming year would be \$53,000 — the proceeds of the one-mill tax on the valuation of the property of the state. At the fourth meeting, held January 6, 1871, in the chapel of the new building, Rev. Allen R. Benton, of Alliance, Ohio, was elected chancellor. The annual salary of the chancellor of the university was fixed at \$5,000. On the 4th of April his salary was fixed at \$4,000.

The fact that the salary of the chancellor remained as first fixed, more than thirty years, notwithstanding that the university had grown in the meantime from insignificance to greatness, is due more to the entailed influence of early privation and necessary economy, than to intentional stinginess. The growth of the university has been more rapid than the admitted resources of the state. The burden of taxation is naturally heavier in new, than in old and well established communities, and its revenue is never enough to go around. Then

lying in Antelope, Cedar, Cuming, Dakota, Dixon, L'eau qui Court, Pierce, and Wayne counties. It was reported also that Stephen F. Nuckolls, the founder of Nebraska City, had sent to the university from Salt Lake City, a collection of Utah

the settlement and industrial development of Nebraska hung upon a great question mark for the first half century of its organized life. First there was the general doubt of the agricultural practicability of "the Nebraska country." When Confidence, encouraged by courageous experiment, fairly began to hold up her head and reach out for new conquests toward the ever questionable west, the grasshopper plague reinstated Skepticism and introduced Discouragement. The later succession of drougthy years lent renewed color to the faded question mark. Poverty became a Nebraska feeling, more or less acute, according to the state of the capricious crops, and now that Confidence has spread and irrevocably established her sway from border to border, and has put over the question mark the exclamation denoting almost boundless riches, the echo of the poverty plaint still lingers and affects our civic attitude. But aside from these special conditions, our educational institutions everywhere are in a chronic state of impecuniosity, owing to the marvelous growth of the demand upon them.

At the meeting of February 7, 1871, believing that the tax of one mill was heavier than was necessary, or fearing that such would be the popular feeling, the regents prepared a bill for introduction into the legislature for reducing the tax to half a mill; but even this fifty per cent concession did not satisfy the legislature which reduced the tax to a quarter of a mill.⁴⁸⁷ In 1877 it was raised to three-eighths of a mill, and in 1899 to the original amount of one mill.⁴⁸⁸ By virtue of the continuing rise of the value of property this tax will soon produce a princely revenue, but no more than will be necessary to maintain the princely university which conditions seem to call for, and is now in course of development.

The original act of 1869 prescribed the following colleges or departments:

minerals. (*Nebraska State Journal*, December 18, 1872.)

⁴⁸⁷ *Laws of 1871*, p. 118.

⁴⁸⁸ *Laws of 1877*, p. 58, and *Laws of 1899*, p. 327.

1. A college of ancient and modern languages, mathematics and natural science.
2. College of agriculture.
3. College of law.
4. College of medicine.
5. College of practical science, mechanics and civil engineering.

By the act of 1873 No. 1 was changed to "College of Literature, Science and Arts;" and by the act of 1877 No. 2 and No. 5 were grouped together as "An Industrial College, embracing Agriculture, Practical Science, Civil Engineering and the Mechanic Arts," and No. 5 became "A College of the Fine Arts." The agricultural division or group was called the school of agriculture and the other groups of No. 2 fell under engineering. By an act of the legislature of 1911 the colleges were classified as follows: College of Arts and Sciences, College of Agriculture, College of Law, College of Medicine, Graduate College, Teachers College, College of Engineering. The school of fine arts is continued in the College of Arts and Sciences and the school of agriculture, in the College of Agriculture. This arrangement became effective in 1912. Since 1911 the school of music, which had been recognized as an adjunct of the university though under independent management, has been entirely dissociated.

The first faculty was composed as follows: Allen R. Benton, A. M., LL. D., chancellor and professor of intellectual and moral science; S. H. Manley, A. M., professor of ancient languages and literature; Henry E. Hitchcock, A. M., professor of mathematics; O. C. Dake, professor of rhetoric and English literature; Samuel Aughey, A. M., professor of chemistry and natural sciences; George E. Church, A. M., principal of the Latin school; S. R. Thompson, professor in agricultural department.

The university started with the single college of literature, science and arts, in which the courses offered were the classical, the Latin scientific, and the Greek scientific. The Latin school gave a not very comprehensive preparatory course. The regular courses were, for the

times, sufficiently comprehensive. It cannot be said that the courses of today are better, except as they afford a wider choice of subjects.

The catalogue for the first year, 1871-72, showed students enrolled as follows:

FRESHMEN, OR FIRST YEAR

Frank Hurd, Tecumseh; Uriah H. Melick, Camden; H. Kanaga Metcalf, Rock Creek; W. H. Sheldon, Percival, Iowa; Mary W. Sessions, Lincoln.

SOPHOMORES, OR SECOND YEAR

Wallace M. Stephens, Nebraska City; William H. Snell, Lincoln.

JUNIORS, OR THIRD YEAR

J. Stuart Dales, East Rochester, Ohio.

Mr Dales received the first degree in course, the next year, 1873. Besides these eight regular, there were twelve irregular students and one hundred and ten in the preparatory or Latin school.

At a meeting of the regents, April 4, 1871, S. H. Manley was elected to fill the chair of ancient and modern languages; Henry E. Hitchcock, chair of mathematics; O. C. Dake, English literature; H. W. Kuhns, natural sciences, and the salary of each was fixed at \$2,000. The salary of the chancellor was fixed at \$4,000.

The regents ordered that the campus should be inclosed by a board fence, and that the university should be opened to students on the first Thursday in September — the 7th — 1871.

At a meeting held June 13, 1871, Samuel Aughey was elected to the chair of natural sciences, Mr. Kuhns having declined to accept it. The tuition of students not residents of the state was fixed at \$24 a year.

At a meeting held September 5, 1871, \$500 was appropriated for laying out and beautifying the campus; the state treasurer was requested to pay back the \$16,000 which had been borrowed from the university fund (to pay the expenses of the Butler impeachment trial); at half-past two o'clock in the afternoon the regents "proceeded in a body to the university chapel, together with the faculty

and visitors, to witness the inauguration of the chancellor and the work of the university. After prayer by Rev. L. B. Fifield, the chancellor was formally inducted into office by the president of the board, Acting Governor James, and presented with the keys of the university." At eight o'clock p. m., J. Sterling Morton delivered the university address at the chapel. S. R. Thompson was elected to the chair of theory and practice of agriculture, and Professor Aughey was assigned to the chair of applied chemistry in the agricultural college.

At a meeting held December 19, 1871, Professor Hitchcock was reelected to the chair of mathematics; he had declined the former election.

At a meeting held June 25, 1872, at the close of the first university year, the agricultural college was formally established and \$1,000 appropriated for necessary improvements. "The board, having received a request from many eminent citizens of this state," conferred the degree of doctor of laws on Right Reverend Robert H. Clarkson, bishop of the Episcopal diocese of Nebraska. The committee on land was authorized to offer any of the university lands for sale or lease, provided that no land should be sold at less than seven dollars an acre. At the same meeting the board elected "a visiting committee consisting of eminent educators in the state to visit the university and report thereon to the board." The members of this committee were John H. Kellom, of Omaha, Wellington Rich, of Brownville, — Roberts, of Ashland, and John B. Maxfield, a member of the board of regents. Augustus F. Harvey was the first secretary of the board of regents. Rev. Henry T. Davis was elected as his successor at the meeting of the regents held December 22, 1870. J. Stuart Dales was elected to succeed Davis at the meeting of the regents held in December, 1875, and he has held the office ever since. At the meeting of the board held February 28, 1871, the salary of the secretary was fixed at \$300 a year; at the meeting of June, 1871, the salary was fixed at \$400; at the meeting in June,

1872, the duties of librarian were imposed upon the secretary — according to the organic act of 1869 — and his salary was fixed at \$600. At the meeting of June, 1875, the duties of librarian were imposed upon the professor of Latin, with an additional salary of \$100 a year and the salary of the secretary was thereupon reduced to \$200. At the meeting in December, 1875, the distinct office of librarian was created by the regents. The amendments of the organic act passed by the legislature of 1877 omitted reference to the office of librarian, and the duties of the office were passed around, sometimes to the chancellor, and again to the faculty, and then, in 1878, to Prof. Geo. E. Howard. The regents finally assumed authority to create the office of librarian, under their powers as defined by the constitution. The organic act provided that matriculation and diploma fees should be used for the benefit of the library, and at the meeting of December 17, 1872, the regents ordered that these fees be so applied. The report of 1874 says that they amounted to \$260 last year, of which \$200 was spent for books and magazines.

The *Omaha Herald* (weekly) February 26, 1875, published a letter written at Beatrice, December 24, 1874, by Rev. John B. Maxwell, regent of the university, to John L. McConnell, treasurer of the university, which caused the retirement of Maxwell from the board. He urged on McConnell that "we ought to have two or three thousand in Griggs & Webb's bank here at the opening of the session. If so they cannot move the money into the state treasury during the session. . . . We will then have a man at court. This will guarantee our continuance" (in office). For "there will not be a more influential member [than Griggs] in the senate."

Mr. Griggs was president of the senate during the session in question, at which a successor to Maxwell was elected.

A suit was begun, September 13, 1875, in the district court of Lancaster county, Nebraska, entitled "Regents of the University of

Nebraska vs. John L. McConnell." The petition alleged that the defendant was treasurer of the university from December 22, 1870, to February 23, 1875, when the office was abolished by an act of the legislature; that at this time the defendant had in his possession funds of the plaintiff amounting to \$23,493.65; that he had turned over only \$20,095.03, leaving a balance of \$3,398.62. (App. Docket E, p. 250.) The defendant demurred to the petition on the ground that it stated no cause of action, and that the complaining regents had not capacity to sue. The demurrer was sustained in the court below, November 6, 1876, and the supreme court sustained the decision at the January, 1876, term (5th Neb. Rep., p. 423). In the opinion of the court the regents had no authority to bring suit, and it intimated that the action might have been brought in the name of the state.

The early public buildings of Nebraska were remarkable in being of a uniform structural type; all of them had to be propped up or burned down to keep them from falling down. While the first university building cost \$152,000, there is extant expert opinion that it ought not to have cost over \$80,000. It cost about \$29,000 more to make it safely tenantable. About \$23,000 of this amount was expended in replacing the entire foundation. At the meeting of the regents held June 13, 1871, the executive committee was instructed to procure a thorough examination of the building; and Jonas Gise, of Omaha, John M. Taggart, of Palmyra, and Cyrus W. Wheeler, of Brownville, practical builders, were appointed for the purpose. On the strength of the report of the examiners, at the meeting of June 23, 1871, the regents ordered that the foundation of the building be repaired at an estimated cost of \$747.⁴⁸⁹ After very expensive tinkering of the foundation of the north wing or chapel in 1873 and 1874, the climax came three years later.

⁴⁸⁹ The regents reported, more diplomatically than truthfully, that "these professional builders, in a lengthy report decided the building to be entirely secure, and that all fears of its stability should be dismissed as groundless." (Second report of regents, p. 7.) But the *State Journal*, June 24, 1871,

Moved by persistent reports and assertions that the building was unfit for occupancy on account of defective construction, during the spring term of 1877 the faculty abandoned the north wing. At a meeting held on the 6th of July to consider the crisis, the regents reached the startling decision that "the building was unsafe for occupancy," that it was "impracticable to repair it so as to make it a sound and substantial building and one in which the people of the state would have confidence," and that "there seemed but one course left, to rebuild it by and with the assistance of the people of Lincoln."⁴⁹⁰ The regents estimated that \$40,000 would be required to carry out this plan, and in their financial extremity they called upon the citizens of Lincoln to supply this staggering sum. Accordingly, at a mass meeting held in Lincoln on the 13th of July, a committee of lawyers was appointed for the purpose of ascertaining if it were feasible to submit a proposition to issue bonds in the amount required and look to the legislature to subsequently validate the action. On the 17th the committee made a favorable report to an adjourned meeting, which thereupon decided to proceed with the plan. But in the meantime, through the efforts of a few doubting Thomases, a skilful architect from Chicago and another from Dubuque made a critical examination of the building and then each gave an emphatic opinion that the superstructure was in good condition and that there was no impending danger whatever on account of the foundation, but as a precautionary measure it should be replaced with better stone. In spite of the persistence of local architects and builders in their original panicky fear, a revulsion of popular opinion followed the report of the imported experts, and the regents reconsidered their destructive decision. At a meeting of citizens of Lincoln, held August 20th, a committee was appointed to devise a method for raising money to pay for a

says the examiners reported that the building was safe for the present, but to insure its future safety some imperfect materials which had been used in the foundation ought to be replaced.

⁴⁹⁰ Report of regents January 11, 1879, p. 7.

new foundation; on the 22d the city council appropriated \$4,000 of the municipal funds, and afterward individual citizens subscribed \$1,810, and the stone of the old foundation was sold for \$200, making a total of \$6,010 expended for the improvement. At the same time \$2,946.07 of the funds of the university was expended for repairs of the superstructure.⁴⁹¹ The cross walls of the basement were built by Charles E. Chowins — now superintendent of construction, buildings, and grounds — during the vacation of 1887. The bids for the work were received May 30, 1887, and were as follows: Chowins, \$7,470; Fox, representing W. H. B. Stout, \$10,500; Keys & Bullock, \$9,400. The stone used was from Oketo, Kansas. The tower rested on four L shaped piers of the "old red sandstone" which it was necessary to remove. After one had been taken out another, already cracked, began to give way, and Chowins was in a state of terror lest the tower should collapse; but, luckily, he had timbers on hand for bracing, and John Roberts, the old-time foundryman, had the proper rods for clamping the pier; and thus the catastrophe was stopped. The building, though probably not actually unsafe, is generally unfit for its purpose and is a cumbrer of the ground upon which it stands. The leaders who urged the people of Lincoln to pay the cost of the repairs assumed that they would be reimbursed by act of the legislature or the board of regents; but on account of the hostile sentiment against Lincoln and the university the just claims of the

⁴⁹¹ Report of regents January 11, 1879, p. 7 *et seq.*; also contemporaneous newspaper reports at the close of this chapter which furnish a serial story of the troubles with the building.

At a meeting of the city council, held August 23, 1877, an ordinance was passed appropriating \$4,000 to be used only for repairing foundation walls and superstructure and available only during 1877. Section 2 provided that "the foregoing advance is voluntarily made until such time as the legislature of the state of Nebraska shall provide for the refunding of said sum of money to said city, or until said moneys are otherwise refunded to said city. But neither the state's convenient season for paying its just obligation, nor the city's prudential time for pressing payment ever came.

enterprising citizens were never pressed or presented.

The report of the regents made in 1874 states that no income had so far been derived from the endowment lands. In the report of 1876, "the regents desire to call attention to the pressing necessity of some legislation looking to a speedy realization of some income from the endowment lands;" although they admitted that "a very small part of these lands can at present, and perhaps for some years to come be sold under the restriction in the constitution [the minimum price of \$7 an acre], yet a very large amount of them may be leased." The report of 1880 says that "the income from lands leased and from interest upon the investment of endowment funds is just now becoming available." The further statement that this income "will within a few years reach an amount sufficient to support the university without resort to a tax," illustrates a modest and inadequate conception of the future growth of the university.⁴⁹² The university could now, with profit, use an income double that which the mill tax and the endowment yield. The University of Wisconsin has for some time been planning its buildings for the ultimate accommodation of 15,000 students. The endowment lands are nearly all sold or under contract of sale, and the fund derived from them yields about \$80,000 a year. The mill tax yielded, in 1907, \$329,413.38; in 1908, \$391,735.46. The increase is due to the higher assessment of real estate in 1908.

The act of Congress of March 2, 1887,

⁴⁹² In an address to the state legislature, January 31, 1877, Chancellor Fairfield said that \$50,880 was accumulated under the mill tax levied in 1869, 1870, and 1871, and that more than \$40,000 of that sum remained unexpended when the university was organized and the building opened to occupancy. By the act of 1871 the tax was reduced to one-fourth of a mill and its proceeds, together with the accumulation in question, had been sufficient for the support of the university up to this time; but now this surplus had been expended and the regents asked for an increase of the tax to three-eighths of a mill, which was granted.

The Chancellor said also that most of the states had sold their university lands for \$100,000. Had Michigan waited and obtained \$1,100,000, "as Nebraska will for hers," the annual tax would not now be needed.

known as the Hatch law, made an annual appropriation of \$15,000 for every agricultural college established under the act of July 2, 1862, for the purpose of carrying on experiment stations in connection with such colleges. By the act of 1906, \$5,000 was added to the original amount for each college, this sum to be increased by \$2,000 annually until the original appropriation shall be doubled — in the year 1911. Under this act, an experiment station is now conducted at the college of agriculture in Lincoln. A sub-station was established at North Platte in 1904 for the purpose of adapting experiment to local conditions distinctly different from those at Lincoln. This sub-station is supported by state appropriation.

By the act of August 30, 1890, the federal Congress appropriated \$15,000 for each agricultural college established under the so-called Morrill act of 1862, this sum to be increased by \$1,000 each year after 1890, until the total appropriation should amount to \$25,000 — in 1900. The act of 1907 provided for doubling this appropriation at the rate of \$5,000 a year for five successive years, ending with 1911. Under existing law, therefore, since the year 1911, the annual income of the university through direct federal appropriation, has amounted to \$80,000.

At a meeting in December, 1875, the regents received the resignation of Chancellor Benton, to take effect at the end of the college year. At a meeting held March 24, 1876, Edmund B. Fairfield, then principal of a normal school in western Pennsylvania, was elected chancellor, and he assumed the office at the close of Benton's term. At their annual meeting in June, 1882, "the regents decided to dispense with the services of Chancellor E. B. Fairfield, his services to terminate September 30, 1882."

George E. Church, professor of Latin; George E. Woodberry, professor of English; and Harrington Emerson, professor of modern languages, were also dismissed at a previous meeting, held in January, 1882, the order to become effective at the close of the academic year. They were all men of uncommon ag-

gressiveness and ability. Having decided that the chancellor ought to go, they set about with systematic energy to attain their end. The *Omaha Republican*, whose editor was Datus C. Brooks, father-in-law of Professor Emerson, and the *Daily State Democrat*, of Lincoln, were the gunnery of the insurgent professors who furnished ammunition — some shrieking shells and some solid shot — for the bombardment. It was a spectacular campaign, resulting in the annihilation of the forces on both sides. The trio of Sampsons who thus deliberately dragged down the Philistine temple upon their own heads, afterward won distinction in other walks of life. Woodberry has achieved a great reputation as a writer and literary critic, Church has had a successful career at the bar, and on the bench in California, and Emerson has been a very active man of business in various parts of the country.

At a meeting of the regents held February 21, 1883, Charles Kendall Adams, of the department of history in the university of Michigan, and subsequently president of the university of Wisconsin, was elected chancellor, but he declined the office. At a meeting held December 18, 1883, Irving J. Manatt, professor of Greek in Marietta College, Ohio, was chosen chancellor, and he assumed the office on the 1st of January, 1884. Professor Henry E. Hitchcock was acting chancellor in the interim. The university began to find itself on the incoming of Chancellor Manatt's administration. Until then its career had been "grasshoppered" — both by adverse natural conditions and by a natural human perversity. It is only success that succeeds; and it was only when success in spite of opposition seemed sure, that sneers and contumely changed to public praise and pride. As late as 1880, there were only 255 students enrolled and they were accommodated by only one tumble-down building. In 1885, the legislature appropriated \$25,000 for "a building for industrial and scientific departments;" — the chemical building of the present; in 1887 and 1889, provision was made for the industrial college build-

ing — Nebraska Hall — and for Grant Memorial Hall. While such inferior buildings as the two last named ought never to have been erected, yet they bridged a chasm between general adversity and success. In 1891, \$37,000 was appropriated toward the library building — the first structure fairly creditable to the campus. In 1879, \$50,000 was appropriated by the legislature for the maintenance of the university during the ensuing two years; in 1881, \$56,000; in 1887, \$165,000 — the last showing that the university had somewhat suddenly become established in the popular mind and heart.

A medical college was prematurely established in 1884, on an appropriation of \$2,000 by the legislature of 1883 for incidental expenses. The services of the faculty were gratuitous. In 1885 the legislature prohibited the use of any funds for the support of the medical school. The faculty hung on without compensation for another two years, when the college was discontinued. It was revived in 1902; and perhaps the most important incident of Chancellor Andrews' administration was the affiliation of the Omaha Medical College with that of the university. Better clinical facilities are supplied in Omaha than in Lincoln — a very important consideration. The relations of the Omaha school are not clearly or definitely defined, but the students take the first two years of the medical course at Lincoln. The college of law was established at a meeting of the regents in August, 1891, and William Henry Smith was the first dean. The teaching of military tactics began by the detail of Lieutenant Edgar S. Dudley for that purpose in 1878.

The first fifteen years of the university's life were full of vicissitudes, due largely to pioneer poverty and scant population. But there were two other conditions which retarded its growth: the public mind was not prepared to concede that it was expedient for the state to undertake the function of so-called higher education at all, much less to carry it to the extent to which it has been developed; and then growth was seriously obstructed by the parti-

sans of sectarian colleges, partly through jealousy, and partly through fear that these state schools would become too secular or irreligious. As there were then no sectarian schools of importance in the state, the various religious denominations sought to influence as far as possible, or completely control the university, and their respective spheres of influence were as marked and definite as those of the various civilized nations in their appropriation of Africa.

This condition or policy soon became incongruous, and it was the chief cause of the internal disturbance in the early part of 1882 which resulted in the dismissal of the chancellor and three of the ablest members of the faculty, leaders in a rebellion against him. It is now a well settled policy to select the head of a university chiefly with reference to his executive fitness; and clergymen, who were formerly preferred for the office in question, are now usually deemed unavailable. The modern conception of a university was first applied to the Nebraska institution under the administration of Irving J. Mariatt, and succeeding chancellors have promoted its growth along progressive lines. There has been no serious religious friction since the explosion of 1882, and that phase of the university life or polity adjusts itself to other conditions unostentatiously, but freely. In very marked contrast to the earlier policy, the government of the university now treats the religious question as, according to their constitutions, the governments of the states and nation treat it — by leaving it alone. Of late, also, the internal management of the university has been tainted but little by partisan politics, though its governing board is still chosen by partisan selection, and scandalously wears the party label. Still there have been several examples of the pernicious effect of the partisan choice of the regents of the university. Chancellor MacLean resigned in the midst of his usefulness in anticipation of political prejudice against him — not entirely unearned — on the part of the incoming democratic board; and this board chose Chancellor Andrews

chiefly on account of his political views, and by a strict party division! And yet, considering the conditions and circumstances, these acts were natural if not excusable. The least and the most that can be said in comment is, O, times! O, customs! And all that can be done is to await the issue of the protest against the choice of public school boards in general and judicial and municipal officers by party label which begins to be plainly heard.

Furthermore, while the governing board of the university has on the whole been composed of faithful and fairly representative men, yet it is impracticable to regularly supply regents of the special qualifications required, by popular choice. This is especially true under the primary election system. While the popular primaries discriminate against very unfit aspirants for office more honestly and effectively than caucuses and conventions have done, yet they do not discriminate between indifferent and special qualification as well as those institutions which they have displaced often did.

The typically short tenure of the chancellors,⁴⁹⁸ and its usually either strained or violent ending, is not only hurtful to the university, but, together with not uncommon internal dissension, indicates that the best form or character of university government yet awaits discovery, or at least attainment. It seems that quantitative forcing at the expense of its qualitative character, of which the steady loss of the ablest professors is but a single example, ought to have been, in some sort, avoided. The university is now the most important of our state institutions, save only the state government, and its condition should be freely, though of course, fairly criticised.

The following particulars are taken from the *State Journal* of the dates indicated:

September 25, 1869 (weekly). Contains an account of the exercises at the laying of the

⁴⁹⁸ Chancellor Manatt retired January 1, 1889; Prof. Charles E. Bessey was acting chancellor until August, 1891, when James H. Canfield assumed the office, holding it until September 1, 1895. George E. MacLean filled the office from September 1, 1895, to September 1, 1899. Prof. Bessey was again acting chancellor until E. Benjamin Andrews be-

corner stone, the formal part of which was under Masonic ceremony. Seth Robinson, a lawyer of Lincoln, was the orator of the occasion.

October 29, 1870 (daily). Governor Butler calls on Robert W. Furnas to resign the office of regent.

December 29. Gives an account of Butler's request for the resignation of Furnas and Maxfield, regents of the university, showing that, though they arraigned Butler for letting the contract, both had voted to change the McBird plans for the building, nearly doubling its size and increasing the cost by \$50,000.

June 27, 1872. At the first commencement exercises, held June 26, 1872, there were no graduates and the only degree bestowed was that of LL. D. on Bishop Robert H. Clarkson, of the Protestant Episcopal diocese of Nebraska. James M. Woolworth, of Omaha, gave the commencement address.

January 31, 1875. The *Journal* states that three of the eight professors were clergymen and that the principal of the Peru Normal school was a doctor of divinity.

September 26, 1876. Bishop Robert H. Clarkson notes the death of Professor Orsamus Charles Dake. He was the first head of Brownell Hall; then rector of Trinity church, Omaha; then missionary at Fremont and other points; next professor in the university.

Professor George E. Woodberry, a recent graduate of Harvard, was elected in March, 1877, to the chair of history, rhetoric, and English literature at \$1,500 a year. Miss Ellen Smith, a graduate of Hillsdale ten years before, begins work in the university.

September 27. Military drill under Lieutenant Dudley was a regular daily exercise.

In April, 1877, Edgar S. Dudley, first lieutenant, Second artillery, was detailed and is now on duty as professor of military science. The number of such details was limited by law to twenty.

July 8, 1877. Reports of architects Dufrene, of Omaha, Craig, of Nebraska City, Artemus Roberts and John J. Butler, of Lincoln, made July 7th, agreed on three points: use of defective material in foundation and superstructure; present unsafe condition of the building; impracticability of repairing it. The regents reported that, "from personal examination, and

came chancellor September 1, 1900; he in turn was followed by Samuel Avery as acting chancellor, January 1, 1909, and he was elected chancellor May 20, 1909. An account of the movement in the legislature of 1911 to consolidate the university at the agricultural college farm may be found in Chapter X of this volume.

the reports of architects and builders, they are convinced that the building is unsafe and should not be longer used, endangering the lives of students. They are likewise convinced that it is impossible to repair the same so as to make it a substantial building, one in which the people will have confidence." They advise taking it down while it can be done, using all material worth saving on a new one, and raising by subscription, "the only means in our power," from the people of Lincoln and vicinity enough to erect a building costing about \$60,000; (amount to be raised, \$40,000 by July 20th) so as to complete the work by Christmas.

The executive committee was directed to remove the contents of the building for safe-keeping when necessary, to contract to take down the building and erect a suitable one, provided the citizens of Lincoln donate \$40,000 towards erecting the same, and "that they be also charged with the duty of making temporary provision for the fall term, that no inconvenience may arise to the students or faculty."

The committee was also authorized to relocate the site if thought advantageous, but within two miles of the capitol.

July 14. Evening of the 13th a large mass meeting at the opera house. Amasa Cobb presided. Appointed a committee of seven lawyers — Turner M. Marquett, Oliver P. Mason, Mark H. Sessions, Lorenzo W. Billingsley, Smith B. Galey, Paren England, General Joseph R. Webster — to find out whether bonds could be voted and legalized afterwards by the legislature.

July 18. Adjourned mass meeting on the 17th. Six of the committee of lawyers report that the county may vote bonds or borrow money, the bonds to be afterwards validated by the legislature. Galey dissented. It was resolved to vote county bonds to the amount of \$40,000. If that exceeds the amount of indebtedness the county may legally incur, the city to raise the balance.

Judge Mason said it would be "endorsing a bankrupt and despotic power"—the board of regents.

July 21. John Mullany, architect and builder for twenty-seven years, of Dubuque, had examined the building; said it would stand fifty years and, with a portion of the wall renewed, would be as substantial as any building that could be put up — though many things had not been done as they should have been, as he informed Silver (the builder).

July 22. About 200 people attended a meet-

ing at 9 o'clock, July 21st, in the chapel, which had been closed for some time on account of alleged insecurity. Mullany said he was present at the request of an old friend, Mr. Bostater, of Lincoln. A few days ago he had noticed the report of the regents and thought there was "an ax to grind" in it. The building had settled, but had stood the test of settling better than ninety-nine in a hundred. No more cracks than usual in buildings of that size. Few buildings so well tied and supported by cross walls. Outside walls had nothing but themselves to support. Utterly impossible for them to fall out or in. They had not sprung, and were perpendicular. Some of the bricks were soft and not of first quality, but medium brick stand the most pressure and are always put on the inside where they get it. No danger at all of crushing or giving way. Sandstone in foundation not good material, and ought not to have been used. It deteriorated through moisture — like the Parliament House of England. Should be faced with Portland cement. Such as had crumbled should be taken out. The northwest corner had settled one and one-half to two inches more than the rest of the wall, but had not cracked off; it had gone down, showing that the walls were well constructed and could not fall. A bulge of one and five-eighths inches in the north wall occurred, while being constructed, from unequal settling of that corner; but it had not changed since the plastering was put on, seven years before. It would take \$90,000 to duplicate the building, though material was then very low. All that was needed was \$7,000 or \$8,000 for repairing such part of the foundation as required it, and protecting the outside of the walls from the weather.

July 26. "G. P. Randall, an eminent Chicago architect, was telegraphed for by Regent Tuttle." (At the instance of Chancellor Fairfield who had seen his work of the same kind.) July 25th Randall made a report. He said that the work generally was not good, but ridiculed the idea of the brick walls "splitting." Part of the foundation had already been replaced with limestone and he advised removing all the rest and putting in good limestone. Below the ground line, the walls were built of rubble, "the cheapest of its kind," above this the piers — between windows of the foundation — are in fact two walls, an outside thickness of stone six inches in depth into the wall without bond with the backing; in fact a compound wall. Inside of undressed stone or rubble. The sandstone of which the walls were

built was not good, would not stand wet and frost; decomposed too readily.

July 27. Demands that the regents reconsider their action condemning the building. Mass meeting at the university chapel July 26th. Randall endorsed reported saying of Mullany that "no one but a d——d fool would ever talk of tearing down the building." Said the bricks were fair, and he had found no defective ones in the face of the wall. There was no occasion to remove the inside foundation walls; but twenty or thirty years hence, if they showed signs of softening or disintegration, they might be replaced. These cross walls had no footings. There was no breaking of bonds of the superstructure, and with a good foundation the building would be perfectly safe. "Mr. Randall is known to be the most prominent architect in Chicago." He said the foundation could be replaced while the building was occupied.

Quotes from the *Nebraska City News* a report of a meeting held there, presided over by J. Sterling Morton, which decided to offer \$20,000 cash and more if necessary, and fifty acres of land, less than one mile from the court house, and house the university temporarily. Morton thought they could do this better than Lincoln — in the "Grand Central."

Omaha offers its high school building for the university; Grand Island \$100,000; and Nebraska City \$70,000. Mayor Stevenson thought that amount could be raised in a few hours. So far there were seven aspirants. In the *Journal* of August 17th, a Nebraska City correspondent says that propositions have been made to remove the building as it stands to that place.

Architect Mullany insists that the brick walls are sound from top to bottom. The cross walls sustain most of the weight.

July 28. Says that Randall examined the old capitol in Omaha a few years ago, and advised that it was in such a dilapidated condition that it should be removed. He designed the "magnificent building that now crowns that city" (the old high school building).

July 29. On the 28th Randall made further examination of the building and reported more emphatically, concluding that the present foundation walls would last fifty years if well protected from the weather. The inside partition walls were in pretty good condition. But he still advised replacement of the balance of the outside walls.

July 31. John J. Butler opposes Randall's views in the *Omaha Republican*; copied by *Journal*.

August 2. Prints John Mullany's written report — addressed to John R. Clark. Says foundation walls are banked up with earth, conducive to dampness; the sandstone absorbs water 147 to 1000, while brick, only 106 to 1000. This stone would have been his last choice; he was familiar with it in Iowa. Advised removing any deteriorated stone from the walls and covering all with Portland cement; would be less expensive than replacing all the foundation. Building would be perfectly safe repaired in this way; sandstone abundantly able to stand the pressure. Window caps should be removed and replaced with a single stone. Cracks between windows caused by unequal settling. All weight falls on the "piers" between windows; little or none under window openings. Cracks should be pointed. Brick walls "all-sufficient" — singularly free from cracks. There were walls enough inside to support the building if the outside walls were ruined. The only objection to the building was its gloomy appearance. Ridicules J. J. Butler, who said must go to corner of Eleventh and N streets and Presbyterian church for data as to the durability of the sandstone.

August 4. Prints communication of Randall to *Omaha Republican*. Foundation might endanger walls in twenty or twenty-five years, but at present only two piers in entire circuit of building "in which there is the least possible show of weakness" — which could be repaired in a few hours. Slurs the simpleton who started the story of the splitting of the upper walls. It was "a dastardly imposition that has been practiced or attempted to be practiced on them."

At this time the *Republican* begins to retract; excuses itself by quoting Tuttle's remarks at the first meeting of citizens. He had watched the building carefully and was nervous over it, and was glad when the last term closed and the building could be shut up.

August 9. Communication of Regent Tuttle, presenting a joint report of J. J. Butler and Seth W. Beals, superintendent United States court house and postoffice, and separate reports by A. D. Dufrene and A. Roberts, architects. The first two advised taking down all of the building. Dufrene finds the material of all the walls of such inferior quality that it is impracticable to repair them. Roberts estimated that it would cost \$15,000 to replace the foundation walls. This cost added to the value of all material would make a better new building on a new location. W. R. Craig, of Nebraska City, said the building was not worth more

than \$80,000 at first, if of good material and work, and could be erected now for \$60,000. He advocated a new building for \$50,000, using the present material, worth \$20,000, toward it.

August 10. The *Journal* reviews all reports and prefers Randall's and Mullany's, "concurrent in by many practical builders and citizens." Advised new foundation.

August 15. Regent Tuttle prints a letter from James B. Angell, president of the university of Michigan, advising that now that there is a chance to move, to take not less than forty acres, "fifty if you can have them," for a campus. Tuttle argues that if Michigan is already crowded on forty acres after a quarter of a century, how will ours be at the end of that time on about eleven acres?

August 16. The *Journal* opposes removal of the university to a larger campus and argues that it is better to keep it close in.

August 17. Report of a meeting of regents in which it transpired that a window was removed from the part of the north wall of the chapel where the greater danger seemed to be, and the wall was found to be sound and secure. Two holes were made, one in the north, and the other in the west wall; both in splendid condition. J. J. Butler, W. R. Craig, and D. C. Brooks, editor of the *Omaha Republican*, acknowledged their error, and the regents unanimously rescinded their resolution of July 7th, calling for \$40,000 for a new building, and in the same number Regent Tuttle called for bids for repair of the foundation according to Randall's specifications; but citizens of Lincoln were required to pay the expense. A communication from the committee of Nebraska City was received, and the chancellor was instructed to reply that it had been decided to repair the present building.

The *Journal* objects to moving the university to the proposed forty acre campus, arguing that beyond the \$40,000 required for the new building there would have to be a boarding house with 100 study rooms on account of the distance from accommodations in the city. It would cost \$150,000 to accommodate students now in attendance, a mile and a half or two miles from the city. [The proposed new campus was not so far away.]⁴⁹⁴ A Nebraska City correspondent says propositions have been made to move the university building, as it stands, to that place.

August 21. At a mass meeting at the opera house on the evening of the 20th a committee of seven was appointed to devise means to raise money for repairing the foundation. May-

or Hardy said \$4,000 could be spared from the city's funds. Henry C. Lett, of Brownville, and Geo. E. Pritchett, member of the legislature from Douglas county, thought the legislature would reimburse the city. Turner M. Marquett and Oliver P. Mason thought the city would be reimbursed.

August 23. The city council, at a meeting on the 22d, appropriated \$4,000 towards repairs at the university. Hollingsworth & Coughlin, of Chicago, offered to raise and lower the superstructure for \$1,100. The lowest bid for the foundation was Keys & Bullock's, \$3,140.

September 13. The finance committee of citizens decided on the 12th to put in a new foundation, to put some bricks in place of defective ones in the upper wall, that window caps, sills, and quoins should be cemented in the color of the foundation, and brick walls painted two coats and pencilled.

Citizens of Lincoln paid premiums on three fire insurance policies for the university, amounting to \$20,000. (See *Senate Journal*, 1879, page 69.)

Nebraska State Journal, March 22, 1878. The regents still hold title to the state fair ground near the city. They want to sell it and pay up the balance due on the college farm bought in lieu of the fair quarter section. Lincoln might sell the eighty not improved and hold the fenced eighty, containing the race track, buildings, and improvements, which had cost the people of Lincoln and vicinity about \$15,000.

January 22, 1879. A correspondent quotes Datus C. Brooks, editor of the *Omaha Republican*, as saying that the university lands are worth half a million dollars, over \$55 an acre.

⁴⁹⁴ The *Journal's* remarks upon the situation are of especial and prophetic interest just now when the need of vastly more room for the university than it is practicable to obtain in the neighborhood of the present campus is creating a strong removal sentiment: "But there is no present necessity for a forty acre field. Whatever the future may develop, we have as yet but one building, and the grounds are ample for all practical purposes, and the prairie stretches in all directions with ample commons for whatever military evolutions may be desirable. When the city shall have grown around the university and crowded it so that there is not sufficient breathing room, the people of this community and of the state will be better prepared, it is hoped, to make the necessary contributions in land and money for wider space and more ample buildings."

The *Journal* went on to argue that the case might be different ten years hence but it was better to keep inside for the present and meet the exigency when it should arise.

Nearly all of them lie in Cedar, Knox, Pierce, and Wayne counties.

July 8. Says the *Omaha Republican* insists that Professors Bailey and Woodberry and Lieutenant Dudley were dismissed on account of their opposition to Chancellor Fairfield. The *Journal* retorts that the people will not permit the university "to be crippled by pompous professors of uncertain religious proclivities who persist in keeping up a faculty fight."

The *Republican* continues to speak of "Our failing University."

Elder John G. Miller, Methodist, indulges in a long tirade, familiar in those times, against the godless university. "The great body of the people demand a school with a moral philosophy taught based on Christianity."

August 14. Lorenzo W. Billingsley answers the attack of Elder Miller, retorting that the unorthodox majority of the regents elected Chancellor Fairfield, Professors Collier, Emerson, and Woodberry, and Miss Smith, all members of orthodox churches except Woodberry. "And he was bowled out recently because he was not sound in the faith, though a man of rare scholarship and culture, if President Eliot of Harvard is good authority."

June 11, 1880. On the 10th George E. Woodberry was reinstated as professor of Anglo-Saxon and rhetoric and instructor in English composition at a salary of \$1,600. All the regents voted "aye" except Adair of Dakota county. John R. Carson, of Nemaha, tried to shirk voting but was not permitted to do so. George E. Howard was elected professor of English history and literature and was also made librarian.

The *Omaha* newspapers kept up attacks on the university for many years. The *Journal*, May 23, 1875, protests against Regent Barrows's proposal to suspend the university for five years. To so do would be bad faith, since the state had accepted 136,000 acres of public land as an endowment.

The *Omaha Republican* (weekly), April 26, 1871, says the *Herald* advises that the capitol and university building ought to be burned. The *Herald* (weekly), June 19, 1874, asserts that the university is on a downward scale and ought to be suspended for five or ten years. May 8, 1874, a correspondent of the *Herald* says that it is a failure; it had not sixty students, and the chancellor was "destitute of executive ability, brain power, and physical force." January 26, 1875, the *Herald* (daily)

says the university is a "patent humbug" and the building a stupendous fraud. January 31st it declares that there will be ample time to start a university when the state has attained a population of 1,500,000. [Its population still falls below that — in 1910 — but the university enrolls 3,500 of them.] In May and June the *Herald* insisted that the operation of the university should be suspended. February 19, 1875, advises regents to suspend operation for five or ten years.

Ibid., February 19. Prints Maxfield's letter to Griggs and adds: "This holy son of righteousness and rectitude is a soldier who fights for both God and Mammon with the dash and energy of a desperado."

Ibid., May 21. Says that Regent Barrows, also editor of the *Republican*, advocates suspension of the university for a period of years, and complains that the graduates cost \$1,900 apiece for two years.

The *Omaha* press ridiculed the attempt to make the university a pan-sectarian school. The *Omaha Tribune*, April 1, 1871, recites that Prof. H. E. Hitchcock, Presbyterian, of Knox College, Illinois, had been elected to fill the chair of mathematics; Prof. S. H. Manley, Methodist Episcopal, of Cornell College, Iowa, to fill the chair of ancient and modern languages; Rev. O. C. Dake, Episcopalian, of Fremont, to the chair of English literature; and Rev. H. W. Kuhns, Lutheran, of Omaha, to the chair of natural sciences.

The *Bee* (weekly), February 3, 1875. The university of Nebraska, supported at enormous expense to the state, "would not pass for a second class sectarian school. The attempt by some of the faculty to make it a school more for religious training than for practical education may account for this." Complaint had been made to the *Bee* by a Methodist that Professor Manley "did not half represent the Methodist church in the university." *Republican* (weekly), February 13, 1875. Referring to charges that there is "too much religion in our university," distinguishes between that and "churchism" of which it hints there is too much.

The *Omaha Herald* (weekly), March 12, 1875. Quotes the *Lincoln Spy* as saying that Robert D. Silver, contractor for building the university, offered Wheelock \$4,000 to decide a matter in his favor and it was accepted. "The *Lincoln Journal* is as silent as the grave on this subject. It was never known to condemn a fraud or denounce a wrong."

CHAPTER XII

MATERIAL GROWTH AND RESOURCES — AGRICULTURE — COMMERCE — MANUFACTURE — THE GRASSHOPPER PLAGUE — DROUTHS

WHEREFORE take no thought, saying, what shall we eat? or, what shall we drink? or wherewithal shall we be clothed? For after all these things do the Gentiles seek.

. . . But seek ye first the kingdom of God and his righteousness and all these things shall be added unto you." Buddha, second in importance, perhaps, of the world's great moral and religious leaders, anticipated these Christian sentiments in his teachings.

The vast, and perhaps paramount importance of economic development requires and excuses a little preparatory preaching. The favorite philosophy of earlier civilizations undertook to work from the top, downward, whereas ours — we call it sociology — reverses the order and works from the bottom, upward. The great teachers and preachers among the ancients thought to bring about social amelioration by inspiring the people with righteous precepts. We seek the same end through appeal to enlightened selfishness — by magnifying the importance of physical goods and comforts and putting them within reach of all and by arming all with intelligence enough to enable them to enforce equity and righteousness. In the present sociological philosophy, so-called original moral precept is not superseded by enlightened or intelligent social force but they interact upon each other; the latter, however, doing the primary or principal pushing. The few and far between transcendental idealists of the ancients — exceptions or sports among natural men — sought to convert the normal people to their idealism by texts; we work out to the idealistic texts as the best expression of natural development. Our sociology turns the

old Adam in people, which, in spite of ages of precept, still abounds, upon itself to convince them that the less they manifest it the better off they will be.

In short, we are the very Gentiles the greatest of these transcendentalists contemned. And this is why Nebraska's material resources seem so important to us, and why we here seek to disclose, and contribute toward showing how the most may be made of them; and it is the real source of our state pride which this exposition will both illustrate and justify. For to reach these ends of individual and social advantage, which are closely related, there must be union and coöperation of a goodly number of people in a territory of sufficient area and economic resources comfortably to contain and maintain them. These conditions should be such as to afford support, with a minimum burden, to an adequate government, to the best school system, to an ample system of transportation and, in general, to profitably employ and encourage in their development the people who are thus joined in the society we call a state. The contribution of live stock by the grazing section of the state to the eastern section for feeding or slaughter, for example, increases population and builds up large towns which, in turn, encourage the establishment of large stores which carry extensive stocks of goods of all classes for the convenience of people from all parts of the state. The growth of the cities and industrial institutions in the eastern part of the state is stimulated by the development of farming in the western part, and that growth, in turn, tends to increase the value of western farms. These diverse

enterprises are mutually dependent upon markets for buying and selling.

The approximately uniform size of the states is due to the adjustment of these conditions — of means to ends. It is found that in an organization smaller than the general government, involving the whole nation, most of the interests of the people are better subserved and their affairs better managed, because public opinion can be more readily concentrated in the smaller state and is more effectively brought to bear upon a government seated near at hand than upon one at a great distance, like our federal government. On the other hand, defense against foreign aggression, free interstate commercial intercourse, and the construction of great public works, such as waterways and irrigation systems, seem to require the larger political association. Otherwise, we should be better off if our several states were wholly independent of one another. Our habit of patriotism, which chiefly glories in bigness and the prestige it carries, gradually weakens as society becomes more mature and national lines gradually wear away under the feet of increasing intercourse impelled by the impulse of a growing sense of mutuality of interests. Compassing this wider view, George Eliot called patriotism "a virtue of small minds," and Herbert Spencer said: "If anyone should question my truthfulness or my honesty, I should be stung to the quick, but if I should be called unpatriotic, I should remain unmoved." And in the wider nation there is a correspondingly wider scope for patriotism as Dr. Johnson aptly defines it: "The last refuge of scoundrels."

But the ultimate meaning of our present controlling philosophy, pride in the great material resources of our state and solicitude for their most complete development, may spring from the broadest motive. This is confirmed by a single fact: Omaha is the greatest distributing center for sheep of the "feeder" class in the world. This vast supply of raw material, which is converted into butchers' stock, in part by Nebraska corn and hay, is collected from all the grazing states of the west and northwest. Again, the meat-packing

system of Omaha ranks third in the country — and so in the world — in volume of output.

The skepticism and hesitancy which, from the first, retarded material development of the Nebraska country were not fairly dispelled until about the year 1878 which is marked by the revival, or the beginning on a general local scale, of railroad building. Though the intersection of the state by railroads was begun in the early seventies, it had been abandoned on account of the grasshopper depredations of 1874-75 and the fear of them, which lasted two years beyond that period. As late as 1877 it was confidently predicted that in twenty years Nebraska would be the great cattle range of America, and as confidently asserted that the Republican valley was a natural grazing ground; but at the close of that year the Burlington & Missouri railroad company gave notice that the prices of its lands would be raised; and the two great railroad companies of the state valued their properties so highly as to begin political strife to prevent their control by the state. But not only were the resources of the state underestimated; there was misapprehension as to their character. About ten years later Nebraska was distinguished as forming an unexcelled part of the unequalled corn belt of the world, and a few years still later stood in the front rank of the general agricultural states.

A humane federal statute prohibits the continuous transportation of live stock upon railroads for more than twenty-eight hours without being unloaded for rest. By consent of the shipper, the time may be extended, as it usually is in practice, to thirty-six hours. By a state statute, the time is limited to twenty-four hours for transportation wholly within the state. Business interests reënforce the law; and yards for feeding and resting are maintained at convenient points along the main lines. On the Burlington these yards are kept by the company; on the other lines they are owned and operated by independent parties. The yards at Valley on the Union Pacific road are the most extensive in the state, both because that road covers the widest stock raising area and

because the station is about the right distance from Omaha for preparing stock for the great market there.

These yards are owned and conducted by William G. Whitmore (a regent of the state university) and Frank Whitmore, his brother. During recent years, they have handled on an average, 1,100,000 animals annually, three-fourths of which are sheep. Most of the remainder are cattle; as but few hogs originate west of Nebraska, not many need rest or care at this station. Much the larger part of the sheep come from Wyoming and Idaho, Wyoming largely leading. The rest come from northern Utah, Montana, Oregon, California, and Washington. Since many of these western sheep are originally driven to the northern grazing grounds from the far south, they become very experienced travelers by the time they reach the Omaha or Chicago market; and this phase of sheep life illustrates the marvelous capacity of modern transportation and its important relation to industrial, and general social development. Of late years James J. Hill has caused the shipment of considerable numbers of live stock from the farther western states across the Pacific ocean to the orient.

The Messrs. Whitmore use 3,200 acres of land adjacent to Valley in their stock caretaking business. They own 1,100 acres and they have acquired long leases of adjacent farms to make up the remainder for which they pay a high rental. These lands have a frontage of four miles on the Platte river. The total acreage is divided into thirty-six lots which are required to separately accommodate individual shipments or consignments. The lots are fenced with woven wire surmounted by several strings of barbed wire for the protection of the sheep from coyotes and dogs. The length of time of detention of the various consignments is governed by the condition of the stock and of the market. The first is improved by feeding and rest, and the second may improve through waiting. All the land is devoted to pasture and meadow; all the needed grains are purchased. The various

lots are watered by driven wells from which windmills pump the water into troughs which in turn overflow into natural depressions or pockets, thus creating perennial ponds of fresh and wholesome water. A large number of yards and chutes are required for loading and unloading. The re-shipping is mostly done in the night so that the stock may reach Omaha fresh at the opening of the market.

Upwards of \$30,000 is invested in buildings, one of which will house 7,000 sheep, though it is used only in stormy weather, and another contains 500 tons of baled hay in readiness for any emergency of bad weather or an otherwise accidental short supply. The labor pay roll is about \$20,000 annually; and, as the work requires the greatest care, high wages are paid to secure responsible men. There are machines for shearing sheep and for various other purposes and gasoline and electric motors.

About eighty per cent of the cattle and eighty-five per cent of the sheep that stop over at these yards are range fed. A considerable part of this class of stock is in good enough condition for immediate slaughter; the rest are sold as feeders. Chicago packers take the larger part of the fat animals and Omaha the larger part of the feeders. William G. Whitmore's son, Jesse D., manages a similar feeding station at Grand Island; and there are stations also at Sidney and Cheyenne and other points along the Union Pacific road.

The great plant near Central City, in Merrick county, which was founded, controlled, and conducted by the late T. B. Hord, serves to illustrate the extent of the stock feeding business, in Nebraska, as well as the methods employed.

Mr. Hord came to Central City from Cheyenne, Wyoming, in 1885, and at once began the business which he developed into the largest establishment of its kind in the whole country, and so of the whole world. The first year he fed 235 head of cattle. In 1908 he fed 16,000 cattle and 12,000 hogs. While Central City is the chief feeding point, there are branches at Belgrade, Chapman, Clarks,

Fullerton, Schuyler, and Thummel, on the Union Pacific railrad, and Neligh, Oakdale, and Tilden on the Northwestern railroad. Four year old steers are preferred for feeding because they make the highest class of beef in the least time, which the plant aims to produce. A part of this stock is bought from farmers and ranchers in Nebraska, Colorado, and Wyoming, but the Hords keep on their ranges in Deuel and Sheridan counties, from six thousand to eight thousand head of steers, mostly bought as two-year-olds. When these arrive at the age of four years, they are brought down to the feeding stations. Some of the young cattle are also kept in Montana. The hogs are bought mainly in Nebraska, but some of them in Wyoming and Colorado, and the sheep come principally from the two states last named.

About 16,000 acres of land are used in the production of hay and corn and for yards for the animals. Not more than 25,000 bushels of corn are raised on this land annually, but it produces most of the hay which is consumed. The enormous amount of food which is required every year is easily calculated from the fact that about sixty bushels of corn and three-fourths of a ton of hay are fed to each steer. The amount of time taken for feeding a steer is three to six months, an average of about four months. This of course depends upon the condition of the stock and of the market. Nearly all of the Hord cattle are sold in the Chicago market because they have been fed up into the export class and the demand for this grade is in that market. Besides hay and corn, a balance ration of alfalfa meal and molasses is also given to both cattle and sheep. Hogs get their corn mostly from the droppings of the cattle, but they are fed, besides, about a pound a day per head of shorts mixed with water. Cottonseed meal is fed more or less to cattle toward the latter part of the fattening period.

It is not found necessary or profitable to house cattle or sheep, but the yards are protected by high board fences for wind breaks. Houses are provided for hogs. From

125 to 150 head of cattle are put into each feeding yard, the tendency being to reduce the numbers so herded together for feeding. The sheep feeding yards contain about 400 head to the pen.

The Hords own and lease a part of their stock range in Deuel and Sheridan counties and a part of it consists of public lands. Hay cut in the valleys on the ranges is kept ready for use and is fed mainly in the months of January, February and March. Wells and windmills are quite generally resorted to for supplying the range stock with water and this method is found to be quite practicable. Only steers are corn fed; all cows being sold to the slaughter market from the range.

Sheep feeding is not always profitable, mainly on account of the high cost of the feeders, owing to the high price of wool. Dear corn also affects the business. Those caught with fattening stock on their hands, bought before the panic of 1907, suffered a great deal of loss. While there is more risk in feeding on a high corn market, yet it is not necessarily less profitable than feeding cheap corn. Mr. Hord's very wide experience and practical observation led him to the same opinion held by Dean Burnett, of our school of agriculture, namely, that the fattening of cattle will come to be done more and more by the farmers themselves or small local feeders.

Among other large feeders in Nebraska are Edward Burke, of Genoa, E. M. Brass and John Reimers & Sons, of Grand Island, and E. D. Gould, of Kearney. The largest sheep feeders are in the neighborhood of Gibbon, Shelton, and Wood River.

While general intelligence and scientific skill are constantly increasing factors in general farming, yet its results will always depend largely upon the uncertain whims of Mother Nature. On the other hand, the stock feeding business, which is an adjunct of farming, depends mainly upon human foresight, judgment, and intense attention to detail. The key which opens to success is buying right, and this requires skill of a high order. And then the feeding is becoming more and more

a process of the adaptation of scientific knowledge as well as general good judgment; and to apply these and to prevent accident and disease also requires the utmost diligence. The exactions of this business are illustrated by the fact that the head of the great enterprise in question did not leisurely reach his office at the banker's or professional hour of nine o'clock or ten o'clock in the morning, but was found there, in the thick of the fight, as early as seven, even in the winter time. If there is any royal road to wealth in Wall street — and there probably is none — it is as far in this respect from the western stock feeding establishments as the two industries are separated in character or statute miles.

The picturesque white faces of the Hereford breed predominate in the yards of the large feeders. This is because they are more hardy and maintain themselves more successfully than the other beef-producing breeds, in the hard struggle for existence on the far western ranges, where many of the feeders' stocks originate and spend the first two or three years of their lives. If the stern vicissitude of cattle experience has raised the same question which not uncommonly troubles their human contemporaries, whether life is worth living at all, the Herefords doubtless lament that they became physically so well favored.

The Fremont stock yards, of which Lucius D. Richards is president, also carry on a very extensive business similar to that at Valley. These yards have pens for fifty-eight cars of cattle, covered sheds for twenty-four cars of sheep, open pens for 18,000 sheep; a dipping plant with a daily capacity of 5,000 head; ten double deck unloading chutes; set of ten Allen machine shearers, and 1,200 acres of blue grass pasture in the Platte valley. Below is a comprehensive and illuminating statement of the business done at these yards during the years ending January 31, 1907, and January 31, 1908.

Year ending January 31, 1907:

Sheep	3,908 cars
Cattle	1,051 cars
Horses	81 cars
Hogs	3 cars
Total	5,043

Year ending January 31 1908:

Sheep	2,695 cars
Cattle	785 cars
Horses	77 cars
Hogs	5 cars

Total 3,562

Business year ending January 31, 1908:

	Cars	Sheep	Cattle	Horses	Hogs
From Neb.	212	27,820	2,800	.....	400
“ So. Dak..	225	28,600	2,800	375	.....
“ Wyo.....	1,550	293,280	10,080	1,550	.....
“ Idaho....	800	182,000	2,800	.....	.....
“ Utah.....	250	52,000	1,400	.....	.....
“ Ore.....	75	13,000	700	.....	.....
“ Nev.....	50	13,000	.....	.....	.....
“ Colo.....	400	91,000	1,400	.....	.....
	3,562	700,700	21,980	1,925	400

Roads bringing in stock.

Northwestern	1,888	333,060	14,840	1,800	400
Union Pacific	1,674	367,640	7,140	125	.....

Destination:

Chicago	1,400	312,000	4,900	625	.....
So. Omaha	2,162	388,700	17,080	1,300	400

Classing stock:

Fat	1,550	279,240	13,188	.....	400
Feeders	2,012	421,460	8,792	1,925	.....

The business of the not quite completed year of 1908 shows a substantial increase over that of the year ending January 31, 1908.

The principal feeding and resting station on the Burlington system is at Burnham, adjacent to Lincoln. These yards handle sheep exclusively and have a grazing capacity of 50,000 head, barn space for grain feeding for 18,000, and outside pens for 12,000. The total receipts for the eleven months of the year 1908, ending November 30th, were 555,000 head with a marketable value of \$2,200,000. Of these receipts, Colorado and Utah contributed fifty-five per cent; Wyoming, twenty-eight per cent; Montana, eleven per cent; Nebraska, six per cent. The destination of the year's receipts was: South Omaha and Nebraska points, forty-three per cent; St. Joseph and Missouri, twenty-one per cent; Iowa, Illinois and Chicago, thirty-six per cent. The yards do what is called "feeding in transit." Sheep are kept there for from one day to one hundred days. When left as long as the last named period they are fattened there ready for market. The yards also operate, generally commencing March 1st, a ten machine sheep shearing plant, by which, in 1908, 21,500 sheep were shorn of a clip of 151,000 pounds of wool, with a

selling price of about \$23,000. The receipts comprise pea fed sheep from southern Colorado, corn fed lambs from northern Colorado and Nebraska, and range sheep from Utah, Colorado, Wyoming, and Montana. Fed sheep there fattened on corn, peas, or other cereals, are marketed, usually, from December to July and range sheep during the balance of the year.

All interstate shipments of sheep are under the supervision of an inspector of the bureau of animal industry, whose authority is absolute, and in case he finds that the sheep are afflicted with any stipulated infectious or contagious disease, he can order them quarantined and then dipped in recommended solutions and all quarters they may have occupied, cleansed and disinfected before further use.

These establishments, which rank among the greatest of their kind, very forcibly illustrate the resources of Nebraska and its tributary territory. The Omaha stock yards were founded in 1884, through the business foresight and courage of a group of Omaha men, and they opened the way for the great packing houses which were soon built around them. The total receipts of live stock at the yards during the year 1907 were, cattle, 1,158,716; hogs, 2,253,652; sheep, 2,038,777; horses and mules, 44,020. The increase in receipts of sheep during the five years 1903-1907 was large, that of cattle somewhat less, while hogs showed a slight decrease. The number of cattle received in 1907 was greater than the number for any other year.

The following table shows the receipts for 1907 of the several kinds of stock from territory west of the Missouri river and the part of the total which was shipped over the several railroads. The figures for the Chicago, St. Paul, Minneapolis & Omaha road are not exact, as that line operates on both sides of the river, and a proportionate division of the stock originating on either side was not made in the report.

Railroad	Cattle	Hogs	Sheep	Horses Mules
U. P.	266,132	463,299	1,053,796	14,798
"Omaha"	66,494	127,374	74,038	164
C. & N. W.	288,727	674,875	371,146	11,282
C. B. & Q.	346,691	395,443	413,800	8,751

C. R. I. & P.	22,731	17,785	10,570	1,655
M. P.	43,263	31,962	9,758	967
Total	1,034,038	1,710,738	1,933,108	37,617

We are considering here two main questions: what the economic resources of the state are now and what they may become. We get the most intelligent view of these questions by comparison. The state is young politically and very young industrially, and yet it has already won third place in the production of hogs and of corn and fourth place as to cattle and wheat; Illinois and Iowa leading in hogs and corn; Texas and Kansas in cattle; Kansas, Minnesota and North Dakota in wheat. Illinois and Iowa each contains in round numbers, 56,000 square miles; Kansas, 80,000; Minnesota, 83,000; North Dakota, 70,000; Nebraska, 76,000.

The section of Nebraska east of the second guide meridian, west, with several southerly counties west of that line added, contains 40,000 square miles, an area considerably greater than that of Indiana, about the same as that of Ohio or Kentucky, and only 9,000 miles less than that of New York. For uniform productiveness of crops that are most uniformly needed and demanded throughout those parts of the world most capable of buying them, this section is scarcely equaled. We have 36,000 square miles (the size of Indiana) of more questionable productiveness to match the 16,000 excess of Illinois and Iowa over our superior 40,000 and to overmatch in size such states as Kentucky, Ohio, and New York.

In estimating the economic future of Nebraska, it should be noted that the value of its agricultural products is now only about seventy per cent of the like products of New York or Ohio and eighty per cent of those of Pennsylvania. This difference in favor of those naturally ill-favored states is due partly to more advantageous markets, but chiefly to better cultivation. The yield per acre of wheat and corn is greater in many northeastern and north central states than in Nebraska; but advantageous conditions in the east will not permanently continue; on the contrary, they will be reversed, and the proof of the prophecy lies

in the example of what superior cultivation has done there in adverse natural conditions.

Some of these states have valuable minerals which have not yet been discovered in Nebraska. But our undeveloped wheat crop is already double the value of the principal minerals of Indiana, and such as we do not produce; far greater than the like product of Illinois, greater than that of the great mining state of California, and about equal to that of the still greater mineral state of Colorado. Our undeveloped corn crop is worth more than the mineral production of Ohio, leaving out kinds, such as clays, produced here. Besides, the principal minerals of the eastern states in question — coal, petroleum, and gas — are destined to decrease greatly; indeed, as a rule, are greatly decreasing, while the crops of this imperfectly cultivated and only partially reclaimed state are destined to vastly increase. In view of this unequaled natural diversity and skill, which science and experience are constantly and rapidly supplying, we shall soon be able to charge off, almost without missing it, from our bounteous agricultural income, enough to offset the total mineral product of any state excepting, perhaps, Pennsylvania. Owing to its advantageous location and somewhat superior soil, Nebraska will easily keep the lead over the Dakotas and, in the long run, will maintain its lead of Minnesota. Kansas is more nearly like Nebraska than any other state but is somewhat inferior agriculturally, though it has valuable minerals which Nebraska lacks. Nebraska need not falter in disputing the supremacy of the now imperial states of Illinois and Iowa. Besides some advantage in area, it is, as has already been illustrated by a striking array of facts, the natural converter into food of the raw material of the great stock range states of the northwest. Its abundant corn and alfalfa and packing facilities are the first to catch the eastward flow of that raw material and assimilate it into condensed form for cheaper and more convenient distribution to the markets of the world.

Thus Nebraska is distinctly a wholesale state, a very distinct advantage withal. In

manufactures Nebraska cuts a small figure, of course, in comparison with northeastern states and such north central states as Ohio, Illinois, and Wisconsin. But in the vast industry of meat-packing Nebraska ranked third in 1900 and is perhaps second now. The value of the packing product of the three leading states, according to the census of 1900, was, Illinois, \$279,842,835; Kansas, \$76,829,139; Nebraska, \$71,018,399. If Nebraska had as much influence in the adjustment of transportation rates as Illinois has it would soon lead in this business. It has the advantage of location over Kansas, also, and is likely to lead its southern neighbor sometime if indeed it is not already doing so. The present annual output of the Nebraska packing houses approximates \$100,000,000; a pretty good start, in view of future prospects, toward overtaking some of the distinctly manufacturing states. Moreover, an output of about \$50,000,000 by apparently alien refining and smelting works, conveys more than a hint that not improbable changes in transportation facilities, and in the distribution or availability of motive power and relative increase in population, may very greatly accelerate our manufacturing gain. But in any event, with everything to gain over competitive sections in the manufacturing line, we are always sure of agricultural supremacy.

So far, however, the conversion of agricultural products by packing houses, butter makers, grist mills, and breweries constitutes about ninety per cent of our manufactures.

Notwithstanding that our statistics are very imperfect, we know enough of the development of our main industry to judge pretty well its trend. The following illustrative tables of live stock and five principal crops are compiled from reports of the department of agriculture.

	CORN	
	Acres	Bushels
1899.....	8,013,331	224,373,268
1901.....	7,740,556	109,141,840
1905.....	8,035,115	263,551,772
1907.....	7,472,000	179,328,000
1908.....	7,621,000	205,767,000
1909.....	7,825,000	194,000,000
1910.....	8,000,000	206,000,000
1911.....	7,425,000	155,925,000

WHEAT		Bushels	
	Acres		
1899	2,618,619	20,791,776	
1901	2,456,543	42,006,885	
1905	2,472,692	48,002,603	
1907	2,535,000	45,911,000	
1908	2,265,000	40,317,000	
1909	2,640,000	49,650,000	
1910	2,450,000	39,515,000	
1911	3,098,000	41,574,000	
OATS		Bushels	
	Acres		
1899	1,715,804	51,474,120	
1901	1,972,991	39,065,222	
1905	1,886,270	58,474,370	
1907	2,524,000	51,490,000	
1908	2,549,000	56,078,000	
1909	2,473,000	61,825,000	
1910	2,650,000	74,200,000	
1911	2,500,000	34,750,000	
POTATOES		Bushels	
	Acres		
1899	143,560	13,494,640	
1905	87,144	8,104,392	
1907	881,000	6,424,000	
1908	91,000	7,098,000	
1909	105,000	8,190,000	
1910	110,000	6,600,000	
1911	116,000	6,032,000	
HAY		Tons	
	Acres		
1899		3,377,698	
1905		1,053,454	
1907		2,250,000	
1908	1,515,000	2,348,000	
1909	1,550,000	2,325,000	
1910	1,500,000	1,500,000	
HORSES AND MULES			
January 1, 1899		658,807	
January 1, 1906		1,056,752	
January 1, 1908		1,015,000	
1909		1,115,000	
1910		1,123,000	
1911		1,144,000	
MILCH COWS			
January 1, 1899		685,338	
January 1, 1906		836,668	
January 1, 1908		879,000	
1909		879,000	
1910		626,000	
1911		613,000	
OTHER CATTLE			
January 1, 1899		1,521,454	
January 1, 1906		2,450,862	
January 1, 1908		3,265,000	
1909		3,040,000	
1910		2,225,000	
1911		2,002,000	
SHEEP			
January 1, 1899		322,057	
January 1, 1906		444,499	
January 1, 1908		431,000	
1909		275,000	
1910		382,000	
1911		382,000	
SWINE			
June 1, 1900 (U. S. Census)		4,128,000	
January 1, 1906		3,004,398	

January 1, 1908	4,243,000
1909	3,201,000
1910	3,951,000
1911	4,267,000

The acreage of corn has shown a tendency to decrease since 1899, and wheat to increase in about the same degree. But the acreage of spring wheat fell from 381,299 in 1905 to 322,000 in 1907. The yield per acre in 1905 was, fall wheat, 20.4 bushels; spring, 14 bushels. For 1907, fall, 19 bushels; spring, 12 bushels. Oats about hold their own, and the other estimates for 1908, taken in connection with those here given, show that there is a decided increase in potatoes and hay. All classes of live stock, except sheep, show a constant increase, though in 1910-11 there was a decrease of cattle and sheep, probably owing to deficient rainfall. On the whole, the production of live stock increases measurably more than that of cereals.

The counties that raised sugar beets in appreciable quantities in 1908 are Boone, 50 acres; Buffalo, 78; Cheyenne, 234; Custer, 15; Dawson, 52; Dundy, 46; Franklin, 19; Hall, 471; Hitchcock, 180; Keith, 19; Lancaster, 108; Merrick, 200; Loup, 718; Platte, 127; Red Willow, 324; Scotts Bluff, 2,500. The total acreage fell from 6,906 in 1907 to 5,167 in 1908. The report of the commissioner of labor gives the acreage of Loup county at only 10 but devotes 718 acres to spelt. Spelt is now raised in considerable quantities in all parts of the state, but principally in the western counties.

The beet sugar industry, alone, languished in spite of its subsidy sops. The manufacture of sugar in 1901-02 was 6,660 tons; in 1902-03, 9,430 tons; in 1903-04, 8,669 tons; in 1904-05, 13,355; in 1905-06, 9,397. In 1908-09 our single factory consumed about 30,000 tons of beets producing 300 tons of sugar. It is quite pertinent and proper to join the present promiscuous chorus of tariff reform by observing that the only Nebraska industries that persist in languishing — sugar and sheep — are also the only ones than can, or do derive any benefit from protective tariffs. If the tariff on wool accomplishes its purpose, the little pauper

sheep industry costs (in added price of clothing) all the people who do the rest of the state's business, which stands on its own bottom, about twice as much every year as the total wool clip is worth. Likewise, sugar tariffs enable the sugar trust to levy an enormous tax on consumers while the country continues to import about three-fourths of the sugar it needs from lands which a Providence — deemed all wise before self-protective tariff-makers superseded Him — especially prepared for the production of that great staple.

In other words, in what reasonable measure and by what means will Nebraska add to its agricultural greatness already attained? (The responsibility rests chiefly with the people of the commonwealth because, as has been shown, the natural conditions for increase are at hand.)

Let us take the weakest and artificial example first. The cultivation of sugar beets decreases and the number of factories has been reduced from three to two owing to relatively disadvantageous conditions — which, however, cannot properly be regarded as permanent. Temporary increased rainfall, and especially in the latter part of the season, reduced somewhat the percentage of sugar in the beets, thus giving the California and Colorado fields an advantage. This increased rainfall and a tendency toward higher prices of other agricultural products during the same period, stimulated the production of the ordinary staple crops. Increasing cost and scarcity of labor, an all-important factor in beet culture, is the most discouraging of all these incidents. Farmers in the earlier beet-producing counties have felt so content over good crops of wheat, corn, and hay that they would not stand the slings and arrows of very bad labor conditions and the "docking" of their beets at the factory which has increased and the cause of irritation been justified or excused on account of the somewhat inferior quality of the beets alluded to. Those comparatively new-comers, fall wheat and alfalfa, have been especially potent competitors of sugar beets.

But a general view of the field seems to

justify the opinion of Dean Burnett of the Nebraska school of agriculture, and expert sugar beet men, that Nebraska may yet become an important producer of beets and sugar. Beets will thrive without irrigation where corn will thrive. At the experiment station, near North Platte, from ten to eleven tons of beets to the acre are raised on upland without irrigation. The quality of the beets improves as you go farther west, provided the moisture is sufficient. Fifteen tons an acre is a good yield on the high priced lands farther east. Furthermore, a recurrence of deficient rainfall and some evidence of over-cropping of wheat have stimulated a sentiment in favor of wider diversity.

Beets and sugar are very successfully produced in the irrigable part of the North Platte valley where soil and climate favor and water is abundant. In other parts of the state this industry is, to say the least, a great reserve, awaiting general adjustment and development.

Irrigation farming began in earnest in the valley, and especially in the vicinity of Scotts Bluff, after the Burlington railroad reached that place in 1899. By 1904 the production of sugar beets in that neighborhood became important; but they were shipped to the old factory at Ames. The closing of the Ames factory in 1905 stimulated the cultivation of potatoes and alfalfa in this district. In 1908 beet growing was again resumed, the product being shipped to the factory at Sterling, Colorado. In 1909 a combination of eastern and Colorado capitalists organized the Scotts Bluff sugar company, bought the old Ames factory, and reconstructed it at Scotts Bluff. It has a daily consuming capacity of about 1,500 tons of beets. The mill started in November, 1910, continuing sixty days and nights. In 1911 about 11,000 acres of beets were grown and the mill was operated 100 days with a daily output of about 150 tons of refined sugar. Contracts were made for the growing of about 15,000 acres of beets in the season of 1912. The main building of the factory covers about 4 acres and has 14 acres of floor space. The total cost of the factory has been about a quar-

ter of a million dollars. It employs from 100 to 200 men the year round and during the active part of the season an additional number of 500. From May to December about 1,000 laborers are employed in the beet fields. Ninety per cent of these are German-Russians. They live in the city of Scotts Bluff during the winter, moving out to the fields for the growing season. The other ten per cent of hand laborers comprises Japanese and a few Greeks. Only team work is done by Americans. In this section alfalfa, potatoes, and grains are raised, of importance in the order named. During the winter of 1911-12 about 10,000 cattle and 125,000 sheep were fed from the by-products of the sugar factory and the alfalfa fields in the vicinity of Scotts Bluff. The sugar industry has given new life to the town which, according to the census of 1910 contained 1,746 inhabitants and has grown rapidly since that time.

Natural favorable conditions are reinvigorating the sugar industry in the North Platte valley.

That sheep raising has so far been merely incidental and not extensive in Nebraska, is a tribute to the richness of its soil and its peculiar adaptation to the production of the more substantial staples in crops and live stock. That sheep are not more extensively kept on the grazing fields of the northwest, is partly owing to the proximity to the conditions just mentioned and partly, perhaps, to the fact, as the cattle men say, that they got in there first. On the whole, dairying seems to increase, but not as rapidly as conditions appear to warrant. The best observers in Merrick county, for example — until recent years regarded as within the grazing district — explain that dairying is not more important, relatively, in the county, chiefly for the same reason that beet culture has fallen off there and elsewhere. The farmers have been doing so very well, lately, with fall wheat, corn, and hay, and their concomitants, hogs and cattle, that the greater drudgery involved in dairying is not very attractive to them. But the great future of this industry merely awaits a further adjustment of

conditions, and especially of the present high prices of grains. It is probable that corn will continue to be king of crops in Nebraska and that fall wheat, continuing to crowd out the spring variety, will be a great queen. While the South Platte is the main wheat section, corn, in large acreage, extends to the north border. Fall wheat has spread very widely into the southwestern counties. It is already an invaluable supplement to the more or less uncertain corn and may become its rival in that section.

The following estimates made by the Union Pacific Railroad Company in 1908, show the great extent of the wheat area in southwestern counties and its relation to the acreage of corn:

Counties	Acres	
	Wheat	Corn
Adams.....	87,219	75,000
Chase.....	8,000	50,000
Chase, spring.....	5,000	
Franklin.....	42,842	75,551
Frontier.....	30,000	135,000
Furnas.....	75,000	95,000
Harlan.....	64,895	108,967
Hitchcock.....	19,641	23,741
Kearney.....	85,255	74,049
Nuckolls.....	36,000	108,000
Phelps.....	55,108	84,805
Red Willow.....	61,099	76,850
Webster.....	41,286	94,198

The wheat acreage of the southeastern counties runs below that of the counties above named, and corn runs proportionately higher. The extensive wheat raising counties north of the Platte river are, Brown, Buffalo, Colfax, Custer, Dawson, Dodge, Hall, Howard, Merrick, Madison, Platte, Nance, Sherman, Thomas, Valley; but most of them lie adjacent to or near the river. Sheridan county is the only large producer of spring wheat, with 20,850 bushels in 1908. By the same estimate the total number of acres of spring wheat in the state in 1908 was 232,344; of fall wheat, 2,054,970. Custer county, formerly classed as outside the successful dry farming line, raised twenty bushels of wheat to the acre on 60,860 acres, and thirty bushels of corn on each of 229,294 acres.

Alfalfa is a comparatively recent, but permanent and very important addition to the state's resources. The *Nebraska Advertiser*, May 20, 1875, said that Governor Furnas then

had a quarter section of land planted with "fruit trees of every variety suited to this climate." He had planted 60 acres in the spring of 1875. The same paper, of May 27, 1875, quoted a letter written by Robert W. Furnas to the land commissioner of the Burlington & Missouri Railroad Company in which he said that he had cultivated alfalfa a number of years "as an ornamental border plant and also as a forage crop." The letter was concluded with this true prophecy: "I have no hesitancy in advancing the opinion that it is a most valuable acquisition to our crop interests and will, in a very short time, be of incalculable value." The school of agriculture maintains that it will do well wherever our common staple crops thrive. On good upland it will yield from three tons to four tons an acre against about a ton and a half of timothy and clover. For making beef or mutton, a ton of alfalfa will go as far as a ton and a half of wild hay. In favorable soil alfalfa roots will go down thirty feet to water. It is, therefore, a sure and rich refuge for forage throughout our 40,000 easterly square miles. In each of the years 1906-1909, selected uplands near the experiment station at North Platte, and with an altitude 300 feet above that town, produced, without irrigation, a ton and a half to the acre. The valley at North Platte will produce as much as the college farm at Lincoln. Alfalfa will do well in the fertile valleys anywhere in the state; but it cannot be said that it would be a practicable crop on the western table-lands nor a good crop in the valleys in the dry periods. The difference between dry seasons and wet seasons appears from the following record of the experiment station of the state university at North Platte.

1888	17.46	- 1.40
1889	20.66	+ 1.80
1890	12.71	- 6.15
1891	23.36	+ 4.50
1892	20.37	+ 1.51
1893	13.16	- 5.70
1894	11.21	- 7.65
1895	14.58	- 4.28
1896	16.52	- 2.36
1897	17.09	- 1.77
1898	15.54	- 3.32
1899	13.99	- 4.87
1900	12.29	- 6.57
1901	16.44	- 2.42
1902	26.27	+ 7.41
1903	18.36	- .50
1904	23.17	+ 4.31
1905	26.81	+ 7.95
1906	27.99	+ 9.13
1907	19.61	+ .75
1908	19.96	+ 1.10
1909	22.41	+ 3.55
1910	10.70	- 8.16
1911	17.43	- 1.43

While the table shows that the precipitation for the years 1902-1909, during which the careful experiments of the station have been made, is much above the average, yet that trial has demonstrated that alfalfa can be successfully raised in the long run on table lands such as these in question. Turkestan alfalfa is most adapted to latitudes north of Nebraska, but will probably be found practicable in our dryest sections. Brome grass is also more suitable for the north, but is of value here.

Our production of staple crops and so of the live stock which they support may be very greatly increased (1) by better methods of cultivation and (2) by extending the area of production, especially in the untilled western section. These processes of improvement are fairly under way. By a practicable improvement of seed corn, the product may be increased above the present average by from twenty to thirty per cent. Experiment shows that at least one-fifth of every farm should be kept in clover or alfalfa all the time. The rotation should be four or five successive years of ordinary crops and then three years of leguminous plants.

Expert summary of the roads to increased production is, (1) increasing fertility of the soil, (2) better cultivation, (3) improvement of seeds. Increasing numbers of farmers are traveling these roads led by the experimentation and moral stimulus of the university school

Year	Total	Departure from Normal
1875	15.35	- 3.51
1876	11.84	- 7.02
1877	25.47	+ 6.61
1878	18.62	- .24
1879	20.06	+ 1.20
1880	17.48	- 1.38
1881	22.93	+ 4.07
1882	17.95	- .91
1883	30.01	+11.15
1884	13.53	- 5.33
1885	22.03	+ 3.17
1886	13.10	- 5.76
1887	21.68	+ 2.82

of agriculture and the federal department of agriculture. For example, the existence of large stock feeding establishments is due chiefly to the ability of the owners to buy advantageously and to use the best methods of feeding. With more education and experience this function will be localized to the advantage of the individual farmer.

The improvement of pastures now going on will stimulate diversity and dairying in particular. Blue grass is getting a good hold as far west as Buffalo and Dawson counties. Mr. McGinnis, general agent at Lincoln of the Chicago & Northwestern Railroad Company, relates that in 1906 he supposed that a pasture on his ranch in southwestern Holt county was done for because the native grass had been quite worn out; but blue grass took possession, instead, and is successfully holding it. In Merrick county, blue grass has not only invaded the better soils but is gradually creeping into the sandy land. Thirty years ago there was a long, sharply defined sand dune on the Whitmore ranch at Valley. In November, 1908, it was affording as good pasturage of blue grass and white clover as could have been found in the famous dairying districts of Wisconsin. The Whitmores have long been sowing their extensive pastures to tame grasses. They do not "break" the land, but first disk the wild pasture, then sow the seed, following with the harrow. Better results follow this method than the more common one of sowing the grass seed on cultivated soil. They spread all the farm-yard manure they have over these pastures, and particularly on the more sandy parts. They now have more than 1,000 acres of tame meadow and pasture—clover and timothy, more or less mixed with blue grass. The importance of this gradual process of civilization is very great.

Climatic conditions all over the state are very favorable to poultry raising. While it is already general in an incidental way, more particular attention will be paid to it as the profit of more intensive farming increases and its methods are better understood.

There is, of course, an element of speculation

as to the destiny of the higher and dryer lands of the western section of the state, though scientific and general experiment are busily engaged in the solution of the problem. Since the passage of the Kinkaid act by Congress in 1904, which raised the homestead maximum to 640 acres, that part of the state has been rapidly filling up with settlers. This increase has been greatest in the northwesterly counties; but it has been checked by recent dry seasons. In 1904 there were 7,834,736 acres subject to homestead; in 1908 there were not more than 3,000,000 acres, nearly all in the sandhill districts of the northwest. There were in Holt county 12,000 acres; Rock, 4,000; Keya Paha, 38,000; Sheridan, 165,000; Sioux, 417,000; Boyd, 700; Banner, 82,000; Cherry, 1,000,000, and Dawes, 9,000. Filings can be made on this land at the land office at Valentine or O'Neill. Every man or unmarried woman over the age of twenty-one, every widow, every minor orphan or widow of a deceased soldier, or anyone who is at the head of a family, though an adopted or a minor child, who is a citizen of the United States, may homestead 640 acres of this land. The fee for filing is \$14. Not over 200,000 acres of those lands lie far enough to the south to be tributary to the Union Pacific railroad. In recent years very large numbers of actual settlers bought farms throughout the western section, and those lands have greatly increased in price. The Kinkaid act applies to all territory in the state west of a line running south from a point on the Missouri river at the northwest corner of Knox county to the northeast corner of Howard county; thence west, along the fourth standard parallel, to the northwest corner of Sherman county; thence south along the west boundary of Sherman county to the third standard parallel, which is the north boundary of Buffalo county; thence west along the third standard parallel to the northwest corner of Dawson county; thence south along the west boundary of Dawson county to the north boundary of Frontier county; thence west along the north boundary of Frontier county—the second standard parallel—to the northeast corner of Hayes county; thence south

along the line between Frontier and Hayes, and Red Willow and Hitchcock counties to the south boundary of the state. There are shrewd men, well acquainted with that section, who still believe that it is only fit for grazing and that the rapid settlement for general farming now going on will turn out calamitously. On the other hand, there are many men, equally well informed, who believe that the success of these later settlements is assured. The unbelievers contend that in the order of nature there will be periodical series of dry years, like that of the early nineties, when no crops can be raised. The optimists hold that all former attempts at farming in that section have been made, in the main, by inferior people, lacking in capacity and financially destitute, whereas the present settlers are men of nerve and experience and many of them having property enough for a good start. For example, recent settlers in the northwestern counties are very largely from western Iowa, northwestern Missouri, and eastern Kansas and Nebraska. Many of them sell their high priced farms and occupy these comparatively cheap lands because they believe that they can successfully cultivate them and in the meantime greatly profit by the consequent great rise in their value. The future doubtless holds a golden mean which in part, at least, justifies the optimists.

The conservatives judge the future mainly, if not altogether, by the past, which, to say the least, is not quite fair or rational. While there will doubtless be dry years in those sections again, yet neither memories nor records are comprehensive enough to warrant the assumption, as a basis for business calculation or forecast, that such years will come in seriously long series, or even that they will come at all. There is at least a fair business prospect that the favorable rainfall of the six years preceding 1908 will be the rule and not the exception. Then the absorption of the moisture that does come, by cultivated fields, and the passage of the winds over the great masses of growing crops, instead of the unprotected, heat-reflecting expanse, as of old, will increase the ef-

fectiveness of the rainfall and tend to prevent general destruction or severe injury to vegetation. Increasing competition for available lands will draw or force men to these sections with the experience, the stamina, and the financial competence to make the most of them. Intensive and diverse farming, stimulated by the experiments of scientific schools will continue to increase the availability of the less favored lands. So the confident opinion of many shrewd observers, including scientific experts, that, before many years elapse, all the hard lands of western Nebraska will be occupied by farmers who will derive a comfortable living from them is reasonable.

An intelligent observer of conditions on the table lands of Cheyenne county, a member of the staff of the passenger department of the Union Pacific Railroad Company, himself a Swede, believes that foreigners, who are more inured to hardships and better satisfied with modest returns for their labor than Americans, would be certain to prosper here. He points out that while 403,121 of our foreign immigrants of 1907 stopped in New York, 223,551 in Pennsylvania, and 110,000 in Illinois, only 5,789 came to the agricultural state of Iowa and 6,216 to Nebraska. He says that a large part of these immigrants have been small farmers in their native countries, and that they would get rich on the monthly check of \$40, which they would receive from the product of the fifteen cows which a Kinkaid section in Cheyenne county will maintain, besides a few other cattle, poultry, and producing some grain and root crops.

The table lands in Deuel county which sold for \$2 an acre in 1898, until recently sold for \$8 to \$10 and settlers bought at such prices in large numbers. A series of dry years has lately checked this development. All Union Pacific lands in Nebraska have been sold except those taken back on default. Even under present methods of cultivation, the southwestern section has only to fear abnormally dry years; for with that limitation, they are safely within the corn and fall wheat belt.

The main irrigable area of the state is the North Platte valley, from the Wyoming border down to Cowanda, about thirty miles below Bridgeport. Farther than that the valley is too narrow for much tillage. This area comprises about 500,000 acres. The river, with the aid of the flood waters stored by the great dam, lately constructed at a point two hundred miles above the western boundary of the state, will supply enough water for double that acreage. Scotts Bluff county had long before been extensively supplied with water through privately owned ditches, and their rights are not affected by the great canal under construction by the federal government and which will reach at least as far as Bridgeport. Several smaller streams supply water for quite limited areas.

The government will sell eighty acres of land with a perpetual water right to each actual settler; but it refuses to furnish water to owners of other lands except at the price named. This seems a harsh monopolistic rule to which some extensive holders of land in the valley are refusing to yield. Men well known in Nebraska and who are well informed upon this subject, assert that the Wyoming works have cost a great deal more than they should have cost, owing to mistakes and other incompetency. They say, also, that, partly owing to that excessive cost, an excessive price is charged for the lands held by the government subject to its canal. It is therefore impossible for a poor man to pay for this land in ten years, as required, so that the primary object of the enterprise, namely, to furnish the farms to men of small means, is defeated at the outset. Keen-eyed men believe that there will have to be a complete readjustment of the terms in question and that the cost of the irrigation works will eventually become a public donation. The contribution by the east of its pro rata share toward this western improvement would be but a small installment of its immemorial exactions from the west.

Experiments at the North Platte station have been conducted expressly to try out the possibilities of dry farming in that district.

It has been the practice there to raise four successive crops and then apply summer tillage during the fifth season. This means that the land is disked and harrowed frequently so as to prevent evaporation of moisture as far as possible and put the soil into the best condition to store it. After summer tillage land has produced as high as sixty bushels of fall wheat to the acre. During the four years 1905-1908 from twenty bushels to forty bushels of corn an acre were raised on other lands. It has been found that it will pay to pasture steers on the upland native pasture at a valuation of \$10 an acre. Cottonwood, black locust, green ash, box elder, and mulberry trees thrive under cultivation. It is necessary to stir the soil about them to conserve moisture. Durum wheat is grown successfully, yielding a much larger crop than the common wheat. So far it is used to feed stock as there is no established market for it. About seven million bushels of this wheat are annually mixed with ordinary wheat in the flour mills of Minneapolis.

It is expected that importations of grains and forage plants from foreign arid countries will be advantageous, but the chief reliance is upon proper cultivation. Dean Burnett believes that in the North Platte region in question dry farming can be satisfactorily carried on in the long run, and he views the prospects for the northwest table lands hopefully.

One finds everywhere among business men and farmers as well as boomers great expectations of the state school of agriculture and of the federal department of agriculture in the development of our farming interests. Even railroad men, who habitually rail at the attempted control of their business by the government as pernicious socialism, felicitate themselves and the state upon the beneficence of the purely paternalistic institutions named. And socialism is but paternalism "writ large." Only a few years ago J. Sterling Morton, who could not see the so very plain signs of the times through his individualistic pre-conceptions, felicitated himself on his admin-

istration of the department of agriculture because he had turned a considerable part of his appropriations back into the treasury untouched, to do which was his chief Jeffersonian care. His successor is impelled by public opinion to spend all he can get and to get all he can spend of the public revenues in his socialistic propaganda. It is a palpable and significant fact that the questions and projects which most engage the public attention and approval at the present time are those which are most socialistic in their character.

Looking back over the foregoing quite conservative and yet almost roseate sketch of Nebraska's economic conditions and prospects, we are forcibly reminded that instead of repeating itself, according to tradition, Nebraska history has very flatly contradicted itself. For the dominating note of the earlier years of that history was either despair or negation. "It is a land where no man permanently abides," said Washington Irving, after an inspection of the "Nebraska country;" and our earlier sages believed and promulgated the faith that it would be habitable only along the streams of the eastern portion. During the grasshopper invasions of the seventies, the state was a pauper on the national roll of charities; and there was wide belief that there was its normal place. It was the courage and penetration of great railroad promoters and the great courage and faith of the pioneer settlers which, for the first time, as tradition goes, forced history to reverse instead of repeating itself.

Nebraskans have harped so much upon their prepossession that agriculture is the state's single resource that they have failed to perceive that the state is strategically situated for commerce. Its situation is not only approximately central in relation to the country at large but it is intersected by five great railroad systems. Five trunk lines lead out from, or pass through Omaha, the commercial metropolis of the state. Two already count Lincoln, the capital city, as a principal point on their lines; a third will probably soon assume that relation; while this for-

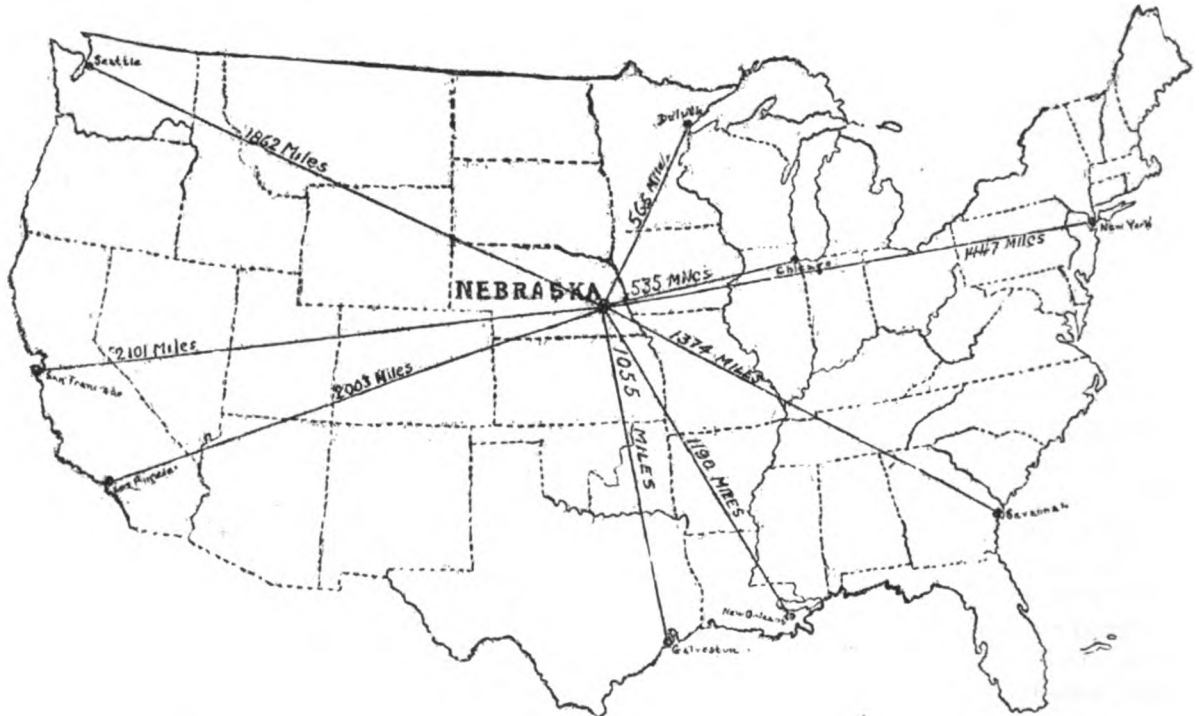
unate town is a very important center for branch lines of four great systems. A glance at the accompanying map will show why Nebraska actually has very favorable access to all parts of the country and so to the commercial world.

These considerations indicate that Omaha is destined to be a large city of the secondary class and that Lincoln's great transportation facilities will eventually overcome its present tendency to a cramped growth on the educational side and cause its development into a well-proportioned city of considerable size.

A few citations of facts will show that these waiting resources have reasonably responded to improving facilities and opportunities. The total shipment of Nebraska products from the state for the fiscal year ending June 30, 1910, was 14,000,000,000 pounds. About 50,000 car loads of packing house products are annually shipped from the state, mostly to points in the Mississippi valley, but in part to the extreme east and west and to Europe. Omaha has a fair chance to displace Kansas City as the second meat packing center of the world, and the Nebraska City output is considerable. In the year, 1907, 24,900 car loads of wheat, averaging 900 bushel per car, and 35,993 of corn—about thirty-two million bushels—were exported, chiefly from Omaha, which is also a great market for barley. Eight of our principal flouring mills exported over seventy-five million pounds of flour in 1907. Corn products are of noticeable importance, the annual shipments amounting to about 2,500 car loads. In 1911 Nebraska ranked third among the states in cereal mill products, and their value for that year was eleven million dollars. The total output of our creameries approximates thirty million pounds; of hay, exceeding two hundred thousand tons; of eggs, upwards of twelve million dozen. In addition to packing house products, aggregating nearly one hundred million dollars in value a year, smelting, chiefly lead matte at Omaha, brought from Rocky Mountain mining states, amounting to nearly fifty million dollars annually; and creamery products, amounting in 1910 to

eleven million dollars, there is no considerable single manufacture. The total annual miscellaneous manufactures for the year 1911 amounted to upwards of one hundred and fifty million dollars in value; and the capital employed in such manufactures increased from fourteen million dollars in 1900 to sixty-three million in 1911. The total value of the eight principal crops of 1911—corn, wheat, oats, potatoes, barley, native hay, rye, and alfalfa—was two hundred and eighteen million dollars. The cultivated area in 1911 was estimated at

normal annual yield now being about 200,000,000 bushels. However, wheat sown in the fall, commonly called winter wheat, has come to be a very important crop, and, on the whole, is surer than corn. This grain was on probation many years before it was accepted at its full value. The agent at the Council Bluffs sub-agency, situated on the Missouri river, nearly opposite Bellevue, in his report for 1845, says that, "A small lot of wheat sown last fall (1844) has done very well. The troops at old Council Bluffs formerly raised



Courtesy Nebraska State Journal

NEBRASKA'S STRATEGIC COMMERCIAL POSITION

twenty-nine million acres, much more than half of the total area. According to the United States census report for 1911 the cultivated area was 29,046,765 acres. The estimate of the number of cattle in the state in 1911, was 2,229,976; of hogs, 4,979,784; of horses, 918,240; of sheep, 383,602; of chickens, 9,900,480. The output of canned vegetables and the production of popcorn are important items of commercial production.

Ever since agriculture was established in Nebraska, corn has been its chief product, a

large crops of this grain, and the soil and climate seem as well adapted to it as they are to Indian corn." This was the first wheat cultivated in Nebraska so far as our records show; and it must have been raised in the period between 1819 and 1826, because the post—Fort Atkinson—was abandoned in 1827. Harvey W. Forman, farmer for the Sauk and Fox Indians at the Great Nemaha agency, in his report dated September, 1853, says that he had sown about twenty acres of fall wheat on ground that had "laid over this season."

In preparation he had plowed the ground well twice, then harrowed it, and next rolled it with a heavy roller. His corn that year yielded fifty bushels to the acre.

The premium list of the Otoe Agricultural Society, published in the *Nebraska News*, September 28, 1858, offers a premium for the best five acres of fall wheat and a diploma for the best five acres of spring wheat. The *Nebraska City News*, of March 9, 1861, says that "the winter wheat in this section looks fine." The editorial opinion was that the heavy snows of the winter had kept it warm, and it was ready for a strong start. The *Nebraska Advertiser*, of July 4, 1861, says that some Nemaha county farmers harvested forty bushels of wheat per acre that year. The hot, dry weather in June injured spring wheat. In "the various parts of the territory fall wheat has produced much better than spring, not only this season, but for the past three years. We cannot understand the cause of the prejudice in the minds of many farmers against raising fall wheat." The same newspaper, of October 18, 1862, said that fall wheat that year yielded one-third more than the spring variety in Nebraska, and that its average for the last five years had been higher than that of spring wheat.

The *Daily State Journal*, September 28, 1878, put the yield of fall wheat that year as 268,532 bushels; 45,370 bushels in the North Platte section, and 223,162 bushels in the South Platte. The yield of spring wheat for that year was 10,752,668 bushels in the South Platte and 5,471,527 bushels in the North Platte.

Dr. George L. Miller usually threw the whole power of his enthusiasm into his advocacy of any Nebraska enterprise, and the final recognition of this grain as one of the most important crops in Nebraska is largely due to his persistent preaching in its favor. The *Herald* (weekly) of August 10, 1870, says that this crop had "hitherto been a failure," because it had winter killed. The editor — Dr. Miller — advocated deep planting as a remedy and suggested drilling in the wheat. This

method of planting was generally adopted later, and was apparently a condition precedent to the successful cultivation of the grain in question. The *Omaha Daily Bee*, of October 3, 1892, remarks upon the growing importance of fall wheat. The state was now producing 18,000,000 bushels a year, and the *Bee* expressed the opinion that the yield might reach 100,000,000 bushels. There was a sudden increase in the production about 1880 and a still larger increase about 1900. According to the records of the department of agriculture, at Washington, the average annual yield for the period of 1870 to 1879, inclusive, was 5,372,559; for the period 1880-1889 inclusive, 18,608,697; 1890-1899, 18,560,914; 1900-1909, 43,378,151. According to the estimates of the Nebraska labor bureau the yield in 1906 was 45,389,263; in 1909, 46,444,735. In the last two years the yield has not held its own on account of drought conditions in a part of the state.

The Rocky Mountain locust during the three years from 1874 to 1876 threatened the practicability of carrying on agriculture in Nebraska, inasmuch as there seemed to be plausible reason for fearing, if not believing, that the invasion by this pest might be continuous. A thorough acquaintance with the history of Nebraska, however, would have largely allayed this fear because it discloses that the immigration of these insects was not regular but at periodical intervals. In his famous Ash Hollow campaign of 1855, General William S. Harney and his command, when in camp near Court House Rock, now in Morrill county, observed that the air was full of grasshoppers; and they were an inch thick on the ground. Of course they destroyed "every blade of grass." W. A. Burleigh, in his report as agent for the Yankton Indians for 1864, says that crops were promising in that part of the country until the grasshoppers came in the latter part of July and destroyed every vestige of them throughout the territory. The air was filled with the insects so thickly as to produce a hazy appearance of the atmosphere,

and every tree, shrub, fence, and plant was literally covered with them. In many places they carpeted the ground to the depth of from one inch to two inches. They appeared in a cloud from the northeast extending over a belt some 275 miles wide and passed on towards the southwest, leaving the country as suddenly as they came after an unwelcome visit of three or four days. Mr. George S. Comstock made the statement in 1910 that grasshoppers did great damage on the Little Blue river, where he resided, in 1862 and 1864. Captain Eugene F. Ware relates in his history of the Indian War of 1864 (p. 275), that in August, 1864, at Fort Laramie — then within Nebraska territory — the air was filled with grasshoppers. They were bunched together in swarms like bees. He saw a cluster of the insects as big as a man's hat on the handle of a spade. Indian women were roasting, drying, and pounding them into meal to be made into bread. William M. Albin, superintendent of Indian affairs at St. Joseph, Missouri, reported in October, 1864, that "in consequence of the extreme drought, the backwardness of the spring, and immense swarms of grasshoppers, the crops in Kansas have been a partial, and in Nebraska and Idaho, a total failure." In his report for the same year, Benjamin F. Lushbaugh, agent of the Pawnee Indians, said that, "swarms and myriads of grasshoppers" came to that part of the territory in August, and they had not left a green thing. There had been no rain during the entire season until the last of June and none after that of any benefit. Oats at the Pawnee agency were injured by grasshoppers in 1873, and the crops entirely destroyed by the pests in 1874. This destruction induced the 1,840 Indians of that tribe who remained at the agency to follow the 360 who had gone to Indian territory in the winter of 1873. The crops of the Otoe

⁴⁹⁵ This committee was composed as follows: Alvin Saunders, Ezra Millard, Edward Creighton, of Omaha; J. Sterling Morton, Orsamus H. Irish, Nebraska City; William B. Porter, Daniel H. Wheeler, Plattsmouth; Mayor S. W. Little, Amasa Cobb, Lincoln; Judge Elmer S. Dundy, Falls City; Algernon S. Paddock, Beatrice; John L. Carson, Henry C. Lett, Brownville; David Remick, Pawnee City; E. H. Rogers, Fremont; Elam Clark, Fort Calhoun;

and Missouri Indians were entirely destroyed by grasshoppers and dry weather in 1868. In 1876 they destroyed the crops at the Red Cloud and Spotted Tail agencies in Nebraska.

General Augur reported in 1868 that grasshoppers had entirely destroyed the gardens at Fort Kearny and Fort McPherson in Nebraska and also at Fort Bridger, Wyoming, and Camp Douglas, Utah. The *Nebraska Advertiser*, May 23, 1867, quotes statements from Missouri newspapers that grasshoppers were destructive in parts of that state; and they did some damage in Nemaha county.

The *Omaha Herald* (weekly), July 11, 1870, said that not since 1857, until last fall, was Nebraska visited by grasshoppers. They had usually appeared in great armies in the fall. They first appeared this year in the spring and seemed to have been born among us. The law of their migration was from north to south, rarely in the reverse direction. They had never appeared in damaging force east of Grand Island or north of the Platte river. "This year entire fields of wheat in Cass, Otoe, Nemaha, and Richardson have been utterly destroyed while others have been seriously damaged. Their numbers may be judged by the statement of a friend that in one spot he pushed a knife blade through a solid layer of junior grasshoppers while the air was swarming with the busy seniors."

The *Nebraska Commonwealth*, August 15, 1868, noted that a grasshopper invasion in the neighborhood of Lincoln, lasting two days, partially used up a good many fields of corn. The most destructive invasion, however, was that of 1874. On the 8th of September Governor Furnas issued a proclamation appointing a committee of twenty citizens of the state to receive and distribute all contributions for the aid of sufferers from the pest.⁴⁹⁵ In his proclamation the governor said that the state as

Tobias Castor, Wilber; A. E. Touzalin, of the Burlington & Missouri Railroad Company; Oscar F. Davis, Union Pacific Railroad Company; J. N. Converse, Midland Railroad Company. The following officers were elected: President, Governor Robert W. Furnas; vice president, General E. O. C. Ord; secretary, E. B. Chandler; treasurer, Alvin Saunders. The directors were Eleazer Wakeley, O. N. Ramsey, Ezra Millard, H. W. Yates, J. S. Brisbin, all of

a whole had reaped a fair harvest. Though the corn crop had been greatly damaged by drought, as well as grasshoppers, the wheat and generally other crops had been saved. Corn being the principal first crop of the settlers, the loss had fallen hardest on the frontier counties where the people "have not the means to maintain themselves and their families during the coming winter without outside help." He solicited contributions from "the older and richer portions of the state." The drought had been almost universal throughout the world and had been more injurious in Nebraska than grasshoppers. The six hundred Granges in the state, twenty of them in the western part, began to gather relief data in September, 1874. Though most of the suffering was in the southwestern part, they reported York as one of the needy counties. At a meeting held in Lincoln, September 18th, J. Sterling Morton advocated making loans instead of gifts to the needy, and Alvin Saunders agreed with him. Colonel J. H. Noteware reported that he had visited twenty-seven counties and had received about five hundred letters asking for aid, but not as beggars. He estimated that there were 10,000 people in the state in need of contributions. Amasa Cobb, for the committee on organization, reported "Articles of Association and Incorporation of the Nebraska Relief and Aid Society," whose principal place of business should be at Omaha. The object of the association was to

Omaha; Robert W. Furnas, Amasa Cobb, A. E. Touzalin, of Lincoln; J. Sterling Morton, Nebraska City; Elam Clark, Fort Calhoun; D. H. Wheeler, W. B. Porter, Plattsmouth; W. D. Scott, Rulo.

The *Daily State Journal*, September 4, 1874, published the following characteristic communication from Gerrit Smith written at Petersboro, New York, to Governor Thomas A. Osborn, of Kansas.

"I have read in the *New York Times* your letter depicting the grasshopper calamity which has appeared to have reached your state and Nebraska, as well as Iowa and Minnesota. Let me say that whilst I admire the honorable self-reliance which refuses to ask help from abroad there are special reasons why I should love her and covet the privilege of doing something towards alleviating her present distress.

"First. I worked hard in Congress to save Kansas from the cause of slavery.

"Second. I afterwards contributed sixteen thousand dollars to the various funds for fighting off from her that matchless curse.

collect money, provisions, clothing, seeds, and other necessary articles and to distribute them "among the people of the western counties of the state who had been reduced to necessitous circumstances by the drought and grasshoppers of the past season." The capital stock of the association was fixed at \$500,000, in shares of \$1 each.

In his message to the legislature, delivered January 8, 1875, Governor Furnas stated that cash receipts from all sources had been \$37,279.73, and donations of various kinds of goods of the value of \$30,800.73 had been received. The governor reported that all the railroads in the state, as well as those leading up to it, had transported donations free of charge. Generals Ord, Brisbin, Dudley, and Grover, of the regular army, had engaged in the work of relief with great zeal; the secretary of war had issued clothing to those in need of it through General Ord; many persons of the older states contributed nobly and very liberally to the relief fund; and the Nebraska Patrons of Industry organized a state relief association and kindred societies in the other states also were actively engaged in the charitable enterprise. A very large proportion of those in the border counties and most in need of relief had been soldiers in the Civil War.

In his annual message to the legislature of 1877 Governor Silas Garber said that, contrary to scientific theories as to the habits and

"Third. In saving herself from slavery Kansas saved the nation from it. Had the slave power triumphed in Kansas the way for slavery into any free state would have been opened. A great savior, therefore, is dear Kansas.

"Fourth. John Brown, who did more than any other man to save Kansas to freedom, and thereby saved the nation to freedom, was my warmly cherished friend.

"Now, I trust that in the light of these facts you will not refuse to accept the enclosed draft for one thousand dollars, made to yourself and the governor of Nebraska, and to accept it with the understanding that one-half thereof shall go to those in Kansas made destitute by this great calamity, and the other half to those in Nebraska made destitute by it. With great regard,

"Yours,

"GERRIT SMITH."

Governor Osborn transmitted a draft for \$500 to Governor Furnas, August 31, 1874. Furnas thanked the donor for the gift in a letter.

nature of the grasshoppers, they had again visited the state in the months of August and September, 1876; and although no serious damage was done immediately by the insects, yet they deposited great quantities of eggs from which there was apprehension for the safety of the crops. It was estimated that 5,000 persons in eleven frontier counties were almost wholly dependent upon charity during the winter of 1874-75. The *Daily State Journal* of November 3, 1874, notes that contributions from Chicago, Cincinnati, and other commercial points were coming in. The *Journal* estimated that there were 10,000 people to be cared for and \$1,500,000 would be required, not more than one-tenth of which could be raised by the relief society. Rations furnished by the organization would not buy coal, wood, shelter, or clothing. There had been a wholesale failure of corn — mainly planted on sod — and vegetables in a district running across the state from north to south and two hundred miles wide. The *Journal* argued that the legislature ought to spend \$1,000,000 next spring in grading railroad lines so as to give these people remunerative work.

Professor A. D. Williams was sent out by the *State Journal* to investigate conditions in the Republican valley, and his letters to the paper contained many harrowing stories of want and suffering. For example, an elderly woman said that she lived on a homestead near Rockton, Furnas county, with her husband who was sixty-eight years old. They had lost all their stock, except one yearling, by cattle fever. When she left home a few days before there was flour enough to make not more than five loaves of bread. "When that is gone we do not know how or where to get more except as aided." Her son (living near) had a wife and six children. They had one cow, one horse, and two yearlings, of the Texas breed, which he could not sell for anything, and two pigs, but nothing to feed to them. Fifty pounds of flour was his total supply for the winter. His children were nearly destitute of

clothing and he could get no work to do. Another man had a family consisting of mother, wife, and six children. The mother had been sick for a year. He had a team, two cows, and three pigs, but nothing to feed them. He had raised no wheat and only nine bushels of rye. He had 120 pounds of flour left and no meat, and could not get work. He was almost destitute of clothing, his feet being tied up in pieces of straw or cane sacks. He had come to the county three years ago with \$1,600. Another said, "I am fifty-six years of age, have a wife and son (a young man), a cow, and one horse and nothing to feed them. I planted fifty-five acres of corn and ten bushels of potatoes but raised nothing." He had nothing whatever to subsist on except as aided.

A statement of the Harlan County Aid Society showed that in Republican precinct there were 313 persons — 186 adults and 127 children. There were 4,150 bushels of wheat, but mostly owned by a few persons; 55 bushels of corn; 490 bushels of oats; 432 of potatoes; 89 cows; 46 oxen; 121 horses; 9 mules; 213 hogs; young stock, 149; poultry, 2,311. Seed was needed for 2,796 acres, seventeen families needed help and seven were entirely destitute. In Spring Creek precinct eleven families were destitute and eight more would need help within a week. In Sappa precinct eleven families were destitute and there were thirteen more with but a single sack of flour a week ago. In Prairie Dog precinct nine families were entirely destitute, three others would need help within thirty days and seven others within sixty days. The secretary said that there was greater destitution in two precincts not reported than in Republican precinct. There were seventy families in the county entirely destitute and fifty-eight more would be in need within three weeks. Mr. J. M. McKenzie — state superintendent of public instruction from 1871 to 1877 — said that Furnas county was in worse condition than Harlan and clothing especially was needed there. "If any person doubts the

reality let him do the people justice to visit them before he passes judgment."

A woman of the neighborhood, with three children, called at the house in Furnas county where Professor Williams was stopping, to get a pail of salt. Their cow had died of starvation and she wanted to preserve the flesh for food. Her husband was absent hunting buffaloes. A man near Arapahoe had cultivated ninety acres of ground and got only a few beets. There were ten persons in his family, they had no money, and nothing to wear but garments made of bagging. Another family of eleven had no shoes, were nearly destitute of clothes, and had been without bread for a week. Another man, near Republican City, got fourteen and one half bushels from four acres of wheat; two ears of corn from eighteen acres; and five bushels of potatoes. The only article of food he had was seven or eight pounds of flour. "A lady of culture with her dress torn to rags above the knees, with neither stockings nor shoes and no flour in the house, when asked if she needed assistance, burst into tears and said: 'I hope we are not paupers yet. . . .' An elderly gentleman with an old coat sleeve fashioned into a sort of turbaned cap, with his body garments almost literally in tatters, and some old boot legs rudely cut and tied over his feet, said he could get along for clothing, if they would only give his family something to eat."

General Dudley had made the best investigation of conditions. He found that local agents, though generally honest and conscientious, were not accurate in their estimates. They always said "about." He estimated that about one-tenth of the people raised enough wheat for their actual need; another one-tenth had enough resources accumulated to carry them through; another one-tenth lived by hauling relief stores from the railroads; and the remaining seven-tenths on the upper Republican were dependent on relief for six or eight months. The local estimate of the population was as follows: Harlan county, 3,000; Furnas county, 2,500; Red Willow, 1,000;

Gosper, 260; Hitchcock, 200; total, 6,960. The correspondent thought there were probably 5,000 people in all in these counties, 3,500 of whom must be fed for six or seven months or starve. Franklin county was as bad, and also other counties north and northwest that were not included.

In addition to the bonds and other aid provided by the state legislature, an account of which has already been given, the federal Congress in the early part of 1875 appropriated \$30,000 in money for the purchase of rations and clothing to the value of \$150,000 to be distributed among the people of the several states which had suffered from grasshoppers. Nebraska received only her share of this federal aid.

A convention to consider the grasshopper pest and to take action thereon was held at Omaha, October 25 and 26, 1876. An account of the ravages of the insect, in considerable detail, was prepared and signed by John S. Pillsbury, president of the convention, and Professors C. V. Riley and Pennock Pusey, secretaries. A memorial asking the federal Congress to establish a commission composed of three entomologists and three practical men of experience with the locusts, for the purpose of investigating the plague, and that the signal service be required to take observations of the movements of the insects, was signed by the governors of Missouri, Illinois, Iowa, Nebraska, Minnesota, and Dakota; by the state entomologists of Missouri and Illinois, respectively; by ex-Governor Furnas and ex-Governor Saunders; by Professors C. D. Wilbur and A. D. Williams of Nebraska; and by Professors Pennock Pusey and Allen Whitman of Minnesota. The memorial set forth that the grasshoppers overran sixteen states and territories in the year 1876; that many settlers in that section had suffered a total loss of crops for four successive years; and that the ravages of the insects had rapidly increased during the last twenty years.

Repeated shortage of rainfall in 1890, 1893, and 1894 was disastrous to crops, especially in

the western part of the state. On account of these losses a large number of people became dependent upon public charity, as in the period of grasshopper invasions. The legislature of 1891 authorized the issue of bonds to the amount of \$100,000 to run five years at four per cent interest, for the purchase of seed grain and other supplies to be distributed to those who lost their crops in 1890, through a board of relief consisting of nine members. The same legislature authorized counties to use their surplus funds and to issue bonds for the purchase of supplies to be sold at cost to such sufferers, and it appropriated \$100,000 from the state treasury for immediate relief. The legislature of 1895 appropriated \$50,000 for food and clothing and \$200,000 for the purchase and distribution of seed, and feed for teams. County boards were also authorized to issue bonds and use surplus funds for the latter purpose. In 1891 supplies were distributed in thirty-seven counties during about six weeks to an average of 8,000 families; in 1895, in sixty-one counties and to about 30,000 families. Donations amounting to \$28,999.38 were received from people in all parts of the country.

A table to be found in the first volume of this work (page 16) gives the amount of rainfall from 1849 to 1902 inclusive. This record shows that precipitation is remarkably uniform through a long period. A map prepared by the weather bureau of the University of Nebraska divides the state into six sections with reference to the amount of average annual precipitation covering a period of thirty-six years up to 1908 inclusive. The rainfall is highest in the southeastern section, reaching 30.21 inches; in the northeastern section it is 27.65; in the central section, which extends about as far east as the eastern boundary of Lincoln county, 24.64; the southwestern section, 23.22; the northwestern section, extending from near the western boundary of Holt county to the western border, 18.96; and the western section, which extends from the cen-

tral section to the extreme western border of the state, 17.41.⁴⁹⁶

In European countries reforestation had long been a public care; and that important duty has been tardily undertaken by our own federal government. In Nebraska afforestation was, from the first, instinctively and sedulously preached and practiced. The tree-planting impulse sprang from that clear and pressing necessity which has been acknowledged in a venerable aphorism as the mother of invention. Among the more superstitious Africans the Nebraska love and longing for trees would have developed into fetichism. According to mythological tradition and poetical conceits groves have been the temples of the whole family of gods; but for the people of the plains they promised a far more practical and substantial service in the form of physical shelter and fuel. This need and hope led to the offering of rewards for planting trees and to setting apart a day for inculcating planting precepts and further encouraging its practice.

At the meeting of the state board of agriculture, held in Lincoln, Thursday, January 4, 1872, Mr. D. T. Moore offered the following resolution:

Resolved, That in order to encourage the planting of forest trees in the state of Nebraska, the State Agricultural Society will award premiums, in the year 1872 and every year thereafter, at the discretion of the board, to the person who will plant and cultivate the greatest number of acres in forest trees, said trees to be in a good, healthy, thrifty condition and not more than four feet apart each way, as follows: For the best five acres or more

⁴⁹⁶ Below is a table prepared by G. A. Loveland, director of the weather bureau, University of Nebraska, giving the average precipitation of the different sections of the state for seven years:

	Northeast	Southeast	Central	Southwest	West	Northwest
1902	31.70	41.35	33.01	28.05	21.27	19.17
1903	35.98	37.21	30.71	25.50	14.36	19.88
1904	25.67	29.43	28.19	22.89	15.92	18.19
1905	34.20	35.92	36.17	33.30	24.81	25.52
1906	31.96	29.85	29.30	23.51	23.81	23.48
1907	24.09	29.07	18.90	16.90	15.60	18.58
1908	30.44	38.30	26.27	24.55	18.96	23.14

planted in 1872, sixty dollars; for the second best five or more acres planted in 1872, thirty dollars.

J. Sterling Morton then offered the following:

Resolved, That Wednesday, the 10th day of April, 1872, be and the same is hereby set apart and consecrated for tree planting in the state of Nebraska; and the state board of agriculture hereby name it "Arbor Day"; and, to urge upon the people of the state the vital importance of tree planting, hereby offer a special premium of one hundred dollars to the county agricultural society of that county in Nebraska which shall, upon that day, plant properly the largest number of trees, and a farm library of twenty-five dollars worth of books to that person who, on that day, shall plant properly in Nebraska the greatest number of trees.

On motion of James T. Allan, newspapers of the state were requested to keep the Arbor Day resolution standing in their columns until the next April, "to call the especial attention of the people of the state to the importance of the matter from time to time."

Though the treeless environment has from the first imbued the people of Nebraska with the tree planting spirit, these formal admonitions greatly stimulated its enthusiasm; and it was said that a million trees were planted in the state on the first Arbor Day. The *Daily State Journal*, April 11, 1872, said that James S. Bishop planted 10,000 cottonwood, soft maple, Lombardy poplar, box elder and yellow willow trees, that day, on his farm southwest of Lincoln. In the season of 1869, Moses Sydenham, the well-known pioneer of Buffalo county, headed an advertisement in the *Journal* of evergreen and fruit trees with the slogan, "PLANT TREES! PLANT TREES! plant trees!" displayed in three graded lines. J. Sterling Morton afterward adopted an escutcheon for his stationery composed of the picture of a tree with this motto printed under it. There has been some dispute as to whether Mr. Morton really originated the Arbor Day idea. This probably grew out of the fact that many men simultaneously had in mind methods of this kind for promulgating tree planting. It would have been characteristic of Morton's

alertness to catch and formulate the suggestion of this prevailing sentiment. At any rate, the phraseology of the Arbor Day resolution stamps Morton as its author. The next year — 1873 — the day was successfully observed without official notice. The state board of agriculture, at its January meeting, 1874, requested the legislature to make the second Wednesday of April of each year a legal holiday and governors to issue proclamations in the meantime, exhorting the people to observe the day by planting forest, fruit, or ornamental trees. Accordingly, on the 31st of March, 1874, Governor Furnas issued a proclamation designating Wednesday, April 8th, of that year as Arbor Day. This was the first official recognition of the event. Successive governors issued similar proclamations, annually, until the 22d day of April of every year — the anniversary of Morton's birthday — was made a legal holiday by act of the legislature of 1885.

This Arbor Day conceit, first promulgated by the Nebraska state board of agriculture, was generally adopted by other states. Its usefulness lay chiefly in calling attention to the esthetic and economic value of trees and thus stimulating the planting habit. In two respects, however, its effect was more or less unfavorable. The trees were naturally planted hastily and therefore improperly and, in many of the states which adopted Mr. Morton's birthday as the anniversary, too late in the season; and it doubtless had a tendency to divert attention from the more important necessity and work of conserving forests and of reforestation on a scientific and methodical plan. Since the advent of scientific forestry, by governmental direction and support, observance of the day has fallen into desuetude.

The first organization of the Farmers' Alliance in the United States occurred in the year 1879. Its principal activity was in the northwestern states, and its main object was to unite farmers for the purpose of promoting their economic interests, which involved political reform. The first Alliance for Nebraska was organized near Filley, Gage county, in 1880. The State Alliance was organized at

Lincoln, in 1881, when E. P. Ingersoll, of Johnson county, was chosen for the first president and Jay Burrows, of Gage county, the first secretary. In 1887 the State Alliance was organized as a secret society at a meeting held in Lincoln, when a constitution, by-laws, ritual, and declaration of principles were formulated and adopted. While the declaration was comprehensive and quite idealistic, surcharged with philanthropic sentiment and radical plans for economic reform, the hard times which began to be grievously felt in 1890 pushed the organization into practical politics. This movement naturally excluded other aims and broke up the organization of the society.

The Alliance overshadowed and displaced the Patrons of Husbandry which at one time was active in Nebraska; but it no longer preserves an organization in the state. There are no available records of the proceedings of either of these important organizations, so that their historical data consist only of fragmentary newspaper paragraphs. The principal features of the history of the Alliance are involved in the story of the political career of the populist party in this volume. The following sketch of the Patrons of Husbandry, from the *Daily State Journal*, of December 21, 1876, is of some historical value. While the Alliance deliberately subverted its broader sociological aims by resolving itself into a political party, designing politicians deliberately broke into the Granges and this ended their usefulness and, probably, were instrumental in ending their existence:

The Nebraska state grange, which met in this city at 2 o'clock Tuesday, is an organization that has attracted to itself a great deal of interest from all over the state, both within and without the order it represents. It was first organized in August, 1872, at which time subordinate granges existed principally in the river counties, and of these Cass county led off considerably in point of numbers. There were a few in Saunders county and one, the first organized in the state, in Harlan county, on the Republican river, of which J. H. Painter, Esq., was master. At the first organization, Cass county, holding the balance of power among the delegates, secured the two chief offices in the state grange to herself, Hon.

William B. Porter, of Plattsmouth, being elected master, and William McCaig, of Elmwood, being chosen secretary. Numerous deputies were appointed with power to organize subordinate granges in every township, and their efforts were rewarded with frequent meetings, to which the farmers and their wives, starved, as many of them were, for social entertainment and relaxation, very greatly gathered, heard the constitution and by-laws read and explained, listened to the honeyed words of the honest looking deputy, and, believing that they had at last found the panacea for all the ills that a farmer's life is subjected to, handed in their initiation fees, and were quickly instructed in all the mysteries of the ritual, signs, grips, and passwords, and were declared Patrons of Husbandry organized and ready for work. Thus grew the order. The deputies were active, and made hay while the sun (of grangerism) shone brightly. As the annual state meetings fell due, the membership annually doubled until, in 1874, nearly 600 delegates were in the hall with their credentials, and from each grange in the state.

At the annual meeting in December, 1873, the state grange decided to move in the matter of obtaining the staple commodities of their business from first hands, thus hoping to save to their members the profits and commissions they paid to agents and dealers in agricultural implements, household utensils, and some of the more staple cloths and groceries. Accordingly the office of state purchasing agent was created, his compensation provided for, and the mistake committed of electing the secretary of the order, William McCaig, to the agency, he at the same time holding his position as secretary. McCaig had exalted ideas on the wonderfulness and permanency of the order; and hence of its resources, and concluded that the true way for the Patrons of Nebraska to get implements was to manufacture them; and whether correct or not, certain it is that two factories were started, one at Plattsmouth for the manufacture of corn plows, cultivators, and harrows, and one at Fremont for constructing a header, under the patents of one Turner.

The factories seem not to have paid as was anticipated, and parties who had become security for the material used soon found themselves unpleasantly involved. The sureties included a few sound and well meaning men in this and Cass counties, and one or two others who meant well for themselves. The two brothers of the agent were also interested in

the enterprise, and when it was discovered that in some way there had been a miscalculation, and the Plattsmouth factory especially was calling for more money than it produced, it was charged that money sent to the agents in considerable sums for the purchase of machinery, was never afterwards heard from nor any equivalent sent. The matter was touched upon somewhat at the annual meeting in 1874, but so little was then known that no suspicion of wrong was allowed to rest on anyone. The biennial election occurring at that meeting, Mr. Porter was reelected master, and Mr. E. H. Clark, of Blair, secretary; but the purchasing agency was left in Mr. McCaig's hands, he asserting his ability to clear everything up if given a little more time to devote thereto.

It may be only just to remark in parting that all these ventures and complications were woven together during the memorable grasshopper raid of 1874 when the agricultural community were nearly prostrated in their resources, and that had ordinarily good times prevailed, the factory venture might not have failed and the temptation to misappropriate moneys on hand, might not have existed.

Everything was now thought to be serene in the secretary's office, as the new incumbent held the respect and confidence of all who knew him, and hence the affairs of that office passed for a long time unnoticed, while the frequent attention of the executive was called to the business transactions of the purchasing agency which resulted in the relief of Mr. McCaig from the position in July, 1875, and the appointment of P. E. Beardsley, Esq., in his place. This office Mr. Beardsley has filled ever since; his work, however, having been mainly the thorough overhauling and classifying of his predecessor's accounts.

At the fifth annual meeting held in Fremont, in December, 1875, Worthy State Master Mr. William B. Porter resigned his office, for prudential reasons, and Hon. Church Howe, of Brownville, was elected his successor.

Meantime all was lovely in the secretary's office at Blair. A faint suspicion began to exist that the new secretary was shaping his bookkeeping in such a manner as to cover up questionable transactions of the old. The executive committee (the general committee of safety for the order) took occasion to look over his books, and the result of their investigation led to the resignation of Mr. Clark, and Mr. Beardsley was immediately installed as his successor, the secretary's office was moved to Lincoln, and Mr. Beardsley has at-

tended to both offices for the past eight or nine months. As if the measure of their misfortune was not yet full, eventful fate has ordained that several suits, growing out of irregularities (not to use a more expressive term) of the first secretary and purchasing agent, have been commenced by injured parties against the "State Grange of Nebraska," being the body composed of delegates who voted to appoint Mr. McCaig to be their agent. As purchasers they are doubtless to some extent liable, and what that extent may be will be decided in due time by the district and state courts. It will devolve upon the body assembled here today to consider thoroughly, carefully, and logically, the events of the past and note well their causes and effects. It will be well for them to bear constantly in mind that on their action depends solely the life and future usefulness of the order, or its speedy dissolution in the state. They should not work in haste for they cannot afford to execute one reckless or ill considered act. They should profit by the lessons of the past, and entrust their future to none but able and trusty officers. They should in a great degree be bold, self-reliant, and enterprising, exercising the while good judgment and discretion. Every proposition should be critically weighed, examined, and adjusted, and no legislation blindly accepted, nor indeed blindly rejected. With deliberate councils and wise legislation we believe the Nebraska State Grange can recover its credit, strengthen its membership, regain public confidence, reclaim its old friends, and casting off the load of rascality and incompetency that has well nigh been its ruin, rise in its renewed strength, and eventually accomplish the great mission of its existence, the elevation and ennobling of the profession of the farmer.

The twenty failures of national banks occurred in the period from 1891 to 1898 inclusive, except one in 1886, while there have been 136 failures in the country at large since that time. No state bank failed in 1890 but there were ten failures from 1891 to 1900 inclusive. Of the twenty national banks, the Capital National of Lincoln, the First National of Ponca, the First National of Red Cloud, the First National of Alma, and the First National of Neligh were wrecked through embezzlement and other frauds of their officers; nine failed through "imprudent" management; the

rest of the failures, presumably, may be attributed to the hard times, but whose most important effect was to disclose dishonesty and bad management. The failure of the Capital National of Lincoln occurred January 21, 1893, and it caused great disaster and inexpressible suffering. Its president, Charles W. Mosher, whose exploits as lessee of convict labor at the penitentiary have already been recounted, ruthlessly gutted the bank. By an astonishing perversion of justice, as the public generally felt and believed, by pleading guilty he was let off with a term of only five years in the penitentiary. The officers of the First National Bank of Ponca and the First National Bank of Neligh were also prosecuted and three of them were sent to the penitentiary. The Capital National Bank of Lincoln paid dividends to the amount of 17.71 per cent of the loss, \$220,126 in all. A prodigious amount of litigation grew out of this failure and there was much criticism on account of the large sum expended in it. The legal expense of the receivership of this bank was \$54,496. The First National Bank of Ponca was a good second to the Capital National in the rascality of its officers. It paid 22.40 per cent of its losses. The First National Bank of Alma, also a "criminal" bank, paid 3.70 per cent; the First National Bank of Holdrege nothing at all. The First National Bank of Grant, which failed August 14, 1894, paid 100 per cent; and the First National Bank of Blair, which failed in 1886, also paid out in full.⁴⁹⁷

The Trans-Mississippi and International Exposition, held at Omaha June 1 to October 31, 1898, was a splendid, and very impressive ex-

⁴⁹⁷ The records of the state banking board show the following banks closed, with the amount of deposits in such banks:

Year	No. Closed	Deposits	
1890	none		
1891	8	no record	See page
1892	7	71,997.18	26,
1893	17	652,175.79	Annual
1894	8	197,283.25	Report,
1895	17	584,655.80	1910.
1896	42	1,156,888.81	
1897	5	144,507.34	
1898	2	35,730.06	
1899	1	13,829.96	
1900	1	39,975.91	

hibit of the products and resources of the section west of the Mississippi river and especially of the trans-Missouri part of it, and also of the great creative and executive capacity of citizens of Omaha who conceived and, in the main, carried it to a successful issue. The exposition was projected at the annual meeting of the Trans-Mississippi Congress held at Omaha in November, 1895. William J. Bryan presented the preliminary resolution declaratory of the intention to hold the exposition and requesting the federal Congress to give the assistance usual in such cases. At a public meeting held in Omaha December 27, 1895, it was decided "that the project of an exposition should be carried out." On the 6th of June, 1896, the Congress of the United States appropriated \$200,000 for the purpose of erecting a building and making an exhibit on the part of the federal government therein. The Nebraska legislature of 1897 appropriated \$100,000 for a similar purpose on behalf of the state and authorized the governor to appoint a board of six directors — one from each congressional district — to expend the money appropriated in conjunction with "the board of directors of the corporation known as the Trans-Mississippi and International Exposition Association." Douglas county appropriated a like amount to promote the enterprise; and the city of Omaha expended about \$30,000 in parking and otherwise ornamenting the grounds. Other states made appropriations as follows: Georgia, \$10,000; Illinois, \$45,000; Iowa, \$30,000; Montana, \$30,000; New York, \$10,000; Ohio, \$3,000; Utah, \$8,000; Arizona territory, \$2,000; total public appropriations, \$338,000. The sum of \$175,000 was raised by private subscription of citizens of Colorado, Kansas, Minnesota, Missouri, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, Wyoming, and Los Angeles county, California. The states of Georgia, Illinois, Iowa, Kansas, Minnesota, Montana, Nebraska, New York, and Wisconsin erected creditable buildings for their exhibits and social convenience, on the exposition grounds. The other states which contributed exhibits were Ala-



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bama, Arkansas, California, Colorado, Idaho, Indiana, Louisiana, Massachusetts, Missouri, North Dakota, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wyoming. The territories of Arizona, Indian Territory, and New Mexico were also represented.

At a meeting of citizens of Omaha held January 18, 1896, articles of incorporation of the Trans-Mississippi International Exposition Company were adopted. The articles provided for capital stock to the amount of one million dollars in shares of ten dollars each. At this meeting eleven directors were elected, namely: Gurdon W. Wattles, Jacob A. Markel, W. R. Bennet, John H. Evans, Dudley Smith, Daniel Farrell, Jr., George H. Payne, Charles Metz, Isaac W. Carpenter, Henry A. Thompson, Carroll S. Montgomery. January 20th the directors elected officers as follows: Gurdon W. Wattles, president; Jacob E. Markel, vice president; John A. Wakefield, secretary. December 1, 1896, the corporation was reorganized and the number of directors increased to fifty. On the 16th, Gurdon W. Wattles was elected president; Alvin Saunders, vice president; John A. Wakefield, secretary; Herman Kountze, treasurer; Carroll S. Montgomery, general counsel. An executive committee was chosen as follows: department of ways and means, Z. T. Lindsey; of publicity, Edward Rosewater; of promotion, Gilbert M. Hitchcock; of exhibits, E. E. Bruce; of concessions and privileges, A. L. Reed; of grounds and

buildings, F. P. Kirkendall; of transportation, W. N. Babcock. July 9, 1897, Mr. Hitchcock resigned the office of manager of promotion, and that department was thereupon consolidated with the department of publicity under the management of Edward Rosewater. James B. Haynes was superintendent of this department. The total cost of the buildings on the grounds, exclusive of state buildings, was \$565,034. The total stock subscription collected was \$411,745; total donations, \$141,670.20; earnings of the exposition, \$1,389,018.38. After the settlement of the business of the exposition ninety per cent of the stock subscription was returned to stockholders, an unprecedented incident in exposition experiences and which leaves nothing to be said in praise of the managerial skill of President Wattles and his directory.

The general architectural effect of the exposition deserved the praise it won on every hand and the electrical display of it, at night, was notably fine. This great enterprise was of material benefit to Omaha and Nebraska; but its chief justification lay in the enjoyment it afforded to the vast number of people to whom it was accessible and who had theretofore been out of range of great exhibitions of its kind. The resulting awakening and improvement of popular taste and insight into the mechanical and industrial genius of the country were incalculably beneficent.

In the year 1910 a comprehensive illustrated history of the exposition was published by the authority of its board of directors.

CHAPTER XIII

THE STRUGGLE FOR STATE CONTROL OF RAILROADS — CONSTRUCTION IN THE STATE PERIOD

RAILROAD transportation has entirely superseded the use of waterways in Nebraska. The history of railroad construction in the territorial period has been given in another volume of this work. The question of the control of railroads by state authority was evaded longer in Nebraska than in Iowa and other states of the new west, situated east of the Missouri river, on account of a supposedly important difference in physical conditions. As late, perhaps, as 1875, the desirability or practicability of the trans-Missouri plains for successful agriculture and so for general settlement was seriously questioned. In the second territorial legislature Dr. George L. Miller, in an argument against the removal of the capital to a point near the present Lincoln, assumed that Omaha would be centrally located as to business for an indefinite period. Thomas Gibson, of Dodge county, discussing the same question, said: "From information which may be had it is supposed that eighty to one hundred miles will be the extent of our settlements westward, and about one hundred miles northward." In his message vetoing the bill passed by the legislature of 1857 for the removal of the capital to Douglas City, Lancaster county, Governor Izard said: "It is, I believe, universally conceded by all who are familiar with the geography of the territory that our principal settlements for many years to come will be confined to a tract of country not extending more than thirty miles from the Missouri river." Until railroads penetrated the interior, settlers were wholly dependent upon river boats for long distance transportation. The confidence and capital of the railroad

builders supplied the courage and the essential economic conditions for the settlement of the state; and, instead of following population according to precedent, they led it. In short, settlers could not maintain themselves upon the isolated plains without access to far distant markets which only railroads could provide.

Railroads were therefore courted and encouraged to the utmost, and, in turn, being complete economic arbiters, they naturally became political masters also. For more than twenty years Nebraska wanted, more than anything else, more railroads; hence, throughout this period, to complain of exorbitant rates or to demand equal taxation of railroads and private property was deemed against business policy. Dr. Miller even advocated in the *Omaha Herald* discriminative taxation in favor of railroad property.

Moreover, during this probative period, the railroads were the really efficient immigration agents, and against traditional evil reports of "the Nebraska country" and the more realistic obstacles of drouths and grasshopper invasions they, almost alone, preserved faith, maintaining by word and works that Nebraska was the coming Canaan.

The first public complaint of importance against the railroads was made in the constitutional convention of 1871. In 1870 the rising anti-railroad sentiment, which afterward resulted in the famous granger legislation, was strong enough to inject a positive restrictive article on corporations into the new constitution of Illinois which was formed and approved by the people that year, and this article was adopted without important change by

the Nebraska convention. In the next following article the Illinois constitution prohibited counties and other political divisions of the state from donating aid to railroads or other corporations. There was a very spirited debate in the Nebraska convention over the proposal to permit the giving of such aid on approval by three-fifths of the voters of the district affected. Judge Oliver P. Mason led the opposition, and few of the strictures against the oppression and general depravity of railway management, with which the public ear has become familiarized during the recent anti-incorporation crusades, were as bold or aggressive, and none as picturesque as his speeches on this topic. While Judge Mason was defeated in this contest, he succeeded in interpolating a clause into the bill of rights which prohibited courts from continuing to allow an offset for damage to private property through the exercise of eminent domain, on account of any accruing benefits. But a heavy penalty was imposed for this first manifestation of popular insubordination. The convention unwarily refused to exempt from taxation property held by religious organizations above the value of \$5,000, and those bodies and the railroads, uniting in opposition, prevented the adoption of the constitution, which had been framed with great pains and expense and was, on the whole, an admirable piece of work.

After this mark of corporate displeasure at their froward spirit, the people remained quite docile until the gnawing of hunger due to the drouths of the early nineties and disgust at the corporate subservience of the old party, induced the populist uprising, which, notwithstanding its own inadequacy and shortcomings, forced the hitherto impregnable gateway to political reform in Nebraska. In the meantime the dominant party responded to and yet evaded the localized antimonopoly sentiment and demands by an ardent expression of long-distance radicalism,—

“Compound for sins they are inclined to
By damning those they have no mind to.”

Thus, while the republican convention of

September 4, 1872, was content with a local declaration in favor of “a careful, economical, and rigid administration of the financial affairs of the state”—a commonplace that is always presumed, though never attained—this convention, as well as the earlier one held to choose delegates to the national convention, demanded a sixteenth amendment to the constitution providing for the election by the people of United States senators and all other civil officers except heads and clerks of departments, foreign ministers and consuls with their attaches, and judges, attorneys, and clerks of federal courts. Again, in 1874, republicans mildly complained of excessive local railroad rates, but “came out strong” for a federal-owned-and-operated double track road from the Missouri river to the Atlantic seaboard. That year the democrats ventured only the generality—not even glittering—that it was the right and duty of the state to protect the citizens from extortion and unjust discrimination by chartered monopolies. The people’s independent convention, with more pith, opposed all combinations and devices that tend to increase the cost of transportation beyond a fair remuneration to the carrier, demanded the exercise of all constitutional power to remedy these evils, and also opposed any further land grants or bonds to public enterprises.

By 1884 a formidable antimonopoly, and especially anti-railroad sentiment had been created in the republican party; and the legislature elected that year, at the session of 1885, established a railroad commission consisting of the secretary of state, the auditor, and the attorney general. The actual work of the commission was done by three secretaries appointed by the board. This device was resorted to because, under the constitution, no additional executive officers could be created. It was soon found that the authority—or inclination—of this board was merely advisory; so in 1887 a “board of transportation” was established which was composed of the three executive officers who officiated under the first act, with the state treasurer added. The

work of this board was also to be done by three secretaries of its own appointment.

In an opinion filed November 21, 1900, the state supreme court decided that the act creating the board was void on account of defects in its passage through the legislature. This case arose from an order of the board that the Burlington & Missouri Railroad Company should restore certain rates on the shipment of live stock which had been wrongfully increased. There was probably more popular satisfaction than regret at this summary ending of the board. From the first it was quite generally regarded as a concession of the railroads to allay growing public hostility, but with an efficient string tied to it. Some of the secretaries defending against the public complaint that they were a do-nothing body, retorted that they were puppets, their ostensible masters, the board itself, being under the mastery of the railroads. Gilbert L. Laws, one of the last group of secretaries, in their last report gave a funeral sketch of the checked life of the board:

"The law of 1885 had its origin in a storm of protests against rebates, discriminations, and higher rates than now prevail. The law probably served its purpose. The unfortunate fact in its existence was the appointment as one of the secretaries of the editor of one of the leading daily papers of the state and thus incurring the enmity of another able editor of another leading daily. So much criticism was indulged in against the commission that the legislature of 1887 attempted to repeal the law creating it. This attempt resulted in the passage of the law of 1887 creating a board of transportation, which board inherited all the ill-will and criticism of the commission of

^{494a} Attorney General Leese was the first public officer having authority to press the proposition that a railroad commission has power to fix rates to judicial recognition with the moral courage to do so. In other constitutional governments such ultimate powers are vested in the legislative bodies. In American polity alone it is relegated to irresponsible judicial power. In 1887 the board of transportation ordered the Fremont, Elkhorn & Missouri Valley Railroad Company to reduce its freight rates $33\frac{1}{3}$ per cent, but the company refused to obey; whereupon the attorney general applied to the supreme court for a writ of mandamus to enforce the order, and a day was set for hearing. In the meantime, and in the absence of the attorney

1885. The constitutionality of the law of 1887 had never been assaulted in the courts, nor had its repeal been urged in legislatures until within the last four years. During these four years the secretaries of the board of transportation have been engaged in a contest of competitive longevity with the law of their being. The courts have been urged to annul, the legislature has threatened their official life by repeal of the law and by withholding necessary supplies, and the board of transportation has attempted a reorganization; but through the grace of all these powers and by happy coincidence the law creating the board of transportation and the official lives of the secretaries will go out on the same day, December 18, of 1900."^{494a}

The public mind had become possessed by the simple, and apparently most important proposition that transportation rates were too high, and it seemed also a simple thing to reduce them; so that there was little appreciation of such adjustment of other abuses or inconveniences as the board might accomplish. In 1890, therefore, even the republicans, in convention, specifically expressed the popular desire: "We demand the reduction of freight and passenger rates on railroads to correspond with rates now prevailing in the Mississippi valley, and we further demand that the next legislature shall abolish all passes and free transportation on railroads, except for employes of railroad companies;" and, in more general but positive terms, that "railroads and other public corporations should be subjected to control through the legislative power that created them." But this real clearing of decks as if for action was too tardy. The people's independent party demanded still

general, the other members of the board undertook to compromise the case. The court sustained the attorney general's contention that the board had no authority to thus suspend the suit; and the railroad company was compelled to comply with the order. Oliver P. Mason assisted the attorney general in the prosecution of this case; and Genio M. Lambertson also appeared on behalf of the freight bureau of the city of Lincoln. Mr. Leese complained that these assistants, like the majority of the board of transportation, were Laodiceans and hindered rather than helped. The case is reported in *Nebraska Reports*, Volume XXII, page 313, and Volume XXIII, page 117. Justice Maxwell wrote both of the opinions.

more specifically that "our legislature shall enact a freight law which shall fix rates no higher than those now in force in Iowa;" and by the force of republican failure to effectually act during its many years of power on this now paramount question, and republican drouths and crop failures, the independents gained control of both branches of the legislature and promptly enacted the freight law according to promise. But, owing to the complications arising from the submission at the same election of a proposed amendment to the constitution prohibiting the manufacture and sale of intoxicating liquors, James E. Boyd, the democratic candidate for governor, was seated, and he defeated the freight bill by veto. Though the democrats had adopted their usual perfunctory declaration against extortionate rates, it conveyed no specific intention or meaning.

Perhaps the veto was just and wise, but certainly the governor gave the railroads the benefit of the doubt — and thereby met public expectations. Even J. Sterling Morton, whom avowed antimonopolists always characterized as a railroad lobbyist and attorney, denounced the veto as against party policy. Boyd defended it on the ground that so drastic an act would bankrupt the roads, that they would make up the reduction of fifty per cent by raising interstate rates, that the companies would stop extensions of their lines and that business was at too low an ebb to admit of the reduction.

In 1892 the two old parties were content with recommending the adoption of the pending amendment to the constitution which provided for the popular election of a board of railroad commissioners with power to establish rates, while the independents repeated the declaration for an act adopting Iowa rates. Though they did not elect a majority of the members of the legislature, they were strong enough to force their bill through — the second "Newberry bill" — and the republican governor, Crouse, true to his previous anti-railroad inclination, signed it. But there was yet our unique supreme appellate legislative power to

reckon with. The railroads promptly contested the constitutionality of the act in the federal circuit court where — in 1894 — Justice Brewer annulled it on the ground that it denied reasonable compensation to the railroads and would therefore deprive them of their property "without due process of law." The supreme court of the United States affirmed this decision in March, 1898. Judge Brewer found that the act reduced freight rates on an average of twenty-nine and one-half per cent.

Though it is probably true that the legislature was not fully competent to solve the very complicated and difficult problems involved in the Newberry bill, yet, unquestionably, it was more competent than judges who, like the legislature, were not experts, but unlike the legislature were not acquainted with the circumstances of the case, nor as well acquainted with relevant conditions as the local representatives were. Moreover, it does not appear that the legislature was more biased than the court. It is a significant sign of the times that this unfair and dangerous lodgment of supreme administration and legislative power in the hands of a few finite and irresponsible men — a matter of long time wonder and solicitude to growing numbers of citizens — should have been frowned upon of late from the highest public places and in hitherto conservative circles. The economic meaning and effect of this decision was that while all the private industrial interests of Nebraska were at that time operated at a loss, the court compelled them in addition to bear the burden of insuring profits to the great corporations in question. A whirlwind of retaliation is of course not justifiable or wise; but they who persistently sow the wind are pretty sure to reap the whirlwind according to scripture, as present conditions illustrate.

The maximum freight rate law of 1893, having been suspended by Judge Brewer's decision in November, 1894, at the fall conventions of that year, republicans, evidently anticipating this decision, demanded the enactment of another, and, in general, more control of railroads; and the independents demanded either

a new law or the enforcement of the old one, though it was now suspended in the court. In 1896 a constitutional amendment providing for an elective commission, which was submitted by the republican legislature of 1895, was defeated through the neglect of the majority of electors to vote upon the question. The republican convention of 1897 petitioned the interstate commerce commission to protect the west from increased and excessive freight charges, and the democrats asked the federal supreme court for an early decision of the maximum freight rate case. In 1898 the democrats demanded an elective railroad commission, the populists a new maximum freight law and the abrogation of free passes, and the republicans declared in favor of a revision of the constitution, since it had been found impracticable to amend it by the ordinary procedure. The question of railroad control drifted, however, until, chiefly through the stimulus of the so-called Roosevelt policies, the long time restrained popular desire for an elective commission at last, in 1906, was swept over the barrier to constitutional amendment.

A commission, consisting of Hudson J. Winnett, of Lincoln, Robert Cowell, of Omaha, and Joseph A. Williams, of Pierce county, was chosen at the same election at which the amendment was adopted, and it organized for business April 9, 1907. Mr. Cowell resigned from the commission April 4, 1907, and Henry T. Clarke, Jr., was appointed in his place. In January, 1907, the attorney general began action in quo warranto in the supreme court to set at rest all doubts as to the validity of the amendment by virtue of which the commission was established, and the court affirmed that it had been legally adopted. There was strong suspicion and freely expressed opinion that the act of the legislature submitting the amendment was jockeyed with the intent of defeating it; and the fact that men in high political places alleged that if the supreme court — or, rather, the controlling influence behind it — had been as it used to be, the amendment would have

been thrown out, is significant and interesting.

The first work of the commission was to formulate a system of reports to be required from the railroad companies. These include monthly statements of the volume of business — freight and passenger — transacted at every station in the state, and reports of the car situation on every division for a twenty-four-hour period of each week. The forms of the interstate commerce commission for annual reports, with proper modifications, were adopted by the board. Under the statute of 1907 railroad companies report monthly all free or reduced transportation issued. The data contained in these reports are indispensable as a basis for the most important proceedings of the commission.

Experiment and trial for five years may not be expected to yield much beyond an indication of what the board is likely to accomplish, though a great deal of actual detail business has been done. The commission statute of 1907 prohibits railroads and other carriers from changing rates or classifications without notice to and permission from the board. Soon after the commission was organized the railroad companies increased rates on certain small shipments of freight from twenty-five cents to forty cents without obtaining the required permission. On the intervention of the commission the old rates were voluntarily restored and overcharges returned to shippers. In the fall of 1907 all of the railroad and express companies, now recognizing the requirements of the law, applied to the commission for permission to increase rates on milk and cream. After a long hearing, at which carriers and shippers were represented, the application was denied and, on the other hand, special rates enjoyed by certain localities were abrogated and general equitable rates substituted by the board, which on the whole reduced the former distance tariff by about thirty-seven per cent. The carriers acquiesced in these rates. The creamery interests, on the other hand, bitterly complained of the action of the commission, contending that instead of lowering, they materially raised rates and that the better service

they asked for had not been established except in the minor matter of giving receipts for empty cans. They stoutly contended, further, that at the hearing there was a dearth of data for a basis of rates and that instead of adjusting rates of the other lines to the lowest previous rates—those of the Rock Island—in accordance with the statute, the commission raised the Rock Island rates.

This creamery case illustrates the complex clash of interests which inheres in the rate question, and that the mediatory commission is born to

“Bubble, bubble, toil and trouble.”

Indeed it is not only the prerogative but the plain duty of the people, and the privilege, at least, of the carriers, parties of the other part, to make trouble for the commission, until the differences on account of which it was created are composed. There is a general feeling among farmers of the interior of the state that their butter would be of better quality and so would command a higher price if made nearer home, thereby avoiding the injurious effects of long shipment, and that an increase in the number of creameries would tend to prevent unfavorable monopolistic control of prices. The interests of the railroads and the large creameries, on the other hand, are against the scattering policy on account of the long haul and the larger business which concentration involves. But it does not follow that in our state, where hogs and corn are the prime product and dairying is secondary, there should be a thousand creameries as in Minnesota and Wisconsin, where the cow is peer and corn is vassal. A golden mean would better suit Nebraska.

In October, 1907, the commission denied the application of certain railroad companies for permission to charge from \$5 to \$7 per car for reconsignment. Application by all the large companies for permission to raise the minimum weight for which carload rates on grain, grain products, and seeds may be charged, was denied, as also an application by the Rock Island company for authority to increase minimum weights on carloads of lumber.

Applications by the Union Pacific and Missouri Pacific companies for authority to revise switching tariffs at Omaha were granted. Up to May 27, 1912, 1,412 orders had been issued authorizing changes in rates, most of them reductions.

In August, 1907, the commission filed a complaint with the interstate commerce commission alleging that the Union Pacific railroad company was inequitably charging a general rate of \$4.50 per ton on lump coal from Rock Springs, Wyoming, and \$3.50 from Hanna, Wyoming, to all of its stations in Nebraska, regardless of distance, and asking for graduated rates. The case was argued in February, 1908, whereupon the national commission reduced the rate from Rock Springs to Sidney, Nebraska, and to all stations between Cheyenne and Sidney, to \$3; to North Platte and all stations between that place and Sidney, to \$3.50; to stations east of North Platte to and including Grand Island, and on the branch lines between, \$4; and between Grand Island and Omaha the old rate of \$4.50 remains. From Hanna to Sidney and to stations between the Wyoming-Nebraska line and Sidney, the new rate is \$2.25; between Sidney and North Platte, \$2.50; between North Platte and Grand Island, \$3; between Grand Island and Omaha, the original rate. By request of the commission, the Burlington company has made similar reductions on western coals. Chairman Winnett estimates that the annual saving on freights by these changes on the Union Pacific will amount to \$30,000, and on the Burlington, \$75,000.

In January, 1908, the state commission petitioned the national commission to order the Missouri Pacific Railroad Company to materially reduce rates on wheat and corn from Cook, Burr, and Douglas stations in Nebraska, to St. Louis, whereupon the company granted the reductions without a contest. Upon recommendation of the commission, reductions covering wider territory and in conjunction with the Burlington road have been made. As a rule complaints are first heard informally and then, if no adjustment can be reached, formal

hearings are held. During the first year of the commission's existence there were 291 informal hearings upon complaints as follows: Misrouting of freight, 1; safety appliances, 1; unsafe tracks and roadbed, 1; fencing right of way, 1; milling and feeding in transit, 2; minimum weights, 2; violation of the anti-pass law, 3; damage by fires, 7; crossings, 9; delay in transit, 15; damage in transit, 17; discrimination, 22; train service, 29; car service, 34; station facilities, 41; excessive rates, 51; overcharge, 54. Of these complaints, 116 were satisfied by agreement and dismissal; 37 dismissed for lack of jurisdiction; 33 dismissed, no cause of action; 8, no formal complaint filed; 7, insufficient data furnished; 90, were still pending. Thirty-three formal complaints were filed, of which twenty-nine were against railroad companies; one against the Pacific Express Company, in which order was made requiring the company to furnish proper facilities for the shipment of milk and cream; one against the Nebraska Telephone Company, charging discrimination, dismissed on discontinuance of offense; one against the Citizens Street Railway Company, Lincoln, excessive capitalization, further increase prohibited; one against the Western Union Telegraph Company, requiring services at Broken Bow, under advisement; one against the Lincoln Traction Company, order to sell six regular tickets for 25 cents and ten tickets to school children for 25 cents, complied with, also fixed valuation of the company's property.

Five of the cases against railroads were satisfied and dismissed. The cases against railroads included petitions for reduction of rates in special cases; to compel construction of side tracks to elevators; to furnish facilities for loading and unloading live stock; to grant sites for elevators on right of way; to establish freight rates in certain cases; to furnish cars for shipments; to repair tracks (Missouri Pacific); to deliver carloads of goods without demurrage; to erect and maintain depots; to restore trains on branch lines; against discriminatory rates in favor of certain places. Up to May 20, 1912, 168 formal, and

2,442 informal complaints, and 1,407 applications by public service corporations for leave to change rates had been filed.

The commission reports that orders against the companies in all the range of complaint are generally complied with; and in all these very important kinds of abuses or misunderstandings, but which are classed as secondary to the task of a general reduction of rates, the work of the commission seems to be effective and on the whole of value to the public. But it has only crossed the borders of its principal field of action—in the public estimation, namely: the readjustment of freight rates.

This task is the more difficult because for nearly twenty years the public mind has been charged with the supposition that those rates have been continuously and oppressively excessive. Whereas the solution of this question requires the most careful and capable scientific investigation, public opinion has been formed in the main, perhaps, by selfish politicians. The best work toward a demonstration of the popular contention is probably that done by Charles G. Dawes soon after the board of transportation was established in 1887. The assistance which that very bright and enthusiastic young reformer lent to Attorney General Leese gave the railroad lawyers more real trouble than they had met with before or have encountered since.

In May, 1908, the commission heard the railroads in opposition to any reduction of class freight rates, and the data furnished by Mr. Carl C. Wright in behalf of the roads, while not convincing, because they have not been thoroughly tested, are formidable. For example, in opposition to the old-time populist assumption that Nebraska rates should be no higher than Iowa rates, Mr. Wright showed that the average trainload of freight in Nebraska is only half as great in weight as the average load in Iowa. Therefore, according to the presumption, Iowa rates being fair in Iowa, obviously, in Nebraska, they would be unfair—to the roads.

The Aldrich bill, passed at the session of 1907, provided for a reduction of fifteen per

cent on carload rates which were in force January 1, 1907; on live stock, potatoes, grain and grain products, fruit, coal, and lumber for building material. The railroad companies calculated that this is equivalent to a reduction of twelve and one-half per cent on all local freight rates, which, if true, is material. On the other hand, the fact that the Iowa class rates were adopted in 1888, when the volume of business was much less than now, and are now from twenty-five to fifty per cent lower than Nebraska rates, and also the fact that a belief — not quite accurately nor yet improperly called instinctive — of the people for twenty years that a rate approximately like the Iowa rate would be fair in Nebraska, are of great weight. Furthermore, though trainloads are larger in Iowa, there are many more short lines and short hauls there than in Nebraska. The commission has recently completed the so-called physical valuation of the railroads and stock yards properties in the state, and is now (1912) engaged in adjusting its work. The term "physical valuation" involves complexity and variableness of meaning. Mr. E. C. Hurd, the expert of the commission, who performed this work, defines it as being "the actual cost in money to provide, assemble and install in place the several physical factors of a completed plant or factory and make entirely ready for operation. Primarily it includes those things which are physical and tangible and susceptible of being inventoried. Secondly, certain non-physical charges which are essentially an inexpressible part of the cost of production." This valuation is deemed essential as a basis for adjusting reasonable profits and rates of transportation.

It is probably impossible to discover or adjust the proximate relative cost of interstate and intrastate transportation. This puzzling problem — indeed the whole question of railroad control — is one of the great penalties the country pays for its physical greatness. By the inexorable law of compensation, "the president has paid dear for his white house" and "in nature nothing can be given, all things are sold." On the one hand the need of keep-

ing the question of control in as close touch with the people as possible is illustrated daily by declarations of old "states rights" principles out of the mouths of traditionally hard-and-fast "national" republicans. For a single state or for a limited and homogeneous section of the whole country the transportation question would be comparatively simple. There will doubtless be some settlement of this state versus interstate traffic controversy; but, necessarily, it will be largely an arbitrary *modus vivendi*, a mere working scheme. If there is a discoverable equitable solution it seems that it should have been discovered by this time. But the question is still vexed and vexatious and increasingly so on account of increasing public interest and feeling. Moreover, in the forced decision or settlement which must be reached by the alien, far distant, and autocratic federal supreme court, local interests are destined to get the worst of it. But there will be much virtue in a mere settlement, and the now thoroughly jealous people of the states will have to make the most of that. Again, the comprehensive fallibility of this one unquestioned court is illustrated by its multiplied five to four decisions. It is significant that its last and very recent mechanical division was over a comparatively simple question of relations between states.

The growing palpability of these inexorable facts and conditions has driven La Follette, the most practical railroad corporation statesman, and his most strenuous imitator — President Roosevelt, of course — to the conclusion that real control involves valuation, an obvious corollary being a relation of lessor and lessee between the government and operators of railroads at a fixed rental. If this method destroys the incentive to initiative and enterprise, which is the much vaunted peculiar virtue of private ownership, we cannot help that. And if this evolutionary control seems to involve, approximately, the evils of out and out public ownership, such as a vast army of public functionaries and intricate business machinery to administer it, we cannot help that. We now begin to apprehend that it is a condition

of our own making that confronts us which apparently offers no middle ground between the immemorial all-the-traffic-will-bear and the tentative or virtual public ownership involved in the La Follette-Roosevelt program — and now under experiment, notably, in the typical case of the Cleveland street railway.

In the meantime, while we are tediously thrashing out the question as to which of the alternatives in question we shall settle down to, a capable state commission will be valuable if not indispensable — as mediators and adjusters — to make the naturally strained relations between carriers and the public as comfortable and equitable as may be under our crudely experimental system. Some present inclination of the carrier companies to acknowledge the authority of the commission and comply with its decisions and suggestions implies that they recognize the elective body as the direct representatives of the people, the former pestilential politician intermediaries having been eliminated, and also that they have confidence in the fairness of the commission. Nevertheless, the elective plan of choosing the commission was adopted just at the wrong time. Under the primary election system it is practicable for the people to directly choose candidates for the office of governor who possess the simple essential qualities of integrity and ability, while it is impracticable for them to select men with the all-important special qualifications which fit them for commissioners. A governor directly responsible to the people under the primary system would make fewer mistakes in choosing commissioners than the people are making in choosing them at the primaries. Governor La Follette strenuously insisted that the Wisconsin commission should be appointed by the executive, and the most sweeping public service act of any state or nation — that of New York — gives the governor the appointment of the commissioners, with the result, so far, that the two New York commissions comprise men of peculiar qualifications who would have been overlooked entirely by the popular method of selection.

For the reason that serious mistakes are made in the nomination of commissioners, a four-year term would be better than the six-year term. If voters would abandon the inexcusable foolishness of adhering to partisan nominations, the mistakes of the first choice would be largely corrected by the second, that is, in the regular elections. It is axiomatic that if the commission is to be really effective it must not be goaded by popular impatience nor be looked upon as a mere prosecutor of the carriers. If public opinion will not permit it to do exact justice, then it is worse than useless. But the commission is on probation with a public presumption or prejudice against it — the natural result of former experiment. Only the most capable men, in character and ability, can perform its difficult duties and meet the exacting public demands. On the other hand, the commission system seems indispensable both to the public and to the railroad interests so long as private ownership lasts. All that can be said of the commission so far is, "something attempted, something done." It has not yet earned a night's repose; and in the nature of things, perhaps, never will.

The principal railroad companies doing business in Nebraska are contesting in the federal court the validity of the Aldrich freight reduction and the two-cent passenger rate of 1907. In 1911 a sweeping decision by the United States circuit court for the eighth district, in rate cases from Minnesota, almost swept away the power of the states to interfere with rates of railroad companies which are engaged in both interstate and state business; and the Nebraska rate cases, and similar cases from eight other states, are virtually suspended, awaiting the decision of the appeal of the Minnesota cases by the supreme court of the United States; but in the meantime the reduced rates are in operation in Nebraska.

The following notes from the *Nebraska Commonwealth* and its successor, the *State Journal*, are an illuminating story of early railroad development in the state.

Nebraska Commonwealth, November 23, 1867. At a railroad meeting in Lincoln the

first symptoms of Burlington dominance appeared. Elder Miller thought "the only show for the people of this county is to connect their interests with the Burlington and Missouri road;" but the resolutions proposed that the county issue \$100,000 bonds for stock to that amount "in the first railroad that is constructed to Lincoln." Miller could not change this. It was urged in favor of this road that it was 148 miles nearer to Fort Kearny from Washington "than the crooked route via Chicago and Omaha."

February 18, 1868. Urges private subscription to stock for this first chance to get a road and consideration of issuing county bonds. "The original survey of the Burlington & Missouri railroad also passes through Lincoln via Plattsmouth."

May 23. Announces that contract is let for grading first eighteen miles of the Midland Pacific railroad.

June 2. First pick and shovel were struck into the soil of southern Nebraska to make smooth the bed for the iron highway of commerce — the Midland road. Contracts are let for nearly all the grading in Otoe county.

June 6. Incorporation of Omaha & Southwestern Railroad Company. J. H. Kellom, A. S. Paddock, James W. Savage, O. P. Hungerford, Omaha; John Morris, Lincoln; H. W. Reynolds, Beatrice; H. W. Parker, Camden; Dennis Dean, Ashland. O. P. Hurford, president; A. S. Paddock, vice president; J. W. Paddock, secretary; J. W. Savage, treasurer. Contracts for grading the Omaha & Southwestern were let to Alvin Saunders, August Kountze, John McCormick, and others.

November 21. A meeting at Falls City, November 7, favored building a line up the Nemaha to Lincoln.

Nebraska State Journal, May 24, 1869. Lancaster county voted to issue \$50,000, twenty years, ten per cent bonds to Burlington & Missouri River Railroad Company, road to have trains running from the Missouri river to Lincoln by September 30, 1870. Also voted on question of rescinding proposition of November 3, 1868, for \$100,000 to first railroad to Lincoln.

May 29. Midland Pacific is in the hands of such men as F. A. White and John B. Bennet. "Work of grading prosecuted during nearly all of last year in spite of opposition of Morton, now favoring sale to the Burlington & Missouri. Now arrangement has been made with the Pennsylvania Central whereby the Iowa & Missouri State Line will be com-

pleted and rolling stock furnished to the Midland Pacific forthwith. By the building of this road "Nebraska City and Lincoln are to be delivered from the curse of monopoly." (How vain such expectations were soon to be proven.)

June 26. Thielson, engineer of the Burlington, has concluded a contract for shops at Plattsmouth.

July 3. Midland is coming to Lincoln, and urges \$50,000 bonds. The "first railroad commenced in southern Nebraska."

July 10. Notes that Plattsmouth *Herald* says the road between Plattsmouth and Council Bluffs and St. Joe track is being graded. *Cars to run to Plattsmouth soon.*

July 24. George S. Harris, land commissioner of the Hannibal & St. Joe railroad, was in Lincoln on the 21st with a view of establishing a land office for the Burlington & Missouri, "which is under the same management as the Hannibal & St. Joe. The Burlington and Missouri has over 300,000 acres in Lancaster county."

Vote on \$50,000 bonds on July 19: Midland Pacific 173 for, 13 against; Bellevue, Ashland & Lincoln, 154 for, 30 against; 170 of these votes cast in Lincoln, Lancaster precinct, nearly all for.

October 9. Burlington & Missouri has constructed a switch from the Chicago, Burlington & St. Joe road to St. Mary, nine miles above Plattsmouth, and is shipping iron by transfer boats to the initial point of the road on the Nebraska side.

October 23. The Burlington & Missouri commenced laying track towards Lincoln. Over forty miles of Midland Pacific graded and has ties for forty miles at Nebraska City, all bridges either finished or framed.

November 20. "Ten miles on each of these lines will be graded, in use and equipped by the 15th of February. Lines from Fremont to the Elkhorn and from Rulo to Lincoln, links from Niobrara to the gulf, already commenced."

November 27. Omaha & Southwestern, which proposed to connect with the Union Pacific at Elkhorn station, and from thence to Lincoln via Ashland, and the Omaha, Bellevue & Lincoln — Omaha to Bellevue and Lincoln via Ashland — have consolidated. H. T. Clarke, the mainstay of the Bellevue road, surrendered control to Omaha; the Omaha, Bellevue & Lincoln route adopted. Burlington & Missouri built to Missouri river. Has

been laying iron between Plattsmouth and Lincoln the last two weeks.

January 1, 1870. Iron for the Midland Pacific being landed on east bank of the Missouri river. Track laying on Elkhorn Valley, from Fremont to Lincoln, half a mile a day.

January 15. Says there are over 200,000 acres of B. & M. lands in Saunders, Cass, and Lancaster counties; terms, ten years' time, interest at six per cent in advance for two years; principal in nine annual installments. On two years' time, at twenty per cent less than ten years' price.

January 22. Quotes Plattsmouth paper's statement that passengers can now go to Chicago over the Burlington & Missouri, and Chicago, Burlington & Quincy without change of cars.

February 19, 1870. The Burlington & Missouri road was opened for business on the 15th inst. to Hoover station, eighteen miles east. A. E. Touzalin, general passenger agent of the road, and Natt Brown, general agent of the Western Stage Coach Company, made arrangements in Lincoln on the 16th for the transfer of passengers between Hoover and the capital city.

March 5. Midland Pacific graded through to Lincoln. Twelve miles track laid from Nebraska City. Chicago, Burlington & St. Joe lands passengers on the east bank of the Missouri river opposite Nebraska City. Burlington & Missouri Railroad Company in Nebraska offers for sale all of its land east of and including range six east of the sixth principal meridian.

April 30. Burlington & Missouri runs trains to South Bend within thirty-five miles of Lincoln.

Daily State Journal, July 20, 1870. Notes that the Omaha & Southwestern considers two routes to the southwest; one from Lincoln due south up Salt creek, crossing over to Beatrice by way of Weston's branch of the Blue; the other to leave the Burlington & Missouri at its crossing of the Blue and go down the valley. The *Journal* urged the former, but the latter was adopted.

August 1. Urges voting of \$150,000 bonds by the county to the Midland Pacific Railroad Company. It was "unable to come to time" for the \$50,000 already voted. The road has 2,000 acres per mile state subsidy.

August 2. Says wheat is seventeen cents higher per bushel at Omaha, because there is competition, than at any of the interior towns of Iowa on any railroad line. Hence, argues

that Midland Pacific will bring competition, but without foresight.

An advertisement of the "Kansas and Nebraska stage company" says stages by that line leave Lincoln every morning for Nebraska City; three times a week for Beatrice, Tecumseh, Pawnee City, Albany, and Marysville, Kansas; every Monday for Camden and McFadden's; every Friday for Seward and Ulysses.

August 9. Engineers of the Omaha & Southwestern are making a reconnoissance for a route from Lincoln to the Big Blue, thence down the valley to the intersection with the Kansas Pacific at Manhattan, to form a gulf connection. Delegates to the republican state convention at Lincoln came in today from the north over the Omaha & Southwestern, just finished to the Platte river.

August 31. A meeting in Columbus unanimously adopted resolutions for \$200,000 bonds for Nemaha Valley & Loup Fork railroad.

September 5. The Nemaha Valley, Lincoln & Loup Fork railroad, now called the Atchison, Lincoln & Columbus. It is controlled by James F. Joy, who has bought the interests of the Burlington & Southwestern road in Nebraska.

October 10. A committee at a meeting advocated bonds for the Midland because it would reduce the freight on grain to the Missouri river from thirty cents by the Burlington & Missouri to ten cents, and would yield \$20,000 annual tax more than the interest on the bonds.

October 15. Bonds all voted in Lancaster and for the Nemaha Valley in Butler. The *Journal* says there was danger that the Omaha & Southwestern would have connected with the Burlington & Missouri at a point on the Blue river (this happened), and that the Midland would be diverted to Beatrice. The success of the Nemaha Valley will postpone the building of the trunk line up the Missouri valley.

October 27. Omaha Junction was the place of leaving the Burlington & Missouri. Half a mile drive to the ferry, then over the Omaha & Southwestern to Omaha.

November 17. The *Journal* believes that John I. Blair intends some time to extend the Air Line to Lincoln. Fremont and Lincoln can get him to do it at once by action. (It was brought by "action"—a \$50,000 bonus—a good many years later.) It was already called the "Elkhorn road" to the northwest of Fremont.

March 1, 1871. The committee to investigate the second ten miles of Midland Pacific road out of Nebraska City said the company had twenty-six freight cars, three engines, two first class coaches, and two baggage, mail, and express cars.

April 10. The contract for finishing the grading of the Burlington & Missouri for Fort Kearny let to John Fitzgerald on the 6th inst. Now graded six miles beyond the Blue.

April 18. Notes that passenger fare on the Burlington & Missouri road between Lincoln and Plattsmouth has been reduced from \$3.85 to \$2.75. Trains run to the river on both sides at Nebraska City and fare to cross, ten cents.

April 21. The passenger rate over the Midland Pacific road from Lincoln to Nebraska City will be \$3.40. Passengers leaving Omaha at 6 o'clock in the morning connect with the Midland Pacific at Nebraska City, arriving at Lincoln at 12:10 in the afternoon.

May 19. Quotes White Cloud [Kansas] Chief saying that the first rail was laid across the Nebraska line on the Atchison, Lincoln & Columbus (formerly the Nemaha Valley, Lincoln & Loup Fork) road Friday last (probably May 12th). "It will be pushed forward to Falls City, where the Brownville & Southwestern road has ten miles laid on line from that point to Humboldt."

June 9. "Through the spirit of a few of the leading citizens of Omaha and the energetic efforts of Governor Butler this railroad (the Omaha & Southwestern) was projected and commenced about eighteen months ago." It was built ten miles from Omaha that fall and winter on \$200,000 bonds of Douglas county and 2,000 acres per mile of state lands; last year, ten miles farther to the Platte on no further aid than the 2,000 acres grant. Sarpy county did nothing and Saunders refused to vote bonds and lost the bridge at Ashland — which was built at Omaha Junction and connected with the Burlington & Missouri at that place. Now wants \$35,000 in Lancaster county precinct bonds, and \$50,000 from Gage county and right of way to Beatrice. Lancaster had already voted \$125,000 and Gage, \$100,000.

June 12. Burlington & Missouri began running trains to Crete this day. There are seventy-five houses there.

November 4. Pleads for the voting of additional \$120,000 bonds to the Atchison & Nebraska railroad on Tuesday, the 7th, because the Omaha & Southwestern had gobbled the 2,000 acres per mile the Atchison was to

have for the last ten miles to Lincoln, for the road between Crete and Beatrice. These lands were worth about \$100,000. Midland Pacific bonds were voted, Lincoln furnishing 387 for and only 25 against; majority in county, 199 — outside precincts only 67 for (of course an outrage on the county)! In all now to Burlington & Missouri, Atchison & Nebraska, and Midland Pacific, \$420,000.

December 7. Says the Union Pacific Company has sued Durant for lands in Omaha given to him in trust with conditions relative to location of depot and bridge which have not been fulfilled.

December 21. J. N. Converse writes December 20th that Great Western Telegraph Company now connects Nebraska City and Lincoln. Lincoln and Chicago can now be worked direct.

December 24. Iowa State Line, now Missouri, Iowa & Nebraska. Eastern terminus at Keokuk, western at Nebraska City and Brownville.

December 30. Omaha & Southwestern "has been operated to Beatrice several days," and the commissioners of Gage will soon turn over the \$100,000 voted to the first road that should build to the county seat.

June 27, 1872. The Atchison & Nebraska reached the farm of C. H. Hickman, on Salt Creek, June 26th — fourteen miles south of Lincoln. An accident had resulted in the death of Superintendent Firth.

July 8. Learns from the Nebraska City *News* that the old steam wagon manufactured at New York ten or twelve years ago at a cost of \$10,000 was sold for old iron last week for \$100. Nebraska City people built a road expressly for its use across Otoe and Lancaster counties. Attached to a train of freight wagons for the plains it broke down a few miles out. Had been rusting ever since.

August 27. Captain Paul Hill and John Fitzgerald, contractors, are to begin bridging the Platte at La Platte, three miles from Plattsmouth, inside of ten days, for the Omaha & Southwestern.

August 28. The Atchison & Nebraska used the Burlington & Missouri station till their own was ready.

August 24. Cars of the Atchison & Nebraska run into Lincoln this day for the first time. The management has promised the merchants "a good living tariff."

October 16. Grading of the Midland Pacific is complete through Lancaster county fourteen miles west.

October 18. Midland Pacific headquarters moved to Lincoln. Offices on Ninth street.

December 16. Notes that Charles E. Perkins, long general manager of the Burlington & Missouri in Iowa, will take charge of the Burlington & Missouri in Nebraska, of which he is "managing director." Colonel Doane will remain as chief engineer.

August 9, 1874. Quotes from the *Beatrice Express* that freight rates had been advanced ten cents a hundred between interior points and the Missouri river. On receipt of the news, A. S. Paddock telegraphed to Vice President Charles E. Perkins informing him of the indignation that had been created among the people and advising him to get an exceptional rate over the Chicago, Burlington & Quincy road for the stations south of the Platte river. The plea was based upon the straitened condition of the people caused by the grasshopper invasion. The reply of the railroad magnate is chiefly interesting as an illustration of his attitude of safe dominance at that time:

"Burlington, Iowa, August 3, 1874.

"A. S. Paddock, Beatrice:

"The B. & M. in Nebraska, and the C., B. & Q. are no more one than you and I are one, because we may both own stock in the Beatrice Water Power Co. It is not the C. B. & Q. alone that has put up rates, but all the lines; and it is the fault of the people of Iowa, who, like a good many people in Nebraska, think that they know more about railroads than the owners do. But the increase of rates in Nebraska is more imaginary than real. We did not add to our rates but a small part of the raise east of the Missouri, losing the remainder ourselves, because of the comparatively low price of wheat; and rates at our stations are only about three cents per bushel more than before; not enough to be much felt or to make much stir. I was over the line to Kearney a week ago. I think you over-estimate the damage to crops. Wheat is excellent and the quantity of corn is small. If crops are so seriously damaged in some localities as to make it necessary to help the people with money, the B. & M. will be found as liberal as other citizens of the state in giving. There is no occasion for indignation against the railroads, and especially in Nebraska, where rates are very moderate, and where, as you know, we are taxed almost out of existence."

Omaha *Republican*, September 8, 1869. De-

scribes a "new system" of the Chicago, Rock Island & Pacific Railroad Company for transferring freight over the Missouri river at Omaha before it was bridged. A railroad track was laid on board the boat, which was run close up to the shore, connecting with a land track. Four cars at a time were run on and off the boat by this method. The rate of transfer was five cents per 100 pounds, while under contracts with the Missouri River & Transfer Company the rate was fifteen cents. This issue notices a large meeting held in Omaha to promote the building of the Elkhorn Valley railroad. It was addressed by George Francis Train, who urged that all the available means of the city be used in aid of the enterprise.

Ibid., November 10. Quotes the *Omaha Herald* asserting its "devotion to the Union Pacific and other railroad interests." (It was a merit of Dr. Miller's advocacy of railroad interests that it was at least audaciously frank and open. — Ed.)

Ibid., May 17, 1873. Notes that the Burlington & Missouri company, successor to the Omaha & Southwestern, has just bought depot grounds adjoining those of the Union Pacific road. Charles E. Perkins was general manager of the Burlington.

Ibid., January 9, 1875. Asserted that the franchise of the Grand Island eating house was given to E. B. Chandler & Co. by S. H. H. Clark (of the Union Pacific railroad) because George L. Miller was a member of the firm and on account of his influence.

Ibid., January 16. Insists that the *Herald* is "a paid organ of the Union Pacific Company." The editor's brass collar inscription is "Owned by a railroad company;" and "Eating house franchise and numerous other favors purchased this fellow."

Ibid., February 6. Notes that the extension of the Midland Pacific railroad from Nebraska City to Brownville, "commonly known as the Trunk railroad," was completed and the first train run February 1st.

Omaha *Herald* (weekly), April 16, 1873. Notes a decision by the United States supreme court affirming the validity of the Otoe county bonds issued to the Chicago, Burlington & Quincy company for building the road between Nebraska City and Red Oak, Iowa. Chief Justice Chase and Associate Justices Miller and Davis dissented. The defenses were, first, that the act under which the bonds were issued was unconstitutional and, second, that they had not been voted by the people.

Ibid. (daily) September 5. Urges the Omaha & Northwestern company to turn over its forty miles of road and its million dollars worth of subsidies to President Drake of the St. Paul & Sioux City company, so that the road might be extended on to the Logan.

Ibid., August 24. The *Herald* estimated that the Omaha & Northwestern had received subsidies to the amount of \$690,000—"80,000 acres of the cream of the state lands at \$3 per acre (a very low valuation), \$240,000; Douglas county bonds, \$200,000; Washington county bonds, \$150,000; Burt county bonds, \$100,000." On the 27th of August the *Herald* makes a somewhat different statement as follows:

Land grant, 80,000 acres at \$5.	\$ 400,000
Douglas county bonds, \$200,000, at 85c.	170,000
Washington county and Burt county bonds, \$250,000, at 80c.	200,000
Bonds issued on the road, gold, interest bearing, at 7 3-10 per cent, \$560,000, at 90c	504,000

Total	\$1,274,000
Cost of road	640,000

Surplus above cost \$ 634,000

The *Herald* insisted that after three years only forty miles of road were in operation—to Hermann; seven miles additional were graded and tied.

"The people of Nebraska and Douglas, Washington, and Burt counties have presented them with forty miles of completed and equipped road and \$450,000 besides." Hence the company was under obligation to build forty or fifty miles more road which would insure an early connection with the St. Paul & Sioux City road (August 24). According to the *Herald* (August 27), Edward Creighton, John A. Horbach, and "we believe John I. Reddick," were the controlling stockholders.

Ibid., (weekly), December 19. Notes that the supreme court of the United States has decided that the Union Pacific road and road bed are not exempt from taxation. The case arose in Lincoln county. William M. Evarts, of New York, was attorney for the railroad company in the case and James M. Woolworth for the state. Here, again, there was a disagreement of the judges as in the Otoe county bond case.

Ibid., March 6, 1874. Insists that completing the Omaha & Northwestern to a general northeast outlet and the "trunk" line for a

southern outlet is the only remedy for the combination by Iowa roads against giving business to the Union Pacific. Freight was being delivered to Lincoln from the east cheaper than to Omaha.

Ibid., (daily) January 19, 1875. Notes that a decision of the supreme court of the United States affirmed that of Judge Dillon in the local federal court, wherein he decided that a group of western counties which were plaintiffs in the case were entitled to about \$100,000 taxes on patented lands, while the decision remitted the balance of the total levy of about \$225,000 on unpatented lands.

Nebraska Advertiser, February 13, 1868. Notes that Nemaha county voted to issue bonds to the amount of \$350,000 in exchange for stock of the Brownville & Fort Kearny Railroad Company. (The county contested the validity of these bonds and the very extended litigation resulted in many complications and compromises.)

BURLINGTON & MISSOURI LINES

The company now known as the Chicago, Burlington & Quincy Railroad Company was chartered by a special act of the Illinois legislature, dated February 12, 1849, under the name of the Aurora Branch Railroad Company.

The incorporators were citizens of Aurora, Illinois, and vicinity. This company built from Aurora to a connection with the Galena & Chicago Union Railroad (now Chicago & Northwestern) at Turner Junction, about twelve miles. The track was laid with wooden rails faced with strap iron and was opened for business September 2, 1850.

In 1852 the name was changed to the Chicago & Aurora Railroad Company. About this time the original incorporators, finding it impossible to raise money to go on with the work, applied to eastern capitalists for assistance, and the parties who had purchased the Michigan Central road from the state of Michigan took hold of the enterprise.

On October 29, 1853, the road was completed from Aurora west to a junction with the Central Military Tract Railroad at Mendota, Illinois. The last named company was chartered by special act of the Illinois legislature February 15, 1851, and was in 1853

building from Mendota to Galesburg, Illinois. The same eastern people who came into control of the Chicago & Aurora railroad in 1852 went into the Central Military Tract company at about the same time, and the road was completed to Galesburg December 7, 1854.

February 14, 1855, the name of the Chicago & Aurora Railroad Company was changed to Chicago, Burlington & Quincy Railroad Company, and on July 9, 1856, the Chicago, Burlington & Quincy and Central Military Tract companies were consolidated under the name of the Chicago, Burlington & Quincy Railroad Company. The road from Galesburg to Quincy, Illinois, was built by the Northern Cross Railroad Company and was completed on January 31, 1856. It was sold under mortgage foreclosure April 28, 1864, and purchased by the Chicago, Burlington & Quincy Railroad Company.

The road from Peoria via Galesburg to Burlington, Iowa, was built by the Peoria & Oquawka, afterwards the Logansport, Peoria & Burlington Railroad Company, and was opened from Galesburg to Burlington March 6, 1855, and from Galesburg to Peoria on January 31, 1857. This road was for some years operated by the C., B. & Q. under a lease, and on October 20, 1862, was sold under mortgage foreclosure and reorganized as the Peoria & Burlington Railroad Company. On June 24, 1864, it was consolidated with the C., B. & Q.

In June, 1862, a branch road from Yates City to Lewiston, Illinois, about thirty miles, was completed. This had been under construction for a number of years by local companies who were unable to complete it.

On May 20, 1864, the C., B. & Q., which, up to that time, had obtained entrance to Chicago over the track of the Galena & Chicago Union Company, completed its own line from Aurora to Chicago.

August 13, 1868, the bridge over the Mississippi river at Burlington, Iowa, was opened for traffic.

November 9, 1868, the bridge over the Mis-

issippi river at Quincy, Illinois, was opened for traffic. This bridge was built by an independent bridge company and, under date of January 1, 1869, was leased to the C., B. & Q., Hannibal & St. Joseph and Toledo, Wabash & Western, jointly.

In February, 1869, the Keokuk & St. Paul road, then completed from Keokuk to Fort Madison, Iowa, twenty-four miles, was purchased by the C., B. & Q., and extended to Burlington, eighteen miles. Opened to Burlington October 27th.

On April 25, 1869, a branch from Galva to New Boston, Illinois, fifty-one miles, was completed.

On July 18, 1869, a branch from Lewiston to Rushville, Illinois, thirty-two miles, was completed.

In 1870 the following branches were built in Illinois: Buda to Elmwood, 44 miles, February 1; Carthage to East Burlington, 30 miles, January 16; Quincy to Carthage, 40 miles, December 25.

In 1871 branches were built in Illinois as below: Prophetstown to East Clinton, 17 miles, July 23; Shabbona to Rock Falls, 46 miles, October 16.

In 1872 branches were built in Illinois as below: Aurora to Streator, Illinois, 51 miles, January 15; West Aurora to Geneva, Illinois, 10 miles, May 1; Mendota to Prophetstown, Illinois, 45 miles, May 14.

January 1, 1873, the C., B. & Q. took possession of the Burlington & Missouri River Railroad and branches, which on that date was operating the following mileage: Burlington, Iowa, to the east bank of the Missouri river opposite Plattsmouth, Nebraska, opened January 1, 1870, 280 miles; Red Oak to Hamburg, Iowa, opened August 1, 1870, 39 miles; Chariton to Leon, Iowa, opened August 21, 1872, 37 miles; Creston, Iowa, to Hopkins, Missouri, opened January 21, 1871, 45 miles; Clarinda Junction to Clarinda, Iowa, opened September 30, 1872, 14 miles.

The Burlington & Missouri River Railroad Company was incorporated in Iowa, January 15, 1852. The first incorporators were citi-

zens of Burlington and vicinity. Construction was begun early in 1854, and in June, 1857, the road was in operation to Rome, Iowa, about thirty-five miles; it was extended slowly, and in September, 1859, was completed to Ottumwa, seventy-five miles. Nothing more was done until 1865, after the close of the Civil War, when construction west of Ottumwa was begun.

The original incorporators found it impossible to raise money enough to complete even the first thirty miles, and the aid of the parties who were then engaged in building the C., B. & Q. was sought soon after construction began. In 1856 a valuable land grant was obtained, but even this was not sufficient to attract investors, and it took about seven years to build the first seventy-five miles to Ottumwa. After that nothing was done until 1865, when it became possible to sell at a large discount the bonds of the road secured by the road itself and the land grant, and the road was slowly extended until it was completed to the Missouri river in 1870.

A branch from Albia to Knoxville, Iowa, 33 miles, was built and opened November 17, 1875.

The Quincy, Alton & St. Louis road, from Quincy, Illinois, to Louisiana and Hannibal, Missouri, 46 miles, was leased and operated by the C., B. & Q. from February 1, 1876.

The C., B. & Q. also purchased the securities of the St. Louis, Rock Island & Chicago Railroad Company and operated the road from October 1, 1876. The mileage was: Gladstone to Keithsburg, Illinois, opened December 17, 1869, 17 miles; Sterling to Rock Island, Illinois, opened January 12, 1870, 52 miles; Rock Island to Wann, Illinois, opened November 21, 1870, 215 miles; Cleveland branch, 2 miles; a total of 286 miles. This road was incorporated in 1855 as the Rock Island & Alton Railroad Company and, after several changes of name and foreclosures, was finally reorganized as the St. Louis, Rock Island & Chicago Railroad Company and sold to the C., B. & Q. as above stated.

In 1878 a branch was built from Hastings

to Sidney, Iowa, opened December 2d, 21 miles.

In 1879 branches were built: Chariton to Indianola, Iowa, opened February 23, 33 miles; Creston to Fontanelle, Iowa, opened May 6, 28 miles; Clarinda, Iowa, to Burlington Junction, Missouri, opened October 19, 21 miles; Leon to Mt. Ayr, Iowa, opened September 26, 35 miles.

In 1880 branches and extensions were built: Port Byron Junction to Rock Island, Illinois, opened January 6, 7 miles; Knoxville to Des Moines, Iowa, opened January 10, 35 miles; Red Oak to Griswold, Iowa, opened January 17, 18 miles; Mt. Ayr, Iowa, to Grant City, Missouri, opened September 20, 22 miles; Hastings to Carson, Iowa, opened October 6, 16 miles; Bethany Junction to Bethany, Missouri, opened November 15, 29 miles. The Burlington & Missouri River Railroad Company in Nebraska was incorporated May 12, 1869, and the construction of the line from Plattsmouth to Kearney was begun in July of that year; it was completed to Kearney Junction, Nebraska, September 18, 1872. This company was consolidated with the C., B. & Q. R. Co. under date of July 26, 1880, at that time having a mileage of 836 miles as follows: Plattsmouth to Kearney Junction, opened September 18, 1872, 191 miles; Pacific Junction, Iowa, to Plattsmouth, Nebraska, including the bridge across the Missouri river at Plattsmouth, 2 miles; Republican Valley railroad, Hastings to Red Cloud, Nebraska, opened November 4, 1878, 41 miles; Red Cloud to Bloomington, Nebraska, opened March 10, 1879, 29 miles; Bloomington to Republican, Nebraska, opened January 25, 1880, 12 miles; Republican to Orleans, Nebraska, opened February 29, 1880, 12 miles; Orleans to Arapahoe, Nebraska, opened April 17, 1880, 27 miles; Arapahoe to Indianola, Nebraska, opened May 23, 1880, 28 miles; York to Aurora, Nebraska, opened November 3, 1879, 22 miles; Aurora to Central City, Nebraska, opened April 4, 1880, 20 miles; Amboy to Hubbell, Nebraska, opened June 13, 1880, 53 miles.

The Nebraska Railway was formed by a consolidation of the Brownville, Fort Kearny & Pacific and Midland Pacific railway companies July 9, 1875. The securities of this company were bought by the B. & M. R. R. in Nebraska in 1876 and the road leased in perpetuity to the B. & M. under date of June 5, 1877. At the time of the consolidation of the C., B. & Q. and B. & M. the mileage of the Nebraska railway was: Nebraska City to Lincoln, Nebraska, opened June 1, 1871, 58 miles; Lincoln to Seward, Nebraska, opened March 3, 1873, 25 miles; Nebraska City to Brownville, Nebraska, opened February 1, 1875, 22 miles; Seward to York, Nebraska, opened July 25, 1877, 27 miles; Brownville to Nemaha, Nebraska, opened December 17, 1878, 5 miles.

The Omaha & Southwestern railroad was incorporated February 13, 1868, and leased to the B. & M. in perpetuity under date of July 19, 1871. At the time of the consolidation of the C., B. & Q. and B. & M. the mileage of the O. & S. W. was: Omaha to Oreapolis, Nebraska, opened in 1870, 17 miles; Crete to Beatrice, Nebraska, opened December 22, 1871, 30 miles.

The Atchison & Nebraska Railroad was formed by the consolidation, August 10, 1871, of the Atchison & Nebraska and the Atchison, Lincoln & Columbus railroad companies. At the time of the consolidation of the C., B. & Q. and the B. & M. the mileage was: Atchison, Kansas, to Lincoln, Nebraska, opened September 1, 1872, 143 miles; Branch to Rulo, Nebraska, built by the Burlington & Southwestern railroad and sold to the A. & N. in 1871, 2 miles.

The Lincoln & Northwestern Railroad was leased to the B. & M. in perpetuity under date of January 1, 1880. At the time of the consolidation of the C., B. & Q. and B. & M. the mileage was: Lincoln to Columbus, Nebraska, opened May 18, 1880, 73 miles.

In 1880 the C., B. & Q. also purchased the securities of the companies named below:

Chicago, Burlington & Kansas City Railway Company, operated by C., B. & Q. from September 1, 1880. This road was the result of

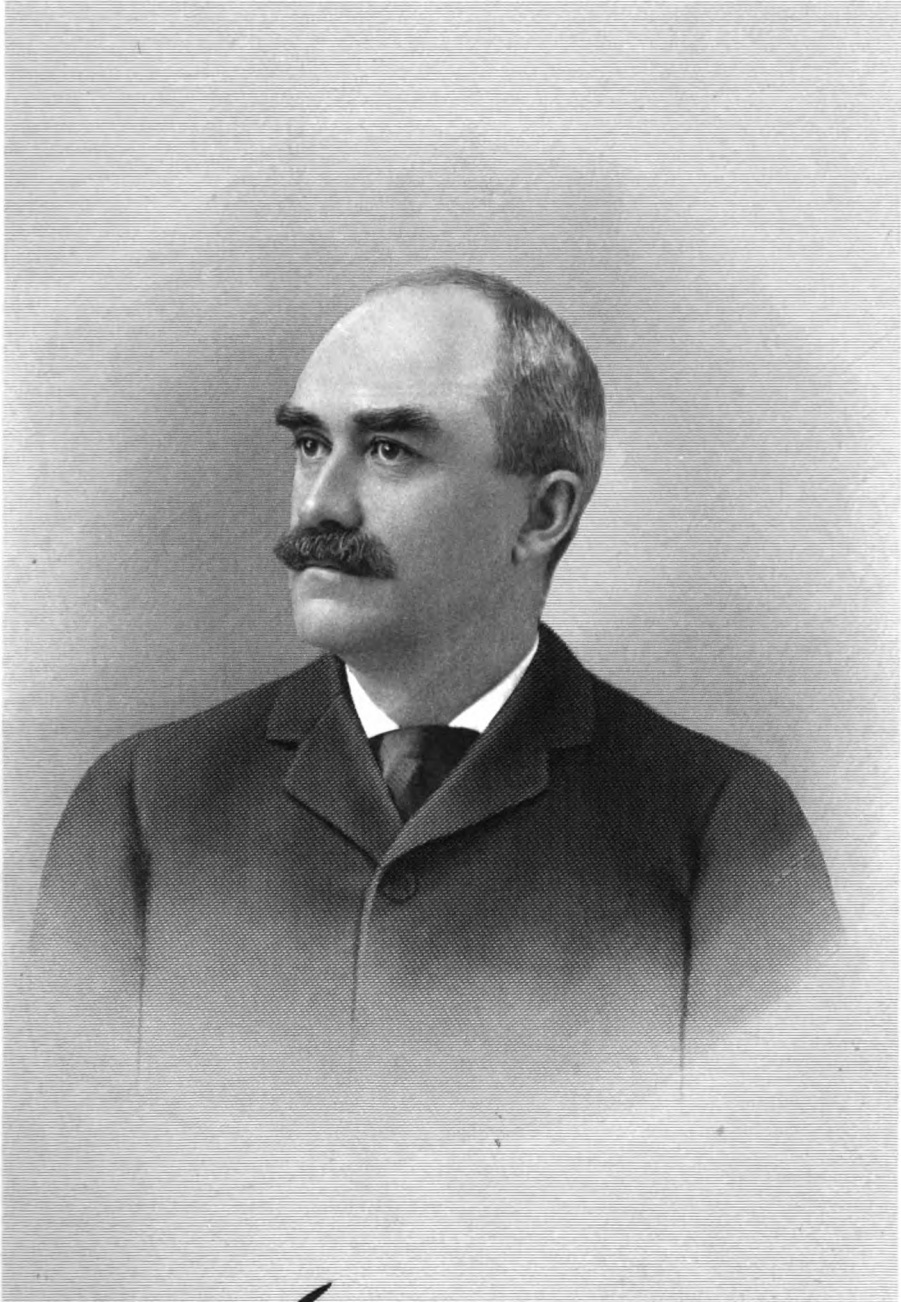
consolidations and foreclosures of a number of local companies and at the time of its purchase by the C., B. & Q. the mileage was: Viola, Iowa, on the Keokuk branch of the C., B. & Q. to Laclede, Missouri, opened September 27, 1876, 158 miles.

Kansas City, St. Joseph & Council Bluffs Railroad Company, operated by C., B. & Q. from April 17, 1880. At this date the mileage was: Harlem, Missouri, to Council Bluffs, Iowa, 193 miles; Amazonia to Hopkins, Missouri, 50 miles; Nebraska City Junction to Missouri river, 4 miles; Winthrop Junction to Atchison bridge, 1 mile. This road was built by a number of local companies, the most important of which were the Missouri Valley, St. Joseph & Council Bluffs and Council Bluffs & St. Joseph companies, the latter an Iowa corporation. All were consolidated under the name of the present company in 1869 and 1870. The road from St. Joseph to Council Bluffs was opened in December, 1867. From St. Joseph south to Harlem and north to Hopkins was built in 1869 to 1870.

St. Joseph & Des Moines railroad, a narrow gauge road, extending from St. Joseph to Albany, 48 miles, opened October 15, 1879.

January 1, 1881, the C., B. & Q., having previously purchased all the securities of the St. Louis, Keokuk & Northwestern Railroad Company, took possession of the road. At this date the mileage was as below: Keokuk, Iowa, to St. Peters, Missouri, 128 miles; Keokuk to Mt. Pleasant, Iowa, 48 miles. The road from Keokuk to St. Peters was built in sections by a large number of local companies, which, by consolidations and foreclosure sales, were all merged into the St. L., K. & N. W. R. R. The first section completed was from West Quincy to La Grange, Missouri, which was opened on January 31, 1871. It was opened to Keokuk in March, 1882. The section from Keokuk to Mt. Pleasant was built in 1880 and 1881 and was opened to Mt. Pleasant January 31, 1881.

In 1882 branches and extensions were built: Bethany to Albany, Missouri, opened October 1, 18 miles; Beatrice to Wymore, Ne-



Western Rub. & Eng. Co.

Robertson

braska, opened February 7, 12 miles; Wymore to Endicott, Nebraska, opened July 25, 51 miles; Table Rock to Wymore, Nebraska, opened December 5, 38 miles; Nemaha to Calvert, Nebraska, opened October 10, 9 miles; Indianola to Culbertson, Nebraska, opened October 10, 23 miles.

In 1882 branches and extensions were built: Sheridan to Paw Paw, Illinois, opened November 27, 20 miles; Clarinda, Iowa, to Northboro, Missouri, opened July 10, 18 miles; Culbertson, Nebraska, to Denver, Colorado, opened May 29, 244 miles; Auburn to Tecumseh, Nebraska, opened August 30, 23 miles.

The Chicago, Burlington & Kansas City railway was extended from Laclède to Sumner, 10 miles, opened July 17, 1882.

In 1881 the C., B. & Q., jointly with the Wabash company, began the construction of a road in Iowa from Van Wert on the Missouri, Iowa & Nebraska (now Keokuk & Western railroad) to Shenandoah, Iowa, 95 miles, opened to Shenandoah November 18, 1882. This road was operated independently until 1896 when the C., B. & Q. bought the Wabash interest and under date of May 1, 1896, took possession of the property.

In 1883 branches and extensions were built: Tecumseh to Beatrice, Nebraska, opened September 2, 33 miles; Nemaha to Salem, Nebraska, opened December 20, 18 miles; Kenseaw to Holdrege, Nebraska, opened November 15, 40 miles.

In 1883 the C., B. & Q. purchased the stock of the Hannibal & St. Joseph Railroad Company and took possession of the road on May 1, 1883. At that date the mileage was: Hannibal to St. Joseph, opened February 15, 1859, 206 miles; Quincy to Palmyra, Missouri, opened April 1, 1860, 13 miles; Cameron to Missouri river, opposite Kansas City, opened November 30, 1867, 54 miles; Kansas City bridge, opened July 3, 1869. The H. & St. J. R. R. Co. was incorporated February 16, 1847, and after the usual financial difficulties and reverses finally secured aid from the state in land and bonds and was completed as above.

The bonds issued by the state were repaid by the company.

In 1884 branches and extensions were built: Chester to Hebron, Nebraska, opened January 3, 12 miles; De Witt to Tobias, Nebraska, opened May 1, 24 miles; Holdrege to Oxford, Nebraska, opened August 4, 20 miles; Aurora to Grand Island, Nebraska, opened June 8, 18 miles; Odell, Nebraska, to Concordia, Kansas, opened August 24, 70 miles.

The Chicago, Burlington & Kansas City railway was extended from Sumner to Bogard, 21 miles, opened October 17, 1884.

In 1885 branches and extensions were built: Fontanelle to Cumberland, Iowa, opened August 5, 20 miles; Holdrege to Elwood, Nebraska, opened August 12, 28 miles; Republican, Nebraska, to Oberlin, Kansas, opened October 12, 78 miles.

The Chicago, Burlington & Kansas City railway was extended from Bogard to Carrollton, Missouri, 7 miles, opened June 23, 1885, and the St. Joseph & Des Moines railroad, 49 miles, was changed from narrow, to standard gauge and leased to the C., B. & Q.

In 1886 branches and extensions were built: Galesburg to Rio, Illinois, opened October 31, 12 miles; Tobias to Holdrege, Nebraska, opened December 26, 113 miles; Elwood to Curtis, Nebraska, opened October 6, 44 miles; Fairmont to Hebron, Nebraska, opened December 6, 33 miles; Edgar to Superior, Nebraska, opened August 4, 26 miles; Grand Island to Anselmo, Nebraska, opened September 13, 101 miles; Aurora to Hastings, Nebraska, opened September 13, 28 miles.

In 1887 branches and extensions were built: Omaha to Ashland, Nebraska, opened January 3, 25 miles; Anselmo to Whitman, Nebraska, opened May 30, 99 miles; Curtis, Nebraska, to Cheyenne, Wyoming, opened December 11, 263 miles; Central City to Greeley, Nebraska, opened August 15, 44 miles; Greeley to Burwell, Nebraska, opened December 15, 41 miles; Palmer to Arcadia, Nebraska, opened October 31, 54 miles; Ashland to Schuyler, Nebraska, opened October 24, 51 miles; Orleans, Ne-

braska, to Blakeman, Kansas, opened November 13, 95 miles.

In 1887 the C., B. & Q. purchased the securities of the Denver, Utah & Pacific Railroad Company, a narrow gauge road from Denver to Lyons, Colorado, with two short branches, aggregating about 49 miles of road, which had been built from 1881 to 1885. It was, however, operated independently and was not included in the mileage of the C., B. & Q. until 1889, when it was changed to standard gauge.

In 1888 branches and extensions were built: Streator to Walnut, Illinois, opened June 1, 59 miles; Whitman to Alliance, Nebraska, opened February 3, 69 miles; Greeley Center to Ericson, Nebraska, opened May 7, 19 miles; Blakeman to St. Francis, Kansas, opened July 8, 39 miles.

In 1889 branches and extensions were built: Alliance, Nebraska, to Cambria, Wyoming, opened December 1, 162 miles; Culbertson to Beverly, Nebraska, opened November 1, 10 miles; Denver to Lyons, Colorado, changed to standard gauge and leased to C., B. & Q. September 1, 1889, 41 miles.

In 1890 branches and extensions were built: Newcastle to Merino, Wyoming, opened August 5, 30 miles; Edgemont to Hill City, South Dakota, opened November 4, 60 miles.

In 1890 the C., B. & Q. began an extension of the St. Louis, Keokuk & Northwestern railroad from old Monroe, on the main line to St. Peters, to St. Louis. This extension was 48 miles in length and included a double track steel bridge across the Missouri river at Bellefontaine Bluffs. It was opened on March 4, 1894.

In 1890 the C., B. & Q. purchased the stock of the Chicago, Burlington & Northern Railroad Company, which had been built in 1885 and 1886 from Oregon, Illinois, to St. Paul, Minnesota, and from Fulton to Savanna, Illinois. The mileage owned is: Oregon, Illinois, to St. Paul, 332 miles; Fulton to Savanna, Illinois, 17 miles; Galena Junction to Galena, Illinois, 4 miles; and also short branches to Dubuque, Iowa, and Winona, Minnesota, aggregating 2 miles.

In 1891 branches and extensions were built: Beverly to Palisade, Nebraska, opened December 22, 8 miles; Merino to Gillette, Wyoming, opened August 12, 48 miles; Hill City to Deadwood, South Dakota, opened January 28, 46 miles; Minnekata to Hot Springs, South Dakota, opened July 3, 13 miles.

In 1892 the Chicago & Iowa railroad, which had for some years been controlled by the C., B. & Q. through its ownership of the C. & I. securities, was under date of January 1, 1892, leased to the C., B. & Q. The road was from Aurora to Forresteron, Illinois, and from Flag Center to Rockford, Illinois, 23 miles.

In 1892 branches and extensions were built: Palisade to Imperial, Nebraska, opened August 15, 31 miles; Gillette to Sheridan, Wyoming, opened November 26, 101 miles.

In 1893 branches and extensions were built: Englewood to Spearfish, South Dakota, opened December 11, 32 miles; Sheridan to Alger, Wyoming, opened July 14, 7 miles.

In 1894 an extension was built from Alger, Wyoming, to Billings, Montana, opened October 28, 122 miles.

Under date of May 1, 1896, the C., B. & Q. leased the Humeston & Shenandoah railroad from Van Wert to Shenandoah, Iowa, 112 miles, which had heretofore been owned jointly by the C., B., & Q. and Wabash companies.

In 1899 branches and extensions were built: Grant City to Albany, Missouri, opened November 6, 20 miles; Arcadia to Sargent, Nebraska, opened October 31, 19 miles.

In 1899 the C., B. & Q. purchased all the securities of the Keokuk & Western Railroad Company and took possession of the property on May 1, 1899. The road extended from Alexandria, Missouri, to Van Wert, Iowa, 143 miles, completed in 1880, and from Des Moines, Iowa, to Cainsville, Missouri, 110 miles, completed in 1884.

In 1899 the C., B. & Q. purchased the securities of the Chicago, Fort Madison & Des Moines railroad and took possession of the road on November 1, 1899. The road is from Fort Madison to Des Moines, Iowa, 71 miles.

In 1900 branches and extensions were built:

Alliance, Nebraska, to Guernsey, Wyoming, opened June 11, 131 miles; Northport, Nebraska, to Brush, Colorado, opened September 16, 113 miles; Hill City to Keystone, South Dakota, opened February 25, 9 miles. About twenty miles of this is leased from and used jointly with the Union Pacific.

In 1906 a line was built from Ashton to Laketon or South Sioux City (107 miles), and in 1907 the line from Laketon to O'Neill, Nebraska, was purchased.

In 1909 a branch, 7 miles long, was built from Lincoln to Cobb Junction, Nebraska.

THE CHICAGO & NORTHWESTERN LINES

The Sioux City & Pacific Railroad Company was organized August 1, 1864, in Iowa. The Northern Nebraska Air Line was organized June 7, 1867. The Sioux City & Pacific acquired the Northern Nebraska Air Line by consolidation September 15, 1868. It was built from California Junction, in Iowa, to the Missouri river and from the Missouri river near Blair, Nebraska, to Fremont, completed in February, 1869. Its Iowa organization received a small grant of lands through act of Congress, of July, 1864. It maintained a steamboat ferry at Blair in summer, and generally, in extreme cold weather, a track on the ice across the Missouri river in winter, to the time of the completion of the present Missouri Valley & Blair railway and bridge, August 9, 1882.

The Fremont, Elkhorn & Missouri Valley Railroad Company was organized January 20, 1869. This company never had any land grant. It commenced construction at Fremont, after the completion of the Sioux City & Pacific to that point in 1869. It was extended in that year to Maple Creek, Nebraska, ten miles north of Fremont. In 1870 it was completed to West Point and in 1871 to Wisner, and there rested till 1879, when it was extended fifty-eight miles to Oakdale, and in 1880 to Neligh; also from Norfolk Junction to Plainview. In 1881 the branch was extended from Plainview to Creighton, ten miles; and the main line in the same year was extended from Neligh to Long Pine, about ninety-eight miles.

In 1882 it was further extended from Long Pine to Thacher, fifty miles, and again in 1883 from Thacher to Valentine, six miles. The line to the military post of Niobrara, three and one-half miles north of Valentine, was constructed and occupied in the fall and winter of 1880-81.

At Valentine the Fremont, Elkhorn & Missouri Valley railroad rested till 1885, during which time, or before it commenced building again, the road was sold to the Chicago & Northwestern Railway Company, and its future extensions were under the direction and ownership of that corporation. In 1885 it was extended to Chadron, and from Chadron to Buffalo Gap, South Dakota; in 1886 from Buffalo Gap to Rapid City, South Dakota. In September, 1886, another branch was completed and opened from Fremont to Wahoo, and on October 25, 1886, the same branch was completed and opened to Lincoln.

Another line was completed and opened December 6, 1886, from Scribner to Lindsay. The next year, 1887, this line was extended through Boone, Stanton, and Madison counties, to Oakdale, the then county seat of Antelope county. There it intersected and connected with the main line. That line was completed June 13, 1887. November 21, 1887, the Black Hills Line was completed and opened from Rapid City to Whitewood, South Dakota. In the same year, December 18, 1887, another line, having been constructed, was opened from Arlington to Irvington and to South Omaha, also to a junction with the C., St. P., M. & O. railway into Omaha. The same year another line was built from the Fremont-Lincoln line on the west side of the Platte river to Linwood and extended from Linwood to Geneva. In 1888 this line was extended from Geneva to Superior and the Kansas state line. It was opened September 6, 1888. In 1888 the branch now known as the "Niobrara line" was extended from Creighton to Verdigris, opened September 4th. In 1890 a line was built from Buffalo Gap to Hot Springs, South Dakota, and one from Whitewood to Deadwood, both opened December 29, 1890. In 1891 extensions

into Deadwood were made, also, to Bald Mountain, some twenty or thirty miles of narrow gauge mountain line.

In 1886 another line was constructed from the main line in Dawes county, from a point called Dakota Junction, to the Wyoming state line, and extended thence, under the name of the Wyoming Central Railroad Company, from the state line to Douglas, Wyoming, opened September 1st. November 21, 1887, the Wyoming Central was completed and opened from Douglas to Glen Rock, and in 1888 from Glen Rock to Casper, Wyoming. In 1901-02 the Fremont, Elkhorn & Missouri Valley company built a line from Deadwood to Lead, standard (and by a third rail, narrow) gauge road. In 1901 and 1902 it constructed an extension of the "Niobrara line" from Verdigris to Niobrara, on the Missouri river, near the mouth of the Niobrara river, into Boyd county, thence following the course of the Ponca creek northwesterly through Boyd county to the South Dakota line, and into Gregory county to Bonesteel.

MISSOURI PACIFIC LINES

The roads operated at present under that name in the state of Nebraska were originally constructed by the Missouri Pacific Railway Company of Nebraska. The line extending from the southern boundary of the state to Papillion was completed July 1, 1882; Sarpy county extension of the Missouri Pacific railway, extending from Papillion Junction to the Sarpy county line, completed December 1, 1886; Omaha Belt railway, from Sarpy county line to Omaha, completed December 1, 1886; Lincoln branch of the Missouri Pacific railway, from Lincoln Junction, near Weeping Water, to Lincoln, completed August 25, 1886; Nebraska Southern Railway, Auburn Junction to Nebraska City, completed August 28, 1887; Nebraska City extension of the Missouri Pacific railway, Nebraska City to Weeping Water Junction, completed August 28, 1887; Crete branch of the Missouri Pacific railway, extending from Talmage to Crete, completed November 1, 1888. The Kansas City Northwestern line only extends practically from Summerfield

to Virginia, within the state of Nebraska, and that portion of the Pacific railway in Nebraska between Superior and Prosser is all there is of that railroad in Nebraska.

The Missouri Pacific railway in Nebraska was constructed under the direction of Mr. Jay Gould and Mr. H. M. Hoxie, president and vice president, respectively, of the parent corporation, the Missouri Pacific Railway Company, the former residing in New York city and the latter at St. Louis, Missouri.

The first officers of the Pacific railway in Nebraska were: A. S. Everest president, Atchison, Kansas; F. P. Bonnell, vice president, Superior, Nebraska; P. S. Williams, secretary, Superior, Nebraska; C. E. Adams, treasurer, Superior, Nebraska. This road was constructed under the direction of Mr. Jay Gould, president, and Mr. S. H. H. Clarke, vice president of the Missouri Pacific Railway Company.

ROCK ISLAND LINES

On July 13, 1892, the Chicago, Rock Island & Pacific railway was extended from the Missouri river to Lincoln, a distance of 57 miles; the same year or the next, the line was completed from Lincoln to Belleville, Kansas, to connect with the main line to Denver, about 70 miles in Nebraska; the branch from Fairbury to Nelson is 51 miles, making a total of 178 miles.

THE MIDLAND PACIFIC RAILROAD LINES

Mr. Thomas J. Ryan, who has been a conductor on the Midland line between Lincoln and Nebraska City continuously since 1873, contributes the following:

It was intended to build the road [Midland Pacific] from Nebraska City to Grand Island, but the original company built it only as far as Seward and graded as far as York, when, in the year 1877, it was bought by the Burlington & Missouri Company. The officers of the road in the early seventies were: B. F. Smith, president; J. N. Converse, vice president and general superintendent; J. H. Wheeler, secretary and treasurer; N. B. Kendall, chief engineer; N. K. Fleming, general freight and ticket agent; M. A. Showers, trainmaster and assistant superintendent; J. P. Taylor, roadmaster. The first engine arrived opposite Nebraska City in December, 1869, and was transferred across the Missouri river on a flat boat. In process of loading, it got away on the incline from the river bank and ran over the boat and plunged into the river be-

yond, leaving but a few inches above water. It was necessary to construct a pair of shears above the engine to raise it and pull it back on the boat.

In a few days this was done and the engine was safely brought to the west side of the river, a channel for the boat's passage having been cut through the ice. A track was laid from the landing as far as South Table creek, a double line of rope was attached to the engine and a number of citizens of Nebraska City pulled it off of the boat and up the track to a point opposite the place where the starch works now stand. The first flat cars were hauled across the river, the car trucks being drawn by oxen on the ice and the car bodies, loaded on heavy timber wagons, were drawn by oxen also. Track laying began in January, 1870, and reached Dunbar that year. Grading, however, was continued on the line west of Dunbar; and in January, 1871, track laying was resumed. The road was finished to Lincoln the following April. About the year 1872 the same company began to build what

was known as the Brownville, Ft. Kearny & Pacific railroad. This road was graded nearly to Tecumseh, and ten miles of track laid, but this was all taken up except about two miles which extended up the river from Brownville.

In the year 1874 a road was built from this track to Nebraska City, and trains were run to Brownville in March, 1875. The company did a fairly good business for a year or two before it sold the road to the Burlington.

Among some of the old-time employees of the Midland Pacific Railroad Company who are still living in Nebraska are: Thomas J. Ryan, conductor, of Nebraska City; J. P. Taylor, of Central City; E. Bignell, superintendent, Lincoln; N. B. Kendall, Lincoln; C. D. Smith, Lincoln; S. C. Wheeler, Wymore.

UNION PACIFIC RAILROAD

Statement showing Mileage of the Union Pacific Railroad within the State of Nebraska and Year completed and placed in Operation

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
MAIN LINE						
1872	Iowa-Nebraska State Line	Junction Switch (Omaha)	1.52			
1866	Junction Switch (Omaha)	Summit	1.35			
1908	Summit	Lane	11.61			
1866	Lane	M. P. 270 (Brady Island)	246.48			
1867	M. P. 270 (Brady Island)	Neb.-Colo. State Line	99.96			
1867	Colo.-Neb. State Line	Neb.-Wyo. State Line	93.56			
1866		Initial Point Spur	3.95			
1887	Iowa-Nebraska State Line	Tenth Street, Omaha		0.65		
1884	Tenth Street, Omaha	Summit		2.22		
1908	Summit	Lane		11.61		
1906	Lane	Valley		11.25		
1907	Valley	Sanberg		15.52		
1908	Sanberg	Benton		33.41		
1900	Benton	Columbus		7.89		
1910	Columbus	Loup River Br.		1.91		
1909	Loup River Bridge	Silver Creek		15.60		
1907	Silver Creek	Lockwood		38.46		
1900	Lockwood	Alda		13.73		
1907	Alda	Buda		29.79		
1900	Buda	Watson's Ranch		10.07		
1910	Watson's Ranch	Lexington		29.85		
1911		Lexington Yards		0.27		
1909	Lexington	Markel		5.81		
1910	Markel	Vroman		23.69		
1909	Vroman	Brady Island		7.24		
1910	Brady Island	Keith		13.28		
1909	Keith	East End North Platte Bridge		7.40		
1910	West End No. Platte Br.	O'Fallons		18.23		

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
1911	O'Fallons	Neb.-Colo. State Line		62.59		
1908	Omaha	Summit			4.14	
	TOTAL,		458.43	360.47	4.14	823.04
BRANCHES						
<i>Old Line— Summit to Lane</i>						
1866	Summit	Lane	20.56			
1884	At Summit			1.06		
1886	Summit	M. P. 5.93 (Stock Yards)		1.91		
1890	M. P. 5.93 (Stock Yards)	Gilmore		3.86		
<i>Beatrice and Manhattan Branches</i>						
1877	Valley	Lincoln	58.10			
1884	Lincoln	Beatrice	38.40			
1881	Beatrice	Nebraska Kansas State Line	24.90			
1881		Blue Springs Spur	0.67			
<i>Stromsburg Branch</i>						
1877	Valparaiso	David City	24.48			
1878	David City	West Line Butler County	13.70			
1879	West Line Butler County	Stromsburg	15.12			
1906	Stromsburg	Central City	21.98			
<i>Norfolk Branch</i>						
1879	Columbus	Norfolk	*50.37			
<i>Albion Branch</i>						
1880	Oconee	Albion	34.54			
<i>Cedar Rapids Branch</i>						
1883	Genoa	Fullerton	14.60			
1884	Fullerton	Cedar Rapids	15.95			
1902	Cedar Rapids	Spalding	13.87			
<i>Ord Branch</i>						
1880	Grand Island	St. Paul	22.23			
1882	St. Paul	North Loup	26.63			
1886	North Loup	Ord	11.91			
1882	(Scotia Spur) Scotia Jct.	Scotia	1.37			
<i>Loup City Branch</i>						
1885	St. Paul	Sherman County Line	20.16			
1886	Sherman Co. Line	Loup City	19.24			
<i>Pleasanton Branch</i>						
1887	Boelus	Nantasket	9.53			
1890	Nantasket	Pleasanton	12.53			
1905		Pleasanton Yards	.03			
<i>Kearney Branch</i>						
1890	Kearney	Callaway	65.74			
1900		Callaway Yards	.05			

* Includes 0.37 of a mile owned jointly with C., St. P., M. & O. Ry. at Norfolk, Neb.

Year Completed and placed in Operation	FROM	TO	Main Track	Second Track	Third and Fourth Tracks	Total all Main Tracks
<i>North Platte Branch</i>						
1907	O'Fallons	Lutherville	62.10			
1908	Lutherville	Oshkosh	8.28			
1909	Oshkosh	Northport	44.50			
1911	Northport	Gering	30.64			
	TOTAL,		682.18	6.83		689.01
	TOTAL MAIN LINE AND BRANCHES,		1140.61	367.30	4.14	1512.05

CHAPTER XIV

THE INDIAN GHOST DANCE TROUBLES — WOUNDED KNEE CAMPAIGN — NEBRASKA SOLDIERS IN THE WAR WITH SPAIN

IN THE fall of 1890 there was an exciting Indian war episode in the far northwest part of the state directly caused by an outbreak of the Sioux Indians at the Pine Ridge agency, which extends along the north border of Nebraska, from a point in the middle of Cherry county westward along the north line of Sheridan and two townships of Dawes. There were about 6,000 Indians on the reservation. The underlying cause of the outbreak was discontent resulting from hunger and broken promises of the Indian department throughout the period since the treaty of 1868 by which the Sioux nation ceded the greater part of its territory and agreed to retire to reservations. Its immediate occasion was an epidemic of religious frenzy worked up by means of the ghost dance.

A young Piute Indian had lived for some time with a white family by the name of Wilson, in Nevada, where he gained a confused and mischief-making knowledge of the Christian religion which led to his taking on the character of a messiah, with many of the attributes of the Christ, and in whose messiahship vast numbers of the northwestern Indians soon came to believe. He received direct from God a revelation of the ghost dance as a medium of spreading and establishing belief in his mission. Bishop W. H. Hare, the veteran Episcopalian missionary among the Sioux, said: "The evidence compels the conclusion that, among the Pine Ridge Indians at least, hunger has been an important element in the cause of discontent and insubordination." This testimony is well sustained by that of army and civil officers, in-

cluding General Nelson A. Miles and the well known Indian agent, Dr. V. T. McGillicuddy. The following is an abbreviated reproduction of the careful and impartial account of the culmination of the trouble and its virtual ending in the battle of Wounded Knee, written by Mr. James Mooney, of the Bureau of Ethnology.

The first mutterings of dissatisfaction came from Pine Ridge. This is the largest of the Sioux agencies, having 6,000 of the wildest and most warlike of the tribe, largely under the influence of the celebrated chief Red Cloud, the twin spirit of Sitting Bull in wily disposition and hatred of the white man. It is the most remote from the white settlements along the Missouri river, and joins Rosebud reservation, with 4,000 more Sioux of about the same condition and temper, thus making a compact body of 10,000 of the most warlike Indians of the plains. Above all other reservations in the United States this was the very one where there was most urgent and obvious necessity for efficient and vigorous administration and for prompt and honest fulfillment of pledges.

From 1879 to 1886 this agency was in charge of Dr. V. T. McGillicuddy, a man of unflinching courage, determined will, and splendid executive ability. Taking charge of these Indians when they had come in fresh from the warpath, he managed them, as he himself says, for seven years without presence of a soldier on the reservation, and with none nearer than sixty miles. Relying on the Indians themselves, he introduced the principle of home rule by organizing a force of fifty Indian police, drilled in regular cavalry and infantry tactics. With these he was able to thwart all the mischievous schemes of Red Cloud, maintain authority, and start the Indians well on the road to civilization.

Then came a political change of administra-

tion, with a resulting train of changes all through the service. Out of fifty-eight Indian agents more than fifty were removed and new men appointed. . . .

As the local agents had declared the situation beyond their control, the war department was at last called on and responded. On November 13th the president had directed the secretary of war to assume a military responsibility to prevent an outbreak, and on November 17th troops, under command of General John R. Brooke, were ordered to the front. The general plan of the campaign was under the direction of General Nelson A. Miles, in command of the military department of the Missouri. On November 19th the first troops arrived at Pine Ridge from Fort Robinson, Nebraska, and were speedily reënforced by others. Within a few days there were at Pine Ridge agency, under immediate command of General Brooke, eight troops of the Seventh cavalry, under Colonel Forsyth; a battalion of the Ninth cavalry (colored), under Major Henry; a battalion of the Fifth artillery, under Captain Capron, and a company of the Eighth infantry and eight companies of the Second infantry, under Colonel Wheaton. At Rosebud were two troops of the Ninth cavalry, with portions of the Eighth and Twenty-first infantry, under Lieutenant Colonel Poland. Between Rosebud and Pine Ridge were stationed seven companies of the First infantry, under Colonel Shafter. West and north of Pine Ridge were stationed portions of the First, Second, and Ninth cavalry, under command of Colonel Tilford and Lieutenant Colonel Sanford. Farther west, at Buffalo Gap, on the railroad, were stationed three troops from the Fifth and Eighth cavalry, under Captain Wells. Farther north on the railroad, at Rapid City, was Colonel Carr with six troops of the Sixth cavalry. Along the south fork of Cheyenne river Lieutenant Colonel Offley took position with seven companies of the Seventeenth infantry, and east of him was stationed Lieutenant Colonel Sumner with three troops of the Eighth cavalry, two companies of the Third infantry, and Lieutenant Robinson's company of Crow Indian scouts. Small garrisons were also stationed at Forts Meade, Bennett, and Sully. Most of the force was placed in position between the Indians now gathering in the Bad Lands, under Short Bull and Kicking Bear, and the scattered settlements nearest them. Seven companies of the Seventh infantry, under Colonel Merriam, were also placed along

Cheyenne river to restrain the Indians of Cheyenne River and Standing Rock reservations. In a short time there were nearly 3,000 troops in the field in the Sioux country. General Miles established his headquarters at Rapid City, South Dakota, close to the center of disturbance. On December 1st the secretary of the interior directed that the agents be instructed to obey and coöperate with the military officers in all matters looking to the suppression of an outbreak.

Upon the first appearance of the troops a large number of Indians of Rosebud and Pine Ridge, led by Short Bull, Kicking Bear, and others, left their homes and fled to the rough broken country known as the Bad Lands, northwest of White river in South Dakota, on the edge of Pine Ridge reservation and about fifty miles northwest of the agency. In their flight they destroyed the houses and other property of the friendly Indians in their path and compelled many to go with them. They succeeded also in capturing a large portion of the agency beef herd. Others rapidly joined them until soon a formidable body of 3,000 Indians had gathered in the Bad Lands, where, protected by the natural fastnesses and difficulties of the country, their future intentions became a matter of anxious concern to the settlers and the authorities.

From the concurrent testimony of all the witnesses, including Indian Commissioner Morgan and the Indians themselves, this flight to the Bad Lands was not properly a hostile movement, but was a stampede caused by panic at the appearance of the troops. . . . The Sioux nation numbers over 25,000, with between 6,000 and 7,000 warriors. Hardly more than 700 warriors were concerned altogether, including those of Big Foot's band and those who fled to the Bad Lands. None of the Christian Indians took any part in the disturbance. While it is certain that the movement toward the Bad Lands with the subsequent events were the result of panic at the appearance of the troops, it is equally true that the troops were sent only on the request of the civilian authorities. . . . Throughout the whole trouble McGillicuddy at Standing Rock consistently declared his ability to control his Indians without the presence of troops. . . .

The worst element had withdrawn to the Bad Lands, where they were making no hostile demonstrations, but were apparently badly frightened and awaiting developments to know whether to come in and surrender or to con-

tinue to retreat. The dance had generally been discontinued on the reservations, excepting at Sitting Bull's camp on Grand river and Big Foot's camp on Cheyenne river. The presence of troops had stopped the dances near the agencies, and the secretary of the interior, in order to allay the dissatisfaction, had ordered that the full rations due under the treaty should be issued at all the Sioux agencies, which at the same time were placed under the control of the military. Such were the conditions on the opening of December, 1890. Everything seemed to be quieting down, and it was now deemed a favorable time to forestall future disturbance by removing the ring-leaders.

Agent McLaughlin at Standing Rock had notified the department some weeks before that it would be necessary to remove Sitting Bull and several others at no distant day to put an end to their harmful influence among the Sioux, but stated also that the matter should not be precipitated, and that when the proper time came he could accomplish the undertaking with his Indian police without the aid of troops. . . . There is no question that Sitting Bull was plotting mischief. His previous record was one of irreconcilable hostility to the government, and in every disturbance on the reservation his camp had been the center of ferment. It was at his camp and on his invitation that Kicking Bear had organized the first ghost dance on the reservation, and the dance had been kept up by Sitting Bull ever since in spite of the repeated remonstrance of the agent. . . .

On December 12th the military order came for the arrest of Sitting Bull. Colonel Drum, in command at Fort Yates, was directed to make it his personal duty to secure him and to call on the agent for assistance and coöperation in the matter. . . . It was necessary to act immediately, and arrangements were made between Colonel Drum and Agent McLaughlin to attempt the arrest at daylight the next morning, December 15th. The arrest was to be made by the Indian police, assisted, if necessary, by a detachment of troops, who were to follow within supporting distance. There were already twenty-eight police under command of Lieutenant Bull Head in the immediate vicinity of Sitting Bull's camp on Grand river, about forty miles southwest of the agency and Fort Yates, and couriers were at once dispatched to these and to others in that direction to concentrate at Sitting Bull's house, ready to make the arrest in the morning. . . .

At daybreak on Monday morning, December 15, 1890, the police and volunteers, forty-three in number, under the command of Lieutenant Bull Head, a cool and reliable man, surrounded Sitting Bull's house. He had two log cabins, a few rods apart, and to make sure of their man, eight of the police entered one house and ten went into the other, while the rest remained on guard outside. They found him asleep on the floor in the larger house. He was aroused and told that he was a prisoner and must go to the agency. He made no objection, but said "All right; I will dress and go with you." He then sent one of his wives to the other house for some clothes he desired to wear, and asked to have his favorite horse saddled for him to ride, which was done by one of the police. On looking about the room two rifles and several knives were found and taken by the police. While dressing, he apparently changed his mind and began abusing the police for disturbing him, to which they made no reply. While this was going on inside, his followers, to the number of perhaps 150, were congregating about the house outside and by the time he was dressed an excited crowd of Indians had the police entirely surrounded and were pressing them to the wall. On being brought out, Sitting Bull became greatly excited and refused to go, and called on his followers to rescue him. Lieutenant Bull Head and Sergeant Shave Head were standing on each side of him, with Second Sergeant Red Tomahawk guarding behind, while the rest of the police were trying to clear the way in front, when one of Sitting Bull's followers, Catch-the-Bear, fired and shot Lieutenant Bull Head in the side. Bull Head at once turned and sent a bullet into the body of Sitting Bull, who was also shot through the head at the same moment by Red Tomahawk. Sergeant Shave Head was shot by another of the crowd, and fell to the ground with Bull Head and Sitting Bull. Catch-the-Bear, who fired the first shot, was immediately shot and killed by Alone Man, one of the police, and it became a desperate hand-to-hand fight of less than forty-three men against more than a hundred. The trained police soon drove their assailants into the timber near by, and then returned and carried their dead and wounded into the house and held it for about two hours, until the arrival of the troops under Captain Fechet, about half past seven. . . .

The fight lasted only a few minutes, but with terribly fatal result. Six policemen were killed or mortally wounded, including the of-

fficers Bull Head and Shave Head, and one other less seriously wounded. The hostiles lost eight killed, including Sitting Bull and his son Crow Foot, seventeen years of age, with several wounded. During the fight the women attacked the police with knives and clubs, but notwithstanding the excitement the police simply disarmed them and put them in one of the houses under guard.

At this time there were no Indians in the Bad Lands. Two Strike and Crow Dog had come in about a week before and were now camped close to the agency. Kicking Bear and Short Bull, with their followers, had yielded to the friendly persuasions of American Horse, Little Wound, Standing Bear, and others who had gone out to them in the interests of peace, and both parties were now coming in together and had arrived at the Catholic mission, five miles from the agency, when the battle occurred.

On the morning of December 29, 1890, preparations were made to disarm the Indians preparatory to taking them to the agency and thence to the railroad. In obedience to instructions the Indians had pitched their tipis on the open plain a short distance west of the creek and surrounded on all sides by the soldiers. In the center of the camp the Indians had hoisted a white flag as a sign of peace and a guarantee of safety. Behind them was a dry ravine running into the creek, and on a slight rise in the front was posted the battery of four Hotchkiss machine guns, trained directly on the Indian camp. In front, behind, and on both flanks of the camp were posted the various troops of cavalry, a portion of two troops, together with the Indian scouts, being dismounted and drawn up in front of the Indians at the distance of only a few yards from them. Big Foot himself was ill of pneumonia in his tipi, and Colonel Forsyth, who had taken command as senior officer, had provided a tent warmed with a camp stove for his reception.

Shortly after 8 o'clock in the morning the warriors were ordered to come out from the tipis and deliver their arms. They came forward and seated themselves on the ground in front of the troops. They were then ordered to go by themselves into their tipis and bring out and surrender their guns. The first twenty went and returned in a short time with only two guns. It seemed evident that they were unwilling to give them up, and after consultation of the officers part of the soldiers were ordered up to within ten yards of the group

of warriors, while another detachment of troops was ordered to search the tipis. After a thorough hunt these last returned with about forty rifles, most of which, however, were old and of little value. The search had consumed considerable time and created a good deal of excitement among the women and children, as the soldiers found it necessary in the process to overturn the beds and other furniture of the tipis and in some instances drove out the inmates. All this had its effect on their husbands and brothers, already wrought up to a high nervous tension and not knowing what might come next. While the soldiers had been looking for the guns Yellow Bird, a medicine-man, had been walking about among the warriors, blowing on an eagle-bone whistle, and urging them to resistance, telling them that the soldiers would become weak and powerless, and that the bullets would be unavailing against the sacred "ghost shirts," which nearly every one of the Indians wore. As he spoke in the Sioux language, the officers did not at once realize the dangerous drift of his talk, and the climax came too quickly for them to interfere. It is said one of the searchers now attempted to raise the blanket of a warrior. Suddenly Yellow Bird stooped down and threw a handful of dust into the air, when, as if this were the signal, a young Indian, said to have been Black Fox from Cheyenne river, drew a rifle from under his blanket and fired at the soldiers, who instantly replied with a volley directly into the crowd of warriors and so near that their guns were almost touching. From the number of sticks set up by the Indians to mark where the dead fell, as seen by the author a year later, this one volley must have killed nearly half the warriors. The survivors sprang to their feet, throwing their blankets from their shoulders as they rose, and for a few minutes there was a terrible hand to hand struggle, where every man's thought was to kill. Although many of the warriors had no guns, nearly all had revolvers and knives in their belts under their blankets, together with some of the murderous warclubs still carried by the Sioux. The very lack of guns made the fight more bloody, as it brought the combatants to closer quarters.

At the first volley the Hotchkiss guns trained on the camp opened fire and sent a storm of shells and bullets among the women and children, who had gathered in front of the tipis to watch the unusual spectacle of military display. The guns poured in 2-pound explosive shells at the rate of nearly fifty per minute,

mowing down everything alive. The terrible effect may be judged from the fact that one woman survivor, Blue Whirlwind, with whom the author conversed, received fourteen wounds, while each of her two little boys was also wounded by her side. In a few minutes 200 Indian men, women, and children, with 60 soldiers, were lying dead and wounded on the ground, the tipis had been torn down by the shells and some of them were burning above the helpless wounded, and the surviving handful of Indians were flying in wild panic to the shelter of the ravine, pursued by hundreds of maddened soldiers and followed up by a raking fire from the Hotchkiss guns, which had been moved into position to sweep the ravine. There can be no question that the pursuit was simply a massacre, where fleeing women, with infants in their arms, were shot down after resistance had ceased and when almost every warrior was stretched dead or dying on the ground. . . .

Authorities differ as to the number of Indians present and killed at Wounded Knee. General Ruger states that the band numbered about 340, including about 100 warriors, but Major Whitside, to whom they surrendered, reported them officially as numbering 120 men and 250 women and children, a total of 370. This agrees almost exactly with the statement made to the author by Mr. Asay, a trader who was present at the surrender. General Miles says that there were present 106 warriors, a few others being absent at the time in search of the party under Kicking Bear and Short Bull. Among those who surrendered were about 70 refugees from the bands of Sitting Bull and Hump. . . . General Colby, who commanded the Nebraska state troops, says that about 100 men and over 120 women and children were found dead on the field, a total of about 220. . . . According to an official statement from the adjutant general, 31 soldiers were killed in the battle. About as many more were wounded, one or two of whom afterward died. . . .

Unless otherwise noted all were of the Seventh cavalry and were killed on December 29th, the date of the battle of Wounded Knee. In addition to these, two others, Henry Miller, a herder, and George Wilhauer, of the Nebraska militia, were killed in the same connection. With the 6 Indian police killed in arresting Sitting Bull, this makes a total of 49 deaths on the government side, including 7 Indians and a negro. . . .

The published accounts of the Wounded Knee affair are too much attuned to official-

dom, and blame put upon changes of Indian agents — smacking audibly of partizanship — might fairly, in part at least, have been placed with the mismanaged and misbehaving soldiery. Remaining reputable residents of the neighborhood, and others about the agency, now tell of drunkenness among the soldiers, and of the scandalous persecution of a young Indian woman by an official hero and victim of the fight; and they wondered why the troops were being concentrated there. Miss Elaine Goodale, supervisor of education at Pine Ridge agency, in her story of the massacre in the *Morning World-Herald* (January 17, 1891), declared that the Indians had no intention of fighting, and that the onslaught of the soldiers was started by a single shot from a worthless and ungovernable young Indian. She also justified her use of the word massacre by showing that, while most of the dead Indian men were killed at the place of the outbreak, the dead bodies of women and children were scattered in a line to the distance of a mile from it.

Brigadier General Leonard W. Colby, in command of the Nebraska militia at that time, gave a full report of the campaign; and that portion of it relating especially to the part taken by Nebraska troops follows:

Troops from the different stations and forts in various sections of the Union were ordered into the vicinity of the reservations and especially of Pine Ridge. Harrison, Fort Robinson, Chadron, Hay Springs, Rushville, Gordon, and as far east as Valentine, were filled with refugees from settlements along the line of northern Nebraska, and the towns along the railroads in South Dakota had the same experience. . . . Numerous calls were made upon the governors of Nebraska and Dakota for arms and troops by the sheriffs, other officers, and prominent persons of the counties adjacent to the reservations, representing a panic among the citizens and the appearances of immediate danger to lives and property from an Indian outbreak.

On November 24th, I reported to Governor Thayer the strength and availability of the military force under my command, which was composed of two regiments of infantry, of ten companies each, one troop of cavalry, and a battery or company of light artillery; and I directed the commanders of the First and Second infantry regiments, and of the artillery and cavalry companies to have their several commands in readiness for service in the field. . . .

On January 1, 1891, the situation might be

summed up as follows: There were about 4,000 Indians encamped in the Bad Lands distant fifteen miles from Pine Ridge agency. There were about 4,000 friendly Indians at or near the agency. The whole number of Sioux Indians was estimated by the Indian office as about 20,000, on the northern reservations. About 16,000 of these were considered as living in peace and disposed to be friendly. There were now on the scene of action about 8,000 well equipped United States soldiers, consisting of the First, Second, Third, Seventh, Eighth, Twelfth, Seventeenth, Twenty-first, and Twenty-second regiments of infantry, and the First, Second, Fifth, Sixth, Seventh, Eighth, and Ninth of cavalry, Battery A of the First artillery, and Battery F of the Fourth artillery.

The adjutant general of Nebraska, by direction of the governor, supplied fourteen independent companies, organized in places along the northwestern boundaries of the state, with Springfield breech loading rifles and ammunition, and the first brigade of the Nebraska National Guard was placed in readiness for marching orders.

On January 1st, details of troops were sent out from the agency to gather and bury the Indian dead, and to bring in the wounded who had lain upon the field for nearly four days without protection or assistance. There had been a heavy snow storm, terminating in extreme cold on the third day after the battle, and many of the wounded women and children were found badly frozen, and afterwards died from their wounds and from exposure. Some ninety warriors were found dead on the field near where the battle commenced, in a circle in front of Big Foot's tent. But most of the women and children were found killed and wounded at a distance of from a quarter to a half mile from the camp, showing that they had attempted to escape after the fight began.

A pathetic incident of the burial detail was the finding of a four months old little Indian baby girl by the side of her dead mother who was pierced with two bullets. The child had survived all the exposure and storm, and was found to be only slightly frozen upon her head and feet, and was afterwards taken and adopted by the writer, under the Christian name of Marguerite Elizabeth, and the Indian name of Zintkala Nuni, which means "Lost Little Bird." She was also called by the Indians, Okicize Wanji Cinca, "Child of the Battle Field."

On January 2d, I received general orders to place the First brigade of the Nebraska Na-

tional Guard, under my command, in readiness to march on short notice; and pursuant thereto, the commanders of the First and Second regiments of infantry, of Company A, Light artillery, and Troop A, cavalry, were ordered to place their commands in readiness to march for defense against Indian depredations, and were also instructed to have officers and men provided with blankets, overcoats, warm clothing, and at least three days' rations. On the afternoon of the same day, by order of the governor, the following companies of my command were moved to the front for the defense of the citizens of Nebraska: Company A, commanded by Capt. F. F. Osborne, and Company G, commanded by Capt. George C. Clark, of the First infantry, to Rushville; Company E, commanded by Capt. E. D. Percy, First infantry, to Chadron; Company K, commanded by Capt. E. Hansen, First infantry, and Company B, commanded by Capt. S. H. Webster, Second infantry, to Crawford; Company H, commanded by Capt. Charles F. Beck, Second infantry, to Gordon. Major Williams and Sergeant Dempster, of the First infantry, moved with the companies to Rushville, and Quartermaster Wilson of the Second infantry, moved to Gordon. Company E, commanded by Capt. F. J. Smith, of the Second infantry, stationed at Chadron, Company F, commanded by Capt. M. Finch, of the Second infantry, at Hay Springs, and Company K, commanded by Capt. U. P. Dagman, Second infantry, at Long Pine, were placed on duty at once.

On January 4th, I received general orders from the governor of Nebraska to move my entire command, or so much thereof as might be available, to the northwestern part of the state for the defense of the citizens, and, in accordance therewith, all brigade staff officers were ordered to report at once, and the several infantry companies of the First and Second regiments were moved from their several company stations by the first regular trains, as follows. First regiment: Company B, commanded by Capt. A. Kleinschmidt, and Company F, commanded by Capt. L. A. Ballou, to Crawford; Company C, commanded by Capt. A. A. Reed, to Valentine; Company H, commanded by Capt. H. W. Short, to Rushville, and Company I, commanded by G. R. Wilson, to Cody. Second regiment: Company C, commanded by Capt. Charles E. Harris, to Gordon; Company D, commanded by Capt. John Heasty, to Harrison; Company I, commanded by Capt. Chas. C. Eroe, to Crawford, and Company G, commanded by Capt. C. F. Ingalls, to Hay Springs. Company D,

commanded by Capt. W. C. Rhode, of the First infantry, and Company A, commanded by Capt. Hefner, of the Second infantry, Captain Murdock's battery, and Captain Culver's troop of cavalry were held as reserves at their several company stations.

Regimental commanders, with their field and staff, were ordered to move with their commands and report to brigade headquarters, which were at once established at Rushville, at which point I arrived on January 5th.

I found the situation in Nebraska, at this time, critical. The people were very much excited both in and out of the towns, extending over the country for about one hundred and fifty miles east and west, and more than fifty miles south of the reservation. Hundreds of settlers had left their farms and gathered into the towns, leaving their stock unprovided for, and in many instances starving. At Chadron there were over one hundred and thirty families gathered in from the out-lying country and dependent upon the public for shelter and food; and this same condition existed in a more or less degree all along the line of the F., E. & M. V. R. R. from Harrison to Valentine. Officers were immediately sent to each of the towns between and including the points named, with instructions to examine and report the facts to brigade headquarters. The commanders of companies stationed at Valentine, Cody, Gordon, Rushville, Hay Springs, Chadron, Crawford, and Harrison were also instructed to report at once the actual condition of things at their respective stations, including apparent danger, causes of alarm, and the necessity for troops.

Col. W. F. Cody, aid-de-camp upon Governor Thayer's staff, reported to me at brigade headquarters for special duty by order of the governor, and was dispatched to Pine Ridge agency, which is about twenty-six miles north of Rushville, and but two miles north of the Nebraska line, to learn and report the location of the hostile Indians and the main points of danger to Nebraska citizens. William Vlady, a half-breed Indian, was employed as general scout and guide, and was dispatched with other scouts to gain such information as was possible from the Indians.

Upon receiving reports from these sources, it was determined that the country actually in danger and more liable to suffer devastation, in case of a general Indian uprising, was that district lying nearly directly south of the Indian reservation, between White river on the west, and the sand hills on the east, extending

from Chadron to a few miles beyond Gordon, a distance of some forty or fifty miles.

Having established the quartermaster, commissary, and medical departments, with a basis of supplies at Rushville, and believing that confidence would be restored and the people be better protected by placing the state troops under my command between the settlements and the hostile Indians, I determined upon establishing a line of fortified posts, or camps, north of the railroad stations from eight to twenty miles, and between the outlying ranches and the reservation, with a reserve force at each of the important towns in that section.

In pursuance of this plan two companies were at once moved about ten miles north of Gordon, two companies twelve miles north of Rushville, and two companies to the crossing at White river about ten miles north of Chadron, with orders to establish posts, fortify by earthworks, trenches and rifle pits, establish camp guards, picket lines, outposts, and vidette stations.

For the purpose of establishing and keeping up communications between each of these posts and the railroad stations, a system of mounted citizen couriers, who were employed on the credit of the state from among the resident citizens, was established. This disposition of the troops was accomplished promptly and without accident, although their movements were somewhat impeded by a snow storm and by the weather becoming colder.

For the purpose of completing the line of fortified posts and making them more effective as protection to the citizens, on the following day the companies stationed at Valentine, Cody, Crawford, and Harrison were ordered into the field of actual danger in front of the reservation, and six new posts were established on the general line of the others, each to be in communication with the others as well as with the reserves held at the several railroad stations. The completion of these movements made a continuous line of fortified camps between the outlying ranches and the hostile Indians. Col. C. J. Bills, of the Second infantry, was placed in command of the troops upon the right; and Col. J. P. Bratt, of the First infantry, was placed in command of the troops upon the left of the line.

Each company was provided with five days' rations, with tents, sheet iron stoves, axes, spades, and shovels, and the posts were established at places convenient to wood and water. Each camp was fortified by earthworks, rifle pits, and trenches, and the posts were generally

located so as to command a view of the valleys for several miles, and could have been defended successfully against a largely superior attacking force.

The several companies of my command were posted substantially as follows: Company I, First regiment, at Chadron. Companies E and F, First regiment, near Madden's bridge, at the crossing of White river, near the mouth of the Big Bordeaux creek. Company C, First regiment, at Stryker's ranch, about fourteen miles northeast of Chadron, near Beaver creek, about three miles from old Fort Sheridan. Company K, First regiment, at Swallow's ranch, on Beaver creek, about two miles from the postoffice of Adaton, near the former site of the Spotted Tail agency. Company G, Second regiment, at Hay Springs. Companies E and F, Second regiment, about ten miles north of Hay Springs, at a point below Cheney's ranch, on Beaver creek. Company G, First regiment, at Roger's mill, about sixteen miles northwest from Rushville, at the headwaters of a branch of White Clay creek, which flows northward through the Pine Ridge reservation into White river, some miles beyond. Company D, of the Second, and Company B, of the First regiment, at Rushville. Companies A and H, First regiment, at Jarcho's ranch, about twelve miles northward from Rushville on the main road to the Pine Ridge agency. Company B, Second regiment, at Morey's ranch, about sixteen miles from Rushville, at the forks of Larrabee creek, which flows northward into White Clay creek. Company K, Second regiment, at Gordon. Company C, Second regiment, about ten miles north of Gordon, at Collins's ranch, on the headwaters of Antelope creek, which flows southward into the Niobrara river. Companies H and I, Second regiment, near the postoffice at Albany, about fourteen miles northwest from Gordon on Wounded Knee creek, which flows northwest into the White river, on the reservation.

On January 5th, a large number of the hitherto friendly Indians, encamped south of the agency, on that portion of the reservation which extends about ten miles down into Nebraska, attempted to move to the northwest and join the hostiles in the Bad Lands; but their course was intercepted, and they returned to camp with no serious trouble. Red Cloud at this time sent a message into the agency claiming that he was a prisoner, and begging the soldiers to come and save him from the

other Indians, who were determined to drag him into the war.

Wounded Knee creek was the scene of another conflict on January 5th. A detachment of thirty men was sent out from the agency to protect a number of wagons with supplies that were known to be coming on the road. When the detachment had gone about ten miles they discovered the thirteen wagons drawn up in the form of a square, resisting an attack made by a band of about fifty Indians. At the approach of the troops, who came up on a full gallop, the Indians retreated behind the bluffs and hills, but soon returned and renewed the attack, circling around the wagons at a distance of about eight hundred yards. The troops joined their forces to the teamsters who numbered only nineteen men, made breastworks of sacks of grain, bundles and boxes, and fired upon the circling Indians. The shots from the Winchesters of the Indians fell short and did little damage, although the carbines of the troops were effective in bringing down a number of Indians with their horses. The firing was continued for some time, the number of Indians increasing until there were over 100 warriors in all. A soldier was selected to return to camp, report the situation and obtain assistance; and by being mounted on a fast horse, he was able to get the start and make his escape, although chased by twenty or more Indians, who fired shot after shot at him. One soldier was shot in the shoulder. Four cavalry horses were shot and killed. As the firing continued, three more Indians were seen to fall from their horses, and were at once picked up and carried away by their comrades. A large number of Indian ponies was disabled. While the main body of Indians was engaging the soldiers and teamsters, a few Indians crept up quite near and began firing into the horses, trying to stampede them, but were repulsed by the fire being turned upon them before their object was accomplished. The firing continued for some three hours, and until about two o'clock in the afternoon, when the reinforcements were seen coming down the road, charging at a gallop, and the Indians scattered in all directions, retreating to the bluffs and cañons. Troop F, that had come to the rescue, pursued the Indians until darkness made it prudent to return, and succeeded in capturing some ponies and in killing some eight Indians. The wagon train and troops returned to the camp that night without further accident.

On January 7th, a small band of about twenty Indians was reported to have escaped

from the agency, to have crossed White river toward the southwest, and to be moving in the direction of Montrose, in Sioux county, toward the Black Hills. This report was found, however, to be based upon the return of some friendly Indians from a hunting expedition. On this day, also, a deplorable tragedy occurred in the death of Lieutenant Casey, of the Twenty-second U. S. infantry. He went from General Brooke's camp to visit a small band of Ogalala, who were butchering cattle, and appeared to be friendly. After a short interview with them, he started to go a little farther in order to reach the top of a hill and obtain a view of the hostile camp. While he was talking with Peter Richards, a son-in-law of Red Cloud, he was shot by an Indian named Plenty Horses and fell from his horse dead. Lieutenant Casey had been in command of a troop of Cheyenne scouts for about a year, and had taken great pride in his work.

On January 8th, the secretary of the interior removed Mr. Royer from the agency at Pine Ridge and placed Captain Pierce, of the First U. S. infantry, in charge. The Pine Ridge, Rosebud, Standing Rock, Cheyenne River, and Tongue River reservations were also placed under the control of the military, with General Miles in command.

On complaint being made to General Schofield, at Washington, that the matter of the fight on Wounded Knee creek should be investigated, it was suggested to General Miles that Colonel Forsythe be relieved of his command, pending such investigation, and the same was done and an investigation ordered.

On January 9th, the report came that a small band of Indians had engaged and been repulsed by a troop of regulars, near the mouth of White Clay creek. In the evening, a big powwow in the hostile camp was held, at which Young-Man-Afraid-of-His-Horses was present as a representative of the friendly Indians. Many of the Ogalala, led by Little Wound and Big Road, urged their return and surrender, and after much wrangling and fighting, it was finally agreed that they should move their camp up White Clay creek to within about five miles from the agency, near the Catholic mission.

By this time, the ranchmen and settlers in the country adjacent to the reservation recovered from their panic, and business was resumed in the outlying towns and cities. The establishment of the Nebraska National Guard at the posts indicated, and the general good conduct and discipline of the troops, very soon

restored the confidence of the people; and within a few days thereafter all excitement was allayed and the settlers returned to their ranches and homes.

On January 11th, for the convenience of regimental commanders, and for the purpose of increasing the efficiency of my command in the field, the several companies of the national guard were formed into the following battalions or divisions:

1. The Chadron division, consisting of Company I, First regiment, at Chadron; Companies E and F, First regiment, at Madden's bridge on White river; Company C, First regiment, at Stryker's ranch, and Company K, First regiment, at Swallow's ranch, on Beaver creek. This division was placed under the immediate command of Lieutenant Colonel W. W. Wolcott, of the First infantry.

2. The Hay Springs division, consisting of Company G, Second regiment, at Hay Springs; Companies E and F, Second regiment, stationed near Cheney's ranch. This division was placed under the immediate command of Major W. J. Courtright, of the Second infantry.

3. The Rushville division, consisting of companies A and H of the First regiment, stationed at Jarcho's ranch, and such other troops as should be assigned to such division from time to time. This division was placed under the immediate command of Major T. L. Williams of the First infantry.

4. The Gordon division, consisting of Company K, Second regiment, at Gordon; Company C, Second regiment, at Collins's ranch, and Companies I and K, Second regiment, stationed on Wounded Knee creek, near Albany. This division was placed under the immediate command of Lieutenant Colonel Wm. Bischoff, of the Second infantry.

5. Company B, of the Second regiment, stationed at Morey's ranch, and Company D, Second regiment, stationed at Rushville, reported direct to Colonel C. J. Bills, commanding Second infantry, with headquarters at Rushville, and having general supervision of the posts upon the right of the line.

6. Company G, First regiment, stationed at Rogers's mill, and Company B, First regiment, stationed at Rushville, reported direct to Colonel J. P. Bratt, commanding First infantry, with headquarters at Rushville, and having general supervision of the posts upon the left of the line.

On the morning of January 11th, it was discovered that a large portion of the hostile

Indians had moved in nearer the agency, in accordance with the resolutions of their pow-wow held on the 9th. Little Wound, Big Road, Two Strike, Kicking Bear, Short Bull, and other chiefs, with their hostile bands, were encamped on White Clay, about five miles northward from Pine Ridge agency.

On January 12th, the main hostile camp of Indians moved still nearer to the agency and was located about three miles to the north, in the wide valley of the creek, and almost in sight and within easy range of the guns planted on the hill a half mile north. The Indians came with their wives, families, ponies, and baggage of every kind; and in the afternoon sent in reliable messengers, stating that they did not want war, but wanted their difficulties and wrongs settled in peace. Late in the evening, I received the following message from General Miles:

"Pine Ridge, S. D., January 12, 1891.

"Gen. L. W. Colby, Rushville, Neb.

"I am glad to inform you that the entire body of Indians are now encamped near here within a mile and a half. They show every disposition to comply with orders of the authorities; nothing but an accident can prevent peace being reestablished; and it will be our ambition to make it of a permanent character. I feel that the state troops can now be withdrawn with safety, and desire through you to express to them my thanks for the confidence they have given your people in their isolated homes.

"Nelson A. Miles,

"Major General Commanding."

After wiring the adjutant general of Nebraska the contents of said message, I immediately sent the following reply to General Miles:

"Rushville, Nebraska, January 12, 1891.

"Gen. Nelson A. Miles, Pine Ridge, S. D.

"I have the honor to acknowledge the receipt of your telegram this evening, informing me of the prospect of the immediate reestablishment of peace with the Indians at Pine Ridge agency. I trust that no accident will intervene to prevent such a desired consummation. I assure you that the compliment expressed in your message for the state troops under my command will be appreciated and highly esteemed by the citizen soldiers of Nebraska. I have wired the adjutant general the contents of your message, and will hold

my command in its present position till I learn that peace is an accomplished fact.

"L. W. Colby,

"Brigadier General Commanding."

Early on the morning of January 13th, the following message was received from the adjutant general of Nebraska:

"Lincoln, Nebraska, January 13, 1891.

"Gen. L. W. Colby, Rushville, Nebraska.

"Your command will remain at the front until the lives and property of citizens are perfectly secure. Be more vigilant than ever. Advise me daily. You will withdraw your command when everything is safe, not before.

"Victor Vifquain,

"Adjutant General."

At about noon of January 14th, I received a message from Pine Ridge agency, asking if the troops of my command could be held until something more definite could be ascertained in regard to the intentions of the hostile Indians; and I at once wired information that the same could be held, and immediately instructed Major C. O. Bates, my assistant adjutant general, to have regimental commanders hold their companies until further order, after which I proceeded to Pine Ridge agency, where I arrived about three o'clock in the afternoon. Upon personal consultation with General Miles, I learned that the hostile Indians had absolutely surrendered, and that confidence had been established, so that there was no reasonable apprehension of further danger.

On the morning of January 15th, the hostile bands made early preparations to come into the agency, and by noon a general movement was under way. They decided to pitch their camp on the west side of White Clay creek, and by evening the smoky, yellow cones of seven hundred and forty-two lodges were placed in plain view of the agency buildings to the west, extending along the creek bottom for about a mile, and General Brooke was ordered to march in with his command from the camp below the mission.

Chief Big Road reported that he had been engaged in the collection of the arms of his followers, and brought in nine guns, which he turned over to the authorities.

General Miles had another consultation with the Indians in regard to the treatment which they were to receive, and the contracts and treaties which the Indians claimed had been violated. There were present, Little Wound,

Two Strike, Big Road, Crow Dog, Kicking Bear, Eagle Pipe, and other chiefs, who showed a very friendly disposition, and expressed great confidence in General Miles. The general was pleased with their disposition and guaranteed that in the future the government would carry out its contracts and treaties. He assured the chiefs that they should be treated fairly and honorably, and that their rights should be guarded. The best of feeling seemed to be manifested, and General Miles at once had the quartermaster issue rations of beef, coffee, and sugar, and sent the same to the hostile camp.

This was the end of the Sioux Indian war of 1890-91. The Nebraska National Guard, under my command, were at once returned to their homes by the first regular trains, the order therefor being telegraphed by me from Pine Ridge agency; and the troops of the regular army were returned to their former posts and stations as rapidly as the railroad facilities would permit, only a few companies being retained at the agency.⁴⁹⁵

The reports of the secretaries of the interior, the commissioners of Indian affairs, and Indian agents on one hand, and of the secretaries of war and the military officers stationed on the western plains, on the other, afford a comprehensive and reliable history of the war with the Indians, which continued, with occasional cessation, throughout our state period, until the Indians had become adjusted and adapted to the reservation system. The report of the secretary of the interior for 1874 indulges in rather premature felicitation over the evident success of the policy of inducing or compelling the roaming tribes to settle on reservations. Though the severest fighting occurred afterward, hostilities were almost ended by the campaign of 1876-77, in which the annihilation of

⁴⁹⁵ A full history of the ghost dance and the resulting uprising, by Mr. Mooney, is printed in Part II of the *14th Annual Report of the Bureau of Ethnology*.

General Colby's account is in Vol. III of the reports of the Nebraska State Historical Society, pp. 144-190; and a description of the battle of Wounded Knee by Mr. W. F. Kelley is printed in Vol. IV, pp. 30-35, of the Society's reports. A description of the ghost dance by General Colby is published in Vol. I, second series, of the reports, p. 131. A story of the death of Sitting Bull appears in Vol. II, second series, p. 78, of the Society's reports, and an account of the tragedy by Doane Robinson is in volume 16, Collections of the Nebraska State Historical Society.

General Custer's command of five companies occurred, on the Little Bighorn river, June 25, 1876. The number killed was 259; wounded, 53. Hostilities finally died out with the year 1879.

The policy of dividing jurisdiction over the Indians between the department of war and the department of the interior was at least unfortunate. The constant clash between these departments caused much scandal and tended to irritate the Indians and encourage their hostility. In his report to General Grant, commander-in-chief, dated January 25, 1867, Major General John Pope, who was commander of the department of the Missouri, 1866-67, severely criticised this arrangement. The building of the Pacific and other western railroads meant to the Indians the invasion and subsequent occupation of their domain, and naturally incited a spirit of fierce hostility and resistance.

General William T. Sherman, writing to the secretary of war, from Fort McPherson, Nebraska, June 17, 1867, doubted the belief of General J. B. Sanborn, one of the six commissioners appointed in February of that year to investigate Indian conditions, that peace could be brought about. He said: "My opinion is that if fifty Indians are allowed to remain between the Arkansas and the Platte we will have to guard every stage station, every train, and all railroad working parties. In other words, fifty hostile Indians will checkmate 3,000 soldiers. Rather get them out as soon as possible, and it makes little difference whether they be coaxed out by Indian commissioners or killed." General Sully, also one of the commissioners, wrote to the commissioner of Indian affairs, June 22, 1867, that a large number of the Indians west of the Missouri river were still hostile. "It is as hard for an ignorant wild Indian as it is for an educated, cultivated white man to remain quietly at home starving to death, having no means of hunting, being obliged to kill his horses to keep himself and children alive, and at the same time not allowed to purchase arms and ammunition to kill small game with, while he is visited daily

by Indians from the hostile camp trying to induce him to join them, and sees by their warring with impunity on the whites, they have more horses and mules than they want, and plenty to eat, and procure all the arms and ammunition they want." His remedy was to provide for the needs of the peaceable Indians and vigorously punish the hostiles.

In the *Omaha Herald* (weekly), September 5, 1873, Dr. George L. Miller, in his best, though characteristically extravagant style, boldly defends the revolt of the Indians. They were "simply defending their country and homes against armed invasion."

"This is the standing crime of the red man. He fights for life and liberty against lawless encroachment upon his birthright and fights bravely, as brave and earnest men always fight. But the Indian is not merely brave in war. He is logical and convincing in argument, surpassingly eloquent in oratory, and in his uncorrupted life has a power to perceive the truth, and a courage to tell it, that would put to shame the race that first corrupts, then wrongs, and then crushes and slays him. No man who shall hereafter write the history and doom of the red man need go farther than the names with which our country is made so musical to find that the Indian is also a poet of the highest type, although he can neither write nor steal rhymes, nor discuss feet or measures with the learned and cultured.

"That Red Cloud is a far abler man than our present minister to St. Cloud (Elihu B. Washburne), we have not a particle of doubt. That Washakie is the superior, intellectually and morally, of two-thirds of our United States senators, we have as little doubt, and that Spotted Tail has more wisdom and virtue than the president of the United States it would be an insult to Spotted Tail to question. That Little Thunder, whom Harney lied into ambush, was Harney's equal as a warrior, with the utmost respect for the hero of Ash Hollow and Chapultepec, we shall always believe, and that Sitting Bull is an overmatch for Custer, as a stranger to both, we do not hesitate to affirm."

The subsequent annihilation of Custer's command at the battle of the Little Bighorn, through Sitting Bull's strategy, seems to vindicate the last comparison and to invest the others with plausibility, at least. Red Cloud and his band of Ogalala Sioux were counted as

hostile up to 1870. This famous chief is characterized by the commissioner of Indian affairs in his report for that year. "He is an Indian with considerable administrative and executive ability. As a warrior, he is famous for energy and bravery, and possesses very great influence over his tribe. The circumstances connected with his visit to Washington and the East, and the impression created by his boldness, eloquence, and ability, are too well known to require more than an allusion to that visit at this time." Red Cloud had counselled peace on all occasions since his return; but he was the genius of the war in the northwest, the most tragic incident of which was the destruction of Lieutenant Colonel Fetterman's party of seventy-nine soldiers and two citizens at Fort Phil. Kearny, December 21, 1866. The secretary of the interior, in his report of 1872 (p. 403), estimates that there were 61,000 Indians between the Union Pacific and Central Pacific railroad and the proposed southern route, starting west from Springfield, Missouri; 92,000 between the proposed Northern Pacific and the Union and Central Pacific; and 36,000 between the Northern Pacific and the British boundary. In the same report (p. 597) the superintendent of the Omaha superintendency says that the Brulé and Ogalala are still making raids on the Pawnee. In the report for 1874 the secretary says that, after great difficulty, the Sioux, with the exception of two bands, have been enrolled in eleven agencies where they receive subsistence.

The Nebraska legislature of 1875 adopted a joint memorial and resolution stoutly demanding the removal of the Red Cloud and Spotted Tail agencies from Nebraska, where they had been located in 1874 without the consent of the state under color of the treaty of 1868. In 1876 there were no hostilities in Nebraska, but there was constant war with the Sioux in Dakota and Wyoming, which included the Custer massacre of June 25th. According to the report of the secretary of war for 1867, the Indians made a systematic attack on the Platte route from both north and south. General Sherman went in person to Fort Sedgwick and

remained there from June 6th to the 22d. The redoubtable General Custer was at Fort McPherson in June with six companies of the Seventh cavalry. This post was the center of operations at that time. The upper Republican river was patrolled, and also the country west to the Colorado line. In his report for 1867, General Augur, commander of the department of the Platte, speaks of the excellent service of Major Frank North's four companies of Pawnee scouts. This contradicts Eugene Ware's disparaging estimate of them in his history of the Indian War of 1864. General Sherman said that there was little actual danger of Indians in 1867 but a great deal of apprehension of it. General Augur reported that depredations were begun in October, 1867, extending from Plum creek to Fort Fetterman — 400 miles — and he had placed troops at every railroad station between Fort Kearny and Cheyenne. During 1868 scouting parties and expeditions were sent out in various directions from Fort McPherson, their usual object being to recover stock stolen by Indians. During 1869 troops were kept busy protecting the Union Pacific railroad, from Fort Kearny westward, and other lines and settlements in the western part of the state. Red Cloud had quieted the Indians on his return from Washington in 1870. On the 4th of April General Augur dispatched Company C, Second cavalry, from Omaha barracks to the southwestern part of the state where there had been depredations for the last five years. About fifty Indians appeared May 15th; but at sight of the soldiers they quickly dispersed. There were also unimportant excursions in the northwest part of the state. General Augur reported that not a white man had been killed by Indians in the department of the Platte during 1871, and Fort Kearny and Fort Sedgwick were abandoned that year, "being no longer necessary." A camp of one company of cavalry and one of infantry was established in April on the Loup river, thirty miles northwest of Grand Island, for the protection of settlers; and another, with a like force, on the Republican, directly south of Fort Kearny. The Indians were receding

before white pressure. These Nebraska outposts were placed sixty miles farther west than those of the year before. Companies of cavalry were still maintained at Plum creek and O'Fallon's, on the Union Pacific railroad, for the protection of the road and "neighboring interests." In 1872 Fort McPherson was the headquarters of the Third regiment, one company of which was at Red Willow camp and two at Sidney barracks. These were the only posts in Nebraska, except Omaha barracks, headquarters of the Ninth regiment. There were no general hostilities in the division of the Missouri this year. Conditions were about the same in 1873. The actual hostilities were in Dakota. They were directly incited by the encroachment of the Northern Pacific railroad. The military force in the department of the Platte — Iowa, Nebraska, Utah, Wyoming — comprised 1,502 cavalry and 2,704 infantry. In the winter of 1874 six companies of cavalry and eight of infantry were sent to suppress threatened troubles at the Red Cloud and Spotted Tail agencies in Nebraska. Otherwise conditions were similar to those of the late preceding years. Scouting parties were detailed to protect surveying parties. Brigadier General Crook, the famous Indian fighter, was commander of the department of the Platte in 1875, succeeding General Ord. Fort Hartsuff was established September 5, 1875, on the north side of the Loup river, in Valley county; the sub-station of Fort McPherson at North Platte was created an independent post, March 6th; and during the year the few buildings left at Fort Kearny were removed to North Platte and Sidney barracks. In May there was an unimportant disturbance at the Winnebago agency which was quieted by a small military detail. Between the 24th of November and the 14th of May eighteen officers of the department were engaged in enrolling victims of the grasshopper invasion of 1874 in Nebraska and Iowa. On the 23d of April, Lieutenant Austin Henley, with forty men of the Sixth cavalry, destroyed nearly all of a party of seventy Cheyenne desperadoes who attempted to make their way across the Platte to the Sioux country.

On the 23d of June, 1875, a treaty was negotiated and signed at the Red Cloud and Spotted Tail agencies which relinquished the troublesome privilege, reserved in the treaty of 1868, of hunting in that part of Nebraska north of the Platte river and on the Republican river. In that year the total reported number of Sioux was 42,778; and they were grouped about sixteen agencies. Sitting Bull's rebel band of 3,000 were still out, and a great campaign against them, begun in the early part of 1876, led to the destruction of General Custer's command, at the battle of the Little Bighorn river, June 25th of that year. A vigorous campaign against Sitting Bull's force, under General Sheridan's general supervision and commanded by General Miles, drove it across the British boundary. On the 24th of October, a detachment of the Fourth cavalry, of the Fort Robinson garrison, captured and disarmed a troublesome band of Indians at the Red Cloud agency, led or incited by Red Cloud himself. In the spring of 1877, Colonel Miles surprised and cut to pieces Lame Deer's band, and killed the chief. Consequently, September 10th, the remnant of the band, 224 in number, surrendered at Camp Sheridan. General Sheridan, reporting the incident, declared: "The Sioux war is now over." Crazy Horse and his band had surrendered in May; but he mutinied in September and was killed in the encounter. The removal of the Red Cloud and Spotted Tail agencies from Nebraska in November, 1877, ended Nebraska Indian troubles; and after Red Cloud and his band were finally settled at the Pine Ridge agency, in 1878, the formidable chief became permanently peaceful. The removal of these agencies was attended by the usual scandals. The Indians suffered intensely on the journey from cold and privations, and the carrier contractors worked off the usual graft in over-charges and delinquencies. General Crook boldly denounced these outrages.

The last serious Indian tragedy in Nebraska resulted from the attempt of a band of Cheyenne Indians to escape from Fort Robinson. They had deserted their reservation in Indian territory in September and fled northward, but

were captured in the sandhills about forty miles southeast of Camp Sheridan and confined at Fort Robinson. They were determined to sacrifice their lives rather than return to the insufferable conditions of which they complained at that reservation. Accordingly, on the night of January 9, 1879, they broke from their confinement, after a desperate fight with the sentinels, and retreated to the hills; but nearly all of the band of sixty men and many of the women and children were killed by the pursuing soldiers. General Crook complained bitterly of the bad management which led to this unnecessary butchery.

Nebraska Commonwealth, September 7, 1867. Quotes from the *Nebraska City Press*. Judge John F. Kinney, one of the six special Indian commissioners, had just returned home after six months' absence, visiting all friendly Indians between the Platte and the Yellowstone rivers to separate them from hostiles. The commission conferred with Spotted Tail near Fort Sedgwick, April 1st, and assigned his band a temporary residence south of the Platte; then held a conference at Fort Laramie with 500 friendly Indians who agreed to join Spotted Tail. When Generals Sully and Parker, of the commission, went up the Missouri river, via Omaha, Commissioners Sanborn, Beauvais, and Buford remained at Laramie, and Judge Kinney went to Fort Phil. Kearny to confer with the Crows. He met 1,800 of them; but the first day Sioux and Cheyenne raided the Crows and drove off 100 horses. The Crows pursued and recaptured all but seven, and killed three Sioux. The Sioux and Cheyenne hung around the fort almost daily, killing small parties of soldiers and citizens. The Crow country lay between the Powder and Yellowstone rivers, and Commissioner Kinney promised that a large military expedition would be sent for their protection. He took a mass of testimony relative to the Phil. Kearny massacre. About fifty Indians attacked a wood train near the fort and Lieutenant Colonel William J. Fetterman and eighty (seventy-nine) soldiers were sent to their rescue. The Indians retreated, leading Fetterman onto a ridge, on either side of which 2,000 Indians were concealed, and they killed all the soldiers. Sixty-five bodies were found and the ground was still stained with blood when Judge Kinney made the investigation.

Nebraska State Journal, November 13, 1869. A party headed by Governor Butler was escort-

ed by fifty men of the state cavalry from Camp Butler, about eighteen miles from Meridian City. In all there were 110 men and twenty teams. They had killed ninety-three buffaloes. The governor was an expert horseman. "Indian attacks are of constant occurrence. Life is in imminent danger at all moments from the bloodthirsty attacks of the Sioux and Cheyennes, whose bands are hovering around the settlement. . . The whole country along the route of the Blue River, from Kiowa for twenty-five miles, has quite recently been largely populated and [put] in a state of cultivation; but nothing now remains but desolation. Whole families have been exterminated. The whole country possesses the appearance of the passage of an invading army." (Correspondence of Cornelius R. Schæler, Nov. 1.)

Ibid., November 3, 1870. Congratulated Secretary J. D. Cox on his resignation and denounced his Indian peace policy as "the acme of childishness, mawkish sentimentality and general silliness." The *Journal* severely condemned the "silly and sickening 'talks' with Red Cloud and his gang of children-murdering and women-raping fiends," at Washington.

Ibid., May 30, 1870. Notes that a military post, established by General Augur in Franklin county, on section 4, township 1, range 16 west, is occupied by two companies of troops — C of the Second cavalry, Captain Spalding, and an infantry company. The post was under command of Captain Pollock. Scouting parties were sent east and west to give assurance to settlers and keep Cheyennes at a respectful distance.

Omaha Weekly Republican, May 17, 1873. Complains that we have been trying the Penn policy for about four years and it won't do. Conflict is irrepressible, because the Indians want hunting grounds and the privilege of remaining nomads, and we are depriving them of both.

Ibid., January 25, 1874. Account of a battle on the 19th, at the fork of the North Loup, Valley county, between a party of thirty or forty Sioux Indians, under Medicine Horse, returning from a raid on the Pawnee, and twelve men with Charlie White or "Buckskin" in command. The fight lasted twenty-five minutes. Marion Littlefield was killed and probably several Indians. The Indians retreated. They had about fifty Pawnee ponies. Buckskin and his party were trapping beaver. Several days before the fight the Indians plundered their camps, but the trappers snatched their guns.

Omaha Herald (weekly), February 20, 1874.

Ridicules the statement to the war department that as many as 12,000 Sioux were moving from the Big Horn country on the Platte settlements. Asserts that there was no war or danger of it.

Ibid., February 27. Says the peace commission has failed to secure honest dealing with the Indians and wants the war department to try it.

Ibid., July 23. Refers to B. F. Wade's report on the treatment of the Winnebagoes.

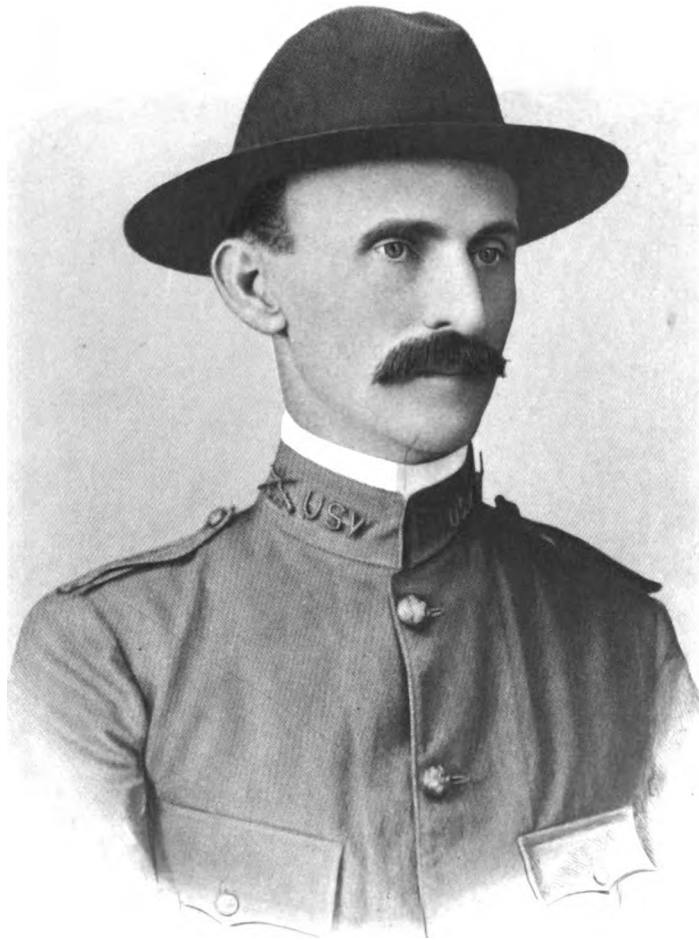
Ibid., June 5. Insists that General Custer's expedition will get a hot time because he wants the notoriety.

Ibid., September 4. Says Spotted Tail is "the truest red friend of the white man and of peace on these borders that ever lived," and "one of the ablest men in this country, civilized or savage."

Ibid., November 6. Request of all chiefs and head men of the Pawnee that their reservation in Nebraska be sold and a new one selected in Indian territory, is signed by all the chiefs of the tribe and by B. Bush Roberts, member of the board of Indian commissioners, Barclay White, superintendent of Indian affairs; and William Burgess, U. S. Indian agent, says all the tribe approves.

Ibid., June 18, 1875. Insists that the Sioux must go from Nebraska soil and relinquish their hunting grounds. When the present sites of the Spotted Tail and Red Cloud agencies were located the locators thought they were in Dakota where the reservations are. Sioux must give up right to hunt in Nebraska.

Nebraska furnished three full regiments and a troop of cavalry for the war with Spain. The First regiment Nebraska infantry was mustered in at Lincoln, Nebraska, the muster being completed May 9, 1898. The regiment was ordered to San Francisco, California, May 16, 1898; arrived there May 20, 1898; went into camp at Bay district, San Francisco; embarked for Manila, Philippine Islands, June 15, 1898, on the steamship "Senator;" dropped anchor in Manila bay July 17, 1898; disembarked and went into camp at Camp "Dewey," south of Manila, July 21, 1898; on outpost duty before Fort Malate, July 30, August 2, 5, 6, and 12, 1898; participated in the attack on Manila August 13, 1898; on guard and patrol duty in Tondo district, in the vicinity of the custom house from August 14 to De-



John M. Stoenberg

ember 4, 1898; went into camp at Santa Mesa, near Manila, December 5 1898; on guard and outpost duty until the outbreak of February 4, 1899.

The regiment took part in engagements as follows: In defense of camp, February 4, 1899; capture of block houses, February 6th and 7th; powder magazine and the Deposito, February 5th; capture of pumping station, near Manila, February 6th; drove insurgents from Mariquina in defense of the pumping station, February 17th; engagements near Mariquina road, north of pumping station, February 22d, 24th, 27th, March 5th and 6th; drove insurgents out of the valley south of the pumping station and across Pasig river, March 7th; changed places with the Colorado regiment, March 15th; in advance on Malolos, March 25th to March 31st; in advance on Calumpit and San Fernando.

The regiment returned to Manila, May 18, 1899, when six companies were detached to the south line of San Pedro Macati and three to Pateros, three companies remaining in barracks; relieved from duty in the department of the Pacific and embarked on the United States transport "A. T. Hancock," June 22d; sailed with the Utah battery for San Francisco, July 1st, via Nagasaki, Japan, thence to Yokohama, Japan, thence to San Francisco, arriving at that port July 29th; disembarked and went into camp at Presidio, July 30th; mustered out and discharged there, August 23d, after service of one year, three months and fourteen days; total enrollment, 1,376; lost, killed in battle, 21, died of wounds, 13; died of disease, 30; total loss, 64.

Following is a roster of field officers of the First regiment:

COLONEL—Bratt, John P., appointed May 10, 1898; mustered out November 10, 1898. Stotsenburg, John M., appointed November 10, 1898; mustered out April 23, 1899. Mulford, Harry B., appointed April 26, 1899; mustered out August 23, 1899.

LIEUTENANT COLONEL—Colton, George R., appointed May 10, 1898; mustered out June 16,

1899. Eager, Frank D., appointed June 22, 1899; mustered out August 23, 1899.

MAJOR—Stotsenburg, John M., appointed May 10, 1898; mustered out April 23, 1899. Mulford, Harry B., appointed May 10, 1898; mustered out August 23, 1899. Williams, Fred A., appointed November 10, 1898; mustered out August 23, 1899. Eager, Frank D., appointed April 9, 1899; mustered out August 23, 1899; Taylor, Wallace C., appointed April 26, 1899; mustered out August 23, 1899. Kilian, Julius N., appointed June 22, 1899; mustered out August 23, 1899.

The Second infantry regiment of the Nebraska National Guard—the state militia—entered the service of the United States, April 27, 1898, mobilizing at Lincoln, Nebraska; after completion of muster was ordered to Chickamauga Park, Georgia, leaving Lincoln, Thursday afternoon, May 19th, and arriving at their destination May 22d; left Chickamauga Park, Camp George H. Thomas, August 31st, arriving at Fort Omaha, September 3d, at 8 A. M., where it was mustered out October 24, 1898. This regiment had enrolled 46 officers and 1,366 enlisted men. It lost in deaths from disease, 26; by accident, 1; total, 27. Following is a roster of field officers of the Second regiment:

COLONEL—Bills, Charles J., appointed May 10, 1898; mustered out October 24, 1898.

LIEUTENANT COLONEL—Olson, Emil, appointed May 10, 1898; mustered out October 24, 1898.

MAJOR—Mapes, William S., appointed May 10, 1898; mustered out October 24, 1898. Tracy, Ernest H., appointed May 10, 1898; mustered out October 24, 1898.

The Third regiment Nebraska infantry, was organized at Omaha, Nebraska; muster completed July 13, 1898; moved by rail to Jacksonville, Florida, July 18th; arrived four days later and went into camp at Panama Park, Camp Cuba Libre, becoming part of the First brigade, Third division, Seventh army corps; September 9th, moved by rail to camp at Pablo Beach, Florida; broke camp October 2d, owing to flooding by the ocean during a severe

wind storm; two days later proceeded by rail to Jacksonville, Florida, into camp at Fairfield as part of the First brigade, First division, Seventh army corps; October 24th, moved to Camp Onward, Savannah, Georgia, the new location of the corps; thence to Havana, Cuba, the First battalion embarking on the United States transport "Obdam," December 30th, Second and Third battalions on the United States transport "Michigan," December 31st, arriving at Havana on the first and second of January, 1899, respectively; encamped with the Seventh army corps at Camp Columbia, Havana, Cuba, until April 7th, then embarked on the United States transport "Logan;" in quarantine at Daufuskie Island, South Carolina, April 13th; April 18th embarked for Savannah, Georgia, thence April 19th, 1899, to Augusta, Georgia, for muster out at Camp Mackenzie. This regiment had enrolled during the period of service 61 officers and 1,358 enlisted men, and lost 32 in deaths from disease.

Following is a roster of field officers of the Third regiment:

COLONEL—Bryan, William J., appointed July 13, 1898; mustered out, December 12, 1898. Vifquain, Victor, appointed December 12, 1898; mustered out May 11, 1899.

LIEUTENANT COLONEL—Vifquain, Victor, appointed July 8, 1898. McClay, John H., appointed December 12, 1898; mustered out May 11, 1899.

MAJOR—McClay, John H., appointed July 7, 1898. Scharmann, Conrad F., appointed July 9, 1898; mustered out May 11, 1899. Dungan, Harry S., appointed December 12, 1898; mustered out May 11, 1899.

Troop A, cavalry, Nebraska National Guard, located at Milford, was enrolled for service in the war with Spain May 7, 1898; May 12th moved to Lincoln, Nebraska, and mustered into the United States volunteer service May 14th, as Troop K, Third United States volunteer cavalry; May 20th, moved to Chickamauga Park, Georgia, arriving there May 23d; mustered out at Chickamauga Park, Georgia, September 8th, 1898. This troop had enrolled

3 officers and 77 enlisted men and lost two in deaths from disease.

Following is a roster of officers of Troop K, Third regiment.

CAPTAIN—Culver, Jacob H., mustered in May 14, 1898; mustered out September 8, 1898.

FIRST LIEUTENANT—Kinney, William S., mustered in May 14, 1898; mustered out September 8, 1898.

SECOND LIEUTENANT—Culver, Elvin E., mustered in May 14, 1898; mustered out September 8, 1898.

The First regiment won renown for splendid service in the Philippine Islands, and grateful citizens of Nebraska, individually, and by municipal, business, and other associations, 159 subscriptions in all, advanced the sum of \$40,342.75 to pay the expense of transporting its members to their homes in the state. David E. Thompson, of Lincoln, subscribed \$20,000 and William J. Bryan, of Lincoln, \$1,250. The legislature of 1901 made an appropriation for refunding to the subscribers \$36,315.45, the amount expended. Regiments of other states which served in the Philippines were treated in a like generous manner. The legislature also appropriated the sum of \$11,000 for the purpose of paying \$37.50 to each of the members of the regiment who had been mustered out of service on account of disability and had come home before the regiment was mustered out. The legislature of 1899 appropriated \$2,000 to be expended by the governor "for the relief, aid and comfort of the sick and wounded soldiers now members of the First and Third regiments in the Philippine Islands and in the Island of Cuba." The Second and Third regiments suffered unduly from disease, caused by bad sanitary conditions, which seem to be incident to lack of experience and discipline on the part of both officers and men in the volunteer service in the early period of our wars. These regiments were disappointed because they had no chance to fight; but if opportunity had occurred they would have proved themselves as valorous and efficient as their envied contemporaries of the

First regiment. All of these regiments were of superior quality, and the considerable number of men who had been in the state university battalion measurably improved their discipline and morale. Colonel John M. Stotsenburg was the heroic, and most considerable figure among the soldiers of Nebraska in the war with Spain. He was killed in action at Quingua, Luzon, April 23, 1899, and was honored with burial in the national cemetery at Arlington Heights. Colonel Stotsenburg was professor of military science and tactics in the University of Nebraska when the war began, and many of the cadets joined his regiment.

CHAPTER XV

PIONEER EXPERIENCES — CROSSING THE PLAINS — REMINISCENCES — HARDSHIPS OF THE FRONTIER

CROSSING THE PLAINS IN 1860-66 — OBSERVATIONS BY THE WAYSIDE

BY CAPTAIN HENRY E. PALMER

I LEFT my home in Wisconsin March 7, 1860, and crossed the Missouri river to Omaha on the steam ferry. The ferry landing was up by the lone tree, 150 or 200 yards above where the smelter now stands, only farther in toward the Nebraska shore west of the smelter. I think the main channel of the Missouri river was between where the smelter is and 8th street, west bank close to 8th street. The ferryboat was not provided with powerful engines. The wind and currents swung it to the left and landed us on a bar, and there we remained until about 4:00 P. M.—no breakfast, no dinner, no lunch. No man ever first touched Nebraska soil with a better appetite than did I. I had a friend in Omaha, James A. Maxwell, who had opened a store in Baraboo, Wisconsin, in the spring of 1846 or '47. During the summer of 1853 on to 1860 I had swapped butter, eggs, melons, chickens, etc., with Maxwell for merchandise for father's family. Maxwell knew me, and I felt that I need not go hungry or want for a place to sleep if he knew it. He had left Baraboo in February for Pike's Peak, yet I did not know it until I met a party on the ferryboat who knew him and told me. He had laid over in Omaha and was outfitting in partnership with General Estabrook, his brother-in-law, for the Pike's Peak trip.

The captain of the boat pointed out Estabrook's house, very plainly visible from the boat, at the corner of 9th and Capitol avenue.

It was not a long walk from the boat to the house and supper and a hearty welcome. I hired out to Maxwell, that is to say, I was to help him pack butter for my board while we remained in Omaha. From Omaha to the mountains I was to help do the cooking, gather wood and buffalo chips, build the fire, and make myself generally useful in camp and on the road, and then as soon as I earned \$25 after I reached the "Peak" I was to give him that, all for my board and the use of one quilted blanket and a woolen blanket which, with part of a harness for a pillow, formed my bed, with the privilege of sleeping under the wagon, sometimes in a tent if it threatened rain. These terms put me on "easy street." I found with Maxwell a schoolmate and warm friend, his nephew, J. Maxwell Clark, a splendid fellow, possibly a year or two older than myself. Clark was helping, so I didn't have to pack butter alone, and our job did not bar us from the family table.

General Estabrook's wife and daughter treated me as kindly as they did their relative, Maxwell Clark, and so evenings, after the day's work was done, I had the privilege of listening to General Estabrook's discourse on the future of Omaha and Nebraska.

I remember the Herndon House, at that time the largest and best hotel in the Missouri valley from the head to the mouth of the river, until recently Union Pacific headquarters. I remember, too, that there were only three or four brick store buildings in Omaha, and if I am not mistaken, not more than that number of brick residences, all small.

Nearly all the buildings were frame and generally one story. Only 1,600 people were there at that time; very few houses south of Harney, and I think, none west of 20th. The capitol building on the site of the present high school grounds was the one conspicuous building of Omaha; it could be seen from the bluffs, beyond Council Bluffs, from the valley, and for miles around. J. Maxwell Clark ("Max," we used to call him) and I climbed to the dome one Sunday, my first Sunday in Nebraska, and looked out upon the barren and almost trackless west. From a point west of 20th street I am sure I saw no houses save a ranch near the military bridge about 24th and Cuming streets. The old military road climbing the hill west to where the waterworks reservoir is, and on over the present route to Benson, was plainly visible. Not a house from 24th and Cuming streets to Elkhorn City, twenty-three miles west. There were only a few cottonwood trees along the creek spanned by the military bridge, a gulch or ravine that heads one fork about 34th and Poppleton, and one fork about 39th and Farnam. As far west as I could see there was no timber; only prairie, unbroken and unfenced; prairie covered with buffalo grass, a dry, parched looking country. I venture to say that there are now more growing trees in the city limits of Omaha than there was in the entire county of Douglas in 1860, possibly in the entire state.

ON THE TRAIL AGAIN

Within a week we were on our way westward. First camp was at Bridgeport on the Elkhorn, three miles beyond Elkhorn City. From Bridgeport to Fremont there were no houses in sight or signs of settlement. At Fremont there were one blacksmith shop, one log store containing possibly three or four hundred dollars' worth of goods, three or four dwellings, a log hotel, and a corral; possibly twenty people in the embryo city.

After leaving Fremont, our first halting place was at Buchanan, about twenty-two miles west of Fremont, at a point where the town of Rogers now stands. Buchanan was one of

the paper towns of the Platte valley and was located by Col. James Maxwell and Gen. Experience Estabrook, both good Buchanan democrats who thought they would build a city to the memory of the president who later, by his action, or rather lack of action, landed the democratic ship of state on the rocks of rebellion, ruin, and repudiation, a redolent reminiscence. But the war is over, and the town of Buchanan is not on the map of Nebraska. It was changed from Buchanan to Rogers, just plain Rogers. The old settler might argue that I am mistaken in the assertion that there was ever such a town; there was, nevertheless.

We crossed the Platte at Shinn's ferry, Dick Shinn, son of Elder Shinn, proprietor. I shall never forget this ferry crossing. They landed us on a bar and we had to wade across to another bar, there another flatboat with a rope to swing us across, and then a long wade. Max and I were trying to hang on to the hind end of the wagon. Our extra weight was too much, and down went the wheels through a stratum of quicksand, and we had to jump off into the stream and work like beavers to help get the wagon out.

The only ranch or sign of habitation between Shinn's ferry and Sobieska, or "dog-town," ten miles east of Ft. Kearny, was at Silver creek, where a nerry rancher was putting up a log house, and had just got the foundation laid, living in the meantime in his covered wagon. Sobieska was quite a town, ten or a dozen people living there.

Ft. Kearny, established in 1848, was like an oasis in a desert. The commanding officer in April, 1860, was Col. Dixon S. Miles of the 2d infantry. Around the parade ground on three sides were the soldiers' and officers' quarters; on the other side the commissary and quartermasters' buildings and stables, all one and two-story buildings, frame, with a row of cottonwood trees extending around the ground between driveway and walk in front of the buildings. The trees were all at least ten years old and were large and flourishing, looking fine indeed. Here we found a sutler's

store with a large stock of goods, and a post-office (the first one after leaving Fremont), presided over by Moses H. Sydenham, who was the first postmaster at Ft. Kearny. He had a news depot and small book and stationery store in connection with the postoffice. The military reservation at Ft. Kearny was ten miles square, extending east from the fort eight miles, and west two miles to Dobytown, where there was a cluster of sod and log houses, tents and shacks; a population of possibly 100, as had a crowd of men and women as ever got together on the plains. There, to gather in a few dollars that were spent by the soldiers and emigrants, knowing that they were safe from the Indians, they lived by preying upon travelers and soldiers. It was here that I saw the first game of poker and faro. A long log building, known in those days as a "gambling hell," was wide open, of course. A woman playing an old cracked piano, and three or four fellows playing on a violin and base viol, and a cornet player, constituted the band—the attraction that drew people into the den. Here I saw them throwing three card monte and playing probably every game that was known to the gambling profession in those days. Fortunately I did not have a cent to spend, and therefore did not lose anything.

FREIGHTING ON THE PLAINS

We found that Ft. Kearny was on the main artery of overland commerce and passenger traffic between the Atlantic and Pacific coasts. Fully 70 per cent of all freight for Colorado, Utah, Nevada, California, Oregon, and territory north, passed on wagons via Ft. Kearny, and fully 70 per cent of this freight was shipped from Leavenworth, Atchison, St. Joseph, and Nebraska City. The road from Leavenworth intersected with the Atchison trail near Kinnekuk, Kansas, forty-four miles west of Atchison; the route from St. Joseph made the same connection at this point. From Marysville, Kansas, there was only one great California trail to Ft. Kearny and beyond. From Nebraska City the "steam wagon road" to Ft. Kearny passed about ten miles south

of where Lincoln is located, striking the present line of the Burlington railroad near the present site of Friend and connecting with the Atchison, St. Joseph, and Plattsmouth trail near what was first called "Sobieska," then "Hooks," then "Dogtown," ten miles east of Ft. Kearny. Another trail from Nebraska City passed north of Lincoln and north of West Blue river to Kearney. There were two trails from Plattsmouth. One from Plattsmouth west via Ashland, then northwest, passed north of Wahoo to Silver creek on the Platte, connecting there with the Shinn's ferry trail from Omaha to Ft. Kearny; another trail left Ashland to the right, crossing Salt creek on the Shaffer bridge east of Greenwood, then west, keeping on the divide, striking the Platte valley at a point near where the town of Marquette is now located. From Omaha there was one trail, one crossing the Platte at Shinn's ferry, then on to Kearney, as I have described, the other via Columbus, crossing the Loup there, then past Lone Tree (now Central City) through Grand Island (only one building there then), to a point north of the Platte river, east of the fort two or three miles, where the river was forded, and all travel, except Mormon emigration, crossed to the south side and passed through Ft. Kearny.

About 30 per cent of the goods transported from the Missouri river was loaded at Nebraska City, Plattsmouth, and Omaha. All this freight came to these Missouri river towns via steamboat, except from St. Joseph, which point was reached, in 1860, by the Hannibal & St. Joseph railroad. With the advantage of both boat and rail the bulk of the freight for this western territory was loaded at St. Joseph, Missouri. Russell, Majors & Waddell transported, during the year 1860, possibly one-eighth of all the freight crossing the plains. They had, in the spring of 1860, over 3,500 great freight wagons, capacity about four tons to the wagon, 40,000 oxen, 1,000 mules, and 4,000 men to do the work. Alexander Majors, of Westport, Missouri, commenced freighting on the plains in 1851, joined with W. H. Rus-

sell, then of Lexington, Missouri, in 1855, and took in W. B. Waddell as a partner in 1858. I can not do justice to the subject of this great freighting business across the plains in 1860, or the wonderful passenger travel; not less than 200,000 people crossed the plains west and east in 1860. This includes drivers crossing and recrossing as many as six trips. As for amount of freight carried, Russell, Majors & Waddell had one contract with the government as early as 1858 for sixteen million pounds of freight. One day's stop on the Platte route west of Ft. Kearny from May to November, 1860, meant that from 100 to 150 wagons would pass you, traveling as they did on an average of about fifteen miles per day. For ox and mule teams, figuring 150 wagons to pass at a given point each day, would figure 6,525 wagons moving over the route between the Platte and the mountains every 43 days, or, say from April 1 to December 1, about 43,000 wagons.

As stated, Russell, Majors & Waddell did not transport more than one-eighth of the freight across the plains in 1860. During the first nine months of the year, forty-one other freighters hauled freight from Atchison to Denver — only one of the half dozen great shipping points on the Missouri river — using 1,328 wagons, 1,549 men, 401 mules, and 15,263 oxen. I think, counting the large amount of government freight, including forage, hay, and corn for teams for over 15,000 troops, nearly all cavalry and including emigrant freight, that in 1865 there were transported across the plains by team over 200 million pounds of freight, equal to 100,000 tons, 50,000 ordinary wagonloads, or 5,000 carloads of 20 tons each. Russell, Majors & Waddell owned at one time 6,250 wagons and 75,000 oxen. If yoked together and hitched to the wagons, this outfit would make a train forty miles long. Freight rates from the Missouri river to Denver were from nine cents to twenty-four cents a pound. In '64, when the Indians were very troublesome, it cost from thirty cents to forty cents a pound to Central City, Colorado, and for that reason flour went

up to \$40 a sack in Central City, and meals at "grub" stations beyond O'Fallon's Bluff cost \$2.00.

PONY EXPRESS

During our day's stop-over at Ft. Kearny I saw the pony express rider going westward at the rate of ten miles an hour. I learned that the first pony express rider had left St. Joseph, Missouri, at 5 P.M., April 3, 1860, about ten days previous to my first acquaintance with the pony express rider.

W. H. Russell, head of the firm Russell, Majors & Waddell, then (spring of 1860) of Leavenworth, Kansas, was responsible for the scheme of quick service by pony express to the Pacific coast. He was the promoter, and persuaded his partners to put in over \$100,000 in inaugurating the work, and while it looked for a while as if it would be a paying scheme, these gentlemen lost over \$100,000 by the investment, which, in 1860, was a great fortune for any man. Their first investment was for 500 horses, ponies they were called, yet they were the very best Utah, California, and Mexican horses. Light-weight animals, fleet of foot, horses with great lung power, bred in the mountain country, quick and active, much stronger and speedier than the Indian ponies. These 500 animals were distributed along the line at the regular stage stations, and at new locations where stage stations were afterwards located, at a distance of from nine to twenty miles apart. The riders were selected from young western men from sixteen to thirty years of age, light weight, wiry, healthy, brave fellows, capable of great endurance, average weight between 125 and 140 pounds. The saddle, blanket, bridle, and leather pouch for the letters and messages weighed, without the mail, from thirteen to fifteen pounds. Each rider was expected to ride three stations, covering thirty-five to forty miles, mounting a fresh horse at each station. Sometimes they had to ride six or eight stations, and in a few cases remarkable records were made. I mention one: W. F. Cody, our "Buffalo Bill," rode 320 miles without rest except for meals; no sleep, every station on the route being reached

on time, an average gait of fifteen miles an hour. His salary was \$150 per month, as his ride was one of the most dangerous on the line.

On this question of endurance and hard riding, I call to mind the fact that Felix X. Aubrey, who for a long time was in partnership with my father-in-law, rode from Santa Fé, New Mexico, to Independence, Missouri, 800 miles, in five days and thirteen hours; he rode the entire distance without rest, except for meals, changing horses only in every 100 to 200 miles, leading a horse most of the time, and changing from one horse to the other, all on a bet of \$1,000 that he could cover the distance in eight days. Think of it! An average of six miles an hour for 133 hours, riding in all that time only twelve different horses.

As an instance of the quick service rendered by the pony express, Buchanan's last message was carried from St. Joseph to Sacramento in eight days. Lincoln's inaugural message was passed over the same ground, 1,980 miles, in seven days and seventeen hours, an average for the entire trip, including time expended for meals and changing of horses and riders, of over 10.7 miles per hour. Considering the nature of the country, the four mountain ranges that had to be crossed, over banks of snow, through swollen streams and across dreary, sandy wastes, through sage brush and deserts, in danger almost constantly from Indians and robbers, from ten to twenty miles between stations, no relief between these stopping places for lame or sick horses, nothing for the rider to do but to foot it to the nearest exchange station — it was a pretty good record, and speaks volumes for the pluck and nerve of the riders, as well as for the men who put up their money to buy the horses and pay the riders and running expenses. About the only chance for the rider if attacked by the Indians was to outrun them, which they did in many cases, but many a brave fellow lost his life by being ambushed by the Indians. As to expense, the horses cost from \$100 to \$200 each; the men were paid from \$50 to \$150 per month, salary, graded according to exposure

to danger; 190 stations had to be kept up; 200 men for station keepers and stock tenders, besides the 80 riders, 40 of whom were riding eastward and 40 westward, and all had to be fed. Oats for the ponies cost as high as 20 cents a pound, corn averaging about half this amount, and hay all the way from \$5 to \$20 per ton. The letters or messages carried were generally written on tissue paper, the packet of mail equally divided into four packages for the four letter pockets in the letter pouch, to equally divide the weight. Each package was limited to 5 pounds, 20 pounds total. Usually not to exceed 15 pounds of mail were carried, every package wrapped in oil silk for protection against getting wet while crossing streams. The rates for these letters or messages was at first \$5 for each half-ounce, finally reduced, by action of the post-office department, to \$1 per half ounce. Each letter or message had to be stamped with a ten-cent government stamp for each half-ounce. During the war between England and China one war document cost the English government \$135 for transmission over the pony express route, San Francisco to St. Joe. Yet, while as high as \$1,000 was taken in for one trip, the investment was a poor one. The pony express, however, was a great attraction on the plains; night or day, the rider was looked for by the emigrant or plainsman. He was watched from his first appearance way in the rear, and as he passed with a whoop and a yell, his pony on a dead run, he was watched until he disappeared in the distance.

OVERLAND STAGE LINE

The overland stage line owned by Jones, Russell & Company, and organized in 1860, ran from Atchison, Kansas, by way of Ft. Kearny, Ft. Laramie, Salt Lake, Carson City, and Sacramento, to San Francisco, Cal. This company was succeeded by the Central Overland California & Pike's Peak Express Company. During the fall of 1861 the company failed and sold out to Ben Holladay. The name was then changed to the Overland Stage Line. The fare to California was \$225, to Denver \$75, Salt Lake \$150.

Each passenger was allowed twenty-five pounds of baggage, all excess \$1 per pound. The fare to Denver in 1863 was \$100, a few months later \$125, and before the close of the war \$175, nearly 27 cents per mile from the Missouri river to Denver.

Charge for express packages on coach was, for 100 pounds or over, 40 cents per pound; for less than 100 pounds, 50 cents per pound. Meals were \$1 to \$2, menu, bacon and bread, beans, sometimes pickles, coffee (with only New Orleans brown sugar, if any, for coffee). Occasionally, near the Missouri river, one could get potatoes; and farther west, buffalo and antelope steak as a happy change from bacon or "sowbelly." There were no canned goods in 1860 such as we now have, but generally dried fruit, Missouri dried apples, Utah dried peaches, and ground cherries being by far the best.

In 1860 Hinckley & Co. ran an express and stage line from Junction, on the Platte, where they connected with the Overland Stage Line, to Denver. The charge was at first 50 cents for each letter delivered or sent; then they reduced the rate to 25 cents, or "two bits." The first mail route to Denver was established August 10, 1860; not until July, 1860, was there a daily coach line on the plains. Jones & Russell had first opened up a tri-weekly stage line from Leavenworth to Denver via Smoky Hill Fork, all the way through Kansas to Denver, which town was then in Kansas, making the trip in about seven days, practically about 100 miles every twenty-four hours; the first stage to reach Denver by this or any other line was on May 17, 1859. In the fall of 1859 this company changed to the Platte route, and, thanks to them and Uncle Sam, nearly every member of our party on this April day in 1860 received letters from the hands of Moses H. Sydenham, postmaster. For myself this was my first letter from home, written in reply to a letter sent from Omaha, and really was the first letter I ever received from any person. I crossed on the Overland coach in 1864 out, and back in 1865, and can never forget the interesting and wonderful ex-

perience of a stage ride during those days of Indian depredation on the plains. I saw Ben Holladay, the millionaire, when he was making his quick ride from Denver to Atchison in five days and eight hours, 653 miles, or at the rate of over five miles an hour, allowing nothing for the fifty stopping places, for change of horses, and the thirteen meals at stations, which used up at least sixteen hours, increasing the average to about six miles an hour.

In April, 1860, there were only a few stations or stopping places for change of horses west of Kearney, and the emigrant could travel all day without seeing a house or habitation of any character, save tents or covered wagons of freighters or emigrants, or tipis of Indians.

The first station, or ranch as it was called, beyond Kearney in 1860, was Plum Creek, thirty-six miles west; next Willow Island, fifteen miles beyond; then Gilman's, twenty-nine miles, and from there to Cottonwood, Jack Morrow's, seventeen miles, a stock tender at Cold Springs, fifteen miles, and fourteen miles to a similar station at Fremont Springs; twenty-five miles from there to Alkali Lake, then thirty-eight miles to South Platte station, near O'Fallon's Bluffs; from there to Julesburg, fourteen miles. This station was located at the old California crossing of the Platte, which for many years was the place where all the freighters and travel for California, and for government troops, crossed the South Platte. During ten months of the year the stream was easily fordable here. From the last of April to the first of June it was a mighty river, to thousands impassable, but not so to old experienced plainsmen. I arrived there on my seventh trip across the plains about the first of May, 1866, and found the river half a mile wide, a raging torrent. More than 500 teams were camped on the south side, within ten miles of the ford. All the grass was eaten up. As I drove on toward the crossing many a wiseacre said "you can't cross—snow water from the mountains—deep, angry current, no bottom, etc." Not at all dismayed, I drove straight for the crossing,

unhitched on the river bank, unloaded my four wagons drawn by four mules each, jumped on my "Jenny" mule, and swam the herd across to good grass on the north side, landing about a mile below; picketed my mules and swam back, hanging to the tail of the mule; then made a boat of two wagon boxes covered with four wagon covers, cracks caulked, used the reaches for the craft, lashed all together with ropes, then loaded the wagon-boxes with goods, swam with the mule, to two men, on a sand-bar over the main channel, gave them the rope fastened to the boat and swung it across. In less than a day and a half I had fully 12,000 pounds of freight and my entire outfit across. Then hundreds of others who had been watching me tried the trick.

G. P. BEAUVAIS, INDIAN TRADER

Beside the stage station at Julesburg in the spring of 1860, there was a store, a large cedar log building surrounded by Indian tipis, all of which constituted the camp of G. P. Beauvais, the great Indian trader. He was a Frenchman from St. Louis, an early trader of the '40s. After the discovery of gold in Colorado he located in 1859 at the "Old California Crossing" of the South Platte, where, in 1848 all the travel for California crossed the river, heading for the North Platte valley, Ft. Laramie, and westward. Only fifteen miles north of this crossing was Ash Hollow, where General Harney punished the Ogalala Sioux Indians on September 3, 1855.

Beauvais was an interesting character, the first real French trader I had ever seen, speaking as fluently the Cheyenne, Arapahoe, and Sioux languages as he did French and English. He was a fine looking, 300 pounder of a man, morose and sullen, every one said, the "Merchant Prince of the Plains." In March, 1865, I rode with Mr. Beauvais from Ft. Kearny to Atchison on the Ben Holladay coach, we being the only passengers. He told me that a year or two before he had persuaded Jim Bridger, the pioneer guide, to go to St. Louis with him as his guest, to the end that he might give Jim a touch of high life. It

was Bridger's first visit for nearly forty years to a city larger than Leavenworth. He took Bridger out to his palatial home. The old frontiersman could not sleep in a bed, so camped on the floor. Next day he took him to his office in the city, and while attending to some important business, noticed Bridger go out on the street, but thought nothing of it, expecting him to return soon. An hour passed and Bridger failed to return. Men were sent out to hunt him up, the police were notified, but in spite of all the searchers Bridger was not found until next day. Answering the query as to where he had been all this time, Bridger said, "I have been hoofing it up and down these 'ere damn canyons for the past twenty-four hours trying to find your ranch."

THE BULLWHACKERS

One of the interesting features noticed in the every day's journey on the plains in 1860 was the great ox trains belonging to the freighters, particularly the outfits belonging to Russell, Majors & Waddell. The drivers and their "bull whips," the six and eight yoke of cattle hitched to one wagon, all controlled by the sturdy command and crack of the bull whip wielded by the athletic driver, created a novel sight. The first pop I ever heard from the bull whip gave me a shock such as one might expect from the unlooked-for explosion of a cannon just a few steps behind you. The whip lash of buck skin resembling a great bull snake was usually about twelve to sixteen feet long (I saw one twenty-two feet long), fully an inch in thickness near the middle, tapering down to only one-sixteenth of an inch to the popper, the lash fastened to a hickory wood stock, or rather, handle to the lash, for the stock was only about eighteen inches long. The experienced bullwhacker would raise this stock, twirl the lash full length behind, then swing it to the front quickly, and with a short jerk straighten the lash with a force that, when the popper uncurled, the report would sound fully as loud as a cannon cracker. Snap this popper of the bull whip near the side, or under a lazy ox, as one of the expert bull-

whackers could do, and the ox would jump and push ahead. Six, eight, and sometimes ten yoke of oxen hitched to one of the heavy "prairie schooners" loaded with four to six tons of merchandise, or to a wagon and a trail wagon behind, was truly an interesting sight. The bullwhacker, who handled the team with his great bull whip, was no insignificant part of the attraction. I judge that about half of these hardy, stalwart fellows, not afraid of anything in this world or in the next, were Missourians. We passed one of these trains near Cottonwood; in fact we passed these "outfits," as they were called, every day. I asked a husky looking driver, "where from?" He answered "Omaha, ha, ha." "Where bound?" "Idaho, ho, ho," then popped his whip, swore at the oxen, and passed on.

The ox trains commonly known as "bull trains," usually started on the day's journey at daylight and camped about noon, giving the cattle all the afternoon and until 3:00 A. M. for feed and rest. Everybody crossing the plains from '58 to '68 had to do their share of "standing guard." Always men were on duty with a herd of either cattle, horses, or mules during the night, as there was always danger of thieving Indians during even peaceful times, as in '58, '59, '60, '61, and '62, and from murderous Indians during war times. Our horses and mules were either hobbled or picketed out during the night, or in war times, generally in the corral, which was always formed by every large train. As we entered camp the head team would lead off to the right or left, the middle team in the opposite direction, both forming a half circle, completed when they came together.

Nearly all the fuel needed by the ranchmen from Cottonwood to Julesburg, one hundred miles west, was hauled from Cottonwood Springs; all red cedar. In the summer time nearly all the fuel for cooking purposes was supplied by the buffalo; dried buffalo chips or droppings made excellent fuel. An antelope steak cooked over such a fire, served with bread and coffee, was good enough for a king, and we were all kings. Wood for fuel during the fall and

winter of '64 was worth \$50 to \$100 a cord at stations from California Crossing west 100 miles.

On my return east in December, 1860, I met the Pacific telegraph construction gangs at Cottonwood Springs. A large force of men were working in the hills and canyon south, cutting cedar poles; others were hauling and distributing the same, and between Cottonwood and Kearney I saw the wire that was being stretched around the world — "musa tonka ota" the Indians called it ("long iron talk"). At Ft. Kearny a telegraph office brought us in touch with the new civilization. Edward Creighton, of Omaha, was building the line and, by his masterly achievement, was the first man to make famous the name of Omaha. When the California Telegraph Co. was within 450 miles of Salt Lake, Creighton had over 1,000 miles to build to reach Salt Lake, yet he was there with a completed line two weeks ahead of the California pushers.

THE OLD STAGE STATIONS

Traveling east from Denver to Atchison on the overland coach about the last of October, 1865, I found that there were fifty stage stations between Denver and Atchison, within ten to twenty miles of each other — only one twenty miles, two seventeen miles, one sixteen miles, nine fifteen miles, nine fourteen miles, five thirteen miles, ten twelve miles, seven eleven miles, six ten miles apart. All were stations for changing horses and eighteen were eating stations.

Our first station out from Denver east was: Pierson, 14 miles; from Pierson to Ft. Lupton, 15 miles; Ft. Lupton to Big Bend, 17 miles; Big Bend to Lathams, 15 miles; Lathams to Eagle Nest, 12 miles; Eagle Nest to Fremont's Orchard, 11 miles; Fremont's Orchard to Bijou, 16 miles; Bijou to Beaver Creek, 20 miles; Beaver Creek to Kelly's, 12 miles; Kelly's to Valley Station, 15 miles; Valley Station to Denison, 12 miles; Denison to Spring Hill, 13 miles; Spring Hill to Antelope, 13 miles; Antelope to Julesburg, 12 miles; Julesburg to South Platte, 14 miles; South Platte to Diamond Springs, 15 miles; Diamond

Springs to Sand Hill, 11 miles; Sand Hill to Alkali Lake, 12 miles; Alkali Lake to Elkhorn, 14 miles; Elkhorn to Fremont Springs, 11 miles; Fremont Springs to Cold Springs, 14 miles; Cold Springs to Cottonwood Springs, 15 miles; Cottonwood Springs to Gilman's, 17 miles; Gilman's to Midway, 15 miles; Midway to Willow Island, 14 miles; Willow Island to Plum Creek, 15 miles; Plum Creek to Craig, 15 miles; Craig to Platte Station, 11 miles; Platte Station to Ft. Kearny, 10 miles; Ft. Kearny to Hooks, 10 miles; Hooks to Summit, 13 miles; Summit to Thirty-two Mile Creek, 12 miles; Thirty-two Mile Creek to Lone Tree, 10 miles; Lone Tree to Liberty Farm, 15 miles; Liberty Farm to Little Blue, 13 miles; Little Blue to Kiowa, 12 miles; Kiowa to Thompson's 14 miles; Thompson's to Big Sandy, 14 miles; Big Sandy to Grayson's 10 miles; Grayson's to Pawnee, 14 miles; Pawnee to Otoe, 11 miles; Otoe to Oketo, 11 miles; Oketo to Guittards, 10 miles; Guittards to Laramie Creek, 12 miles; Laramie Creek to Seneca, 12 miles; Seneca to Log Chain, 11 miles; Log Chain to Kickapoo, 13 miles; Kickapoo to Kinnekuk, 12 miles; Kinnekuk to Lancaster, 14 miles; Lancaster to Atchison, 10 miles; total, 653 miles.

I remember also that there were at that time many other ranches or stations along the Platte built for the accommodation of freighters to supply them with hay, groceries, and wet goods, called "40-rod whiskey," forty gallons of it being made from one gallon of good whiskey mixed with strychnine and coloring matter. Some of the ranches were quite respectable and did a large business when the Indians were not troublesome. Many of them, however, went out of business in 1864 and 1865 on account of their red-skinned neighbors. Among those fresh to memory was Pat Malally's Washington ranch by the Moore Bros. They made a regular fort of the ranch and fought the Indians to a finish in 1865 and held their ground throughout all the troubles. Then there was Lillian Spring, Godfrey's ranch, Baker's ranch near O'Fallon's Bluff, where we fought the Indians all night late in

October, 1865. On our coach there were Johnny Shoemaker, messenger, having charge of about \$50,000 in gold dust; General Bela M. Hughes, attorney general of the overland mail line; Capt. Geo. F. Price, who, twenty-five years later, died, a major of the 5th cavalry; Capt. Sam Robbins, who was commissioned second lieutenant in the 1st cavalry; two Pacific exploration engineers looking out the line for the Union Pacific road through the mountains — I have forgotten their names — and myself. We left Denver, October 19th, and reached Omaha October 27th.

REMINISCENCES

BY NAHUM HARWOOD

Late in the spring of 1856, three young men employed in the office of T. & J. Doane, civil engineers, Boston, Massachusetts, discussed day after day the merits of the different states of the new and far west for a young man to locate in and incidentally in which to make his fortune. These young men were Benjamin P. Knight, Horace May, and Nahum Harwood.

After getting all information possible from various sources, we decided that Nebraska held out to us the most flattering promises. It had but recently been secured from the Indians. Organized as a territory in 1854, emigration was setting in heavily, and the climate was more like our native New England than other new territories north or south. The great Platte river entered its western border and emptied into the Missouri at its eastern border, its valley making a natural highway for the even then much talked of proposed Pacific railroad to California and the Pacific coast. This proposed railroad was then engaging the attention of the country and of Congress, and was being extensively talked up and written up in the newspapers of the day. After much discussion and weighing among ourselves the merits of the different proposed routes, helped thereto by our knowledge of railroad building as civil engineers, we decided that the Platte river would present

the most feasible route, and that the eastern terminus would be at or near Council Bluffs, Iowa. As we all agreed on this, we decided to make Omaha, Nebraska, our objective point.

On Thursday, July 24, 1856, Horace May and myself left Boston for Rock Island, Illinois, following Benj. P. Knight who had left some three weeks before. We arrived at Rock Island July 28th and crossed the river to Davenport. A journal kept by me states that Davenport contained about twelve thousand inhabitants and that four years before there were not one thousand. "Buildings going up on every street, large brick blocks, completed or in the course of construction, meet the eye at every turn, and all classes of mechanics command good wages. The bridge across the Mississippi is the greatest work of the kind in the country, it being the first time the Father of Waters is bridged, and it is worthily done."

From Davenport we went to Iowa City, the terminus of the Rock Island railroad, and the most westerly point that any railroad had reached at that time. From my journal I find that while on the cars I became acquainted with a Baptist minister by the name of Guild, from Chatham, Cape Cod, Massachusetts. His wife and three children were with him, two of them twin girls of fourteen months and one girl of five years. They were bound for Newton, Iowa. Before reaching Iowa City the stage agent came through the cars and said he should charge me \$12 for taking my trunk to Council Bluffs. I refused to pay it, preferring to wait till I arrived at Iowa City, and finding that the Baptist minister was in the same predicament, we arranged to find a team together if we could. I had hardly got out of the cars when a farmer asked me if I wanted to go to Ft. Des Moines for \$5, and I gladly accepted the offer, as also did the minister. At 1:30 o'clock, P. M., July 31st, we left Iowa City for Ft. Des Moines, our conveyance consisting of two horses and a covered wagon with no springs except under the seats. However, everything was pleasant enough, and the company agreeable. Iowa City was then a place of about three or four thousand inhabitants,

and growing, in consequence of being the terminus of the railroad. The state house was located here, but was soon to be removed to Ft. Des Moines. A few miles out we passed about a thousand Mormons on their way to Salt Lake. The men, women, and children were harnessed to hand carts like cattle, and I saw two small children, who Mrs. Guild thought could not be over four years old, hitched on in advance of their parents with a rope around their shoulders in the same way that children play horse. This was far from play to them though, and they looked as though they were ready to drop from fatigue and heat. Not all the females were drawing carts. The favored ones were all young, good looking, and wore broad brim hats to distinguish them from the common herd. Many, especially the females, looked dejected, and as though they wished themselves back among the green fields of Old England rather than in their present position in the power of a few unprincipled men, starving and degraded. Some few escaped. The greatest sympathy was felt for them by the inhabitants who aided them to escape, but the most affecting scene I witnessed was that of a poor mother with a dying babe in her arms. The miserable thing could not hold its head up and drooped away. Its features were sharpened by sickness and want, and it was a mere shadow. "Many will never reach Salt Lake, and those who do will find it anything but a land of plenty. While passing the Mormons we were asked if we were Mormons, and we were glad to claim no interest in common with them. While passing a wagon, we overheard one of the occupants say, 'There goes a lot of emigrants.' Appearance is nothing in this country, the rich and poor fare alike."

On Friday, August 1, 1856, we passed through Marengo, and took dinner at a farm house, all farm houses, *on the stage road*, being hotels if need be, ever ready to accommodate travelers with meals and lodging at fifty cents each. We passed through some very beautiful country. Prairie chickens were very plentiful except on the tables. Near a house

on the prairie, we made preparations to camp over night, where we made out a good supper, eating it in the wagon with but one cup between us to drink the tea out of. Mr. Guild and his family slept in the wagon, and the driver and I turned in on the floor of the farm house that night. I awoke early the next morning and took an observation of my position. The house had one room in which were three beds, and in one was the proprietor and his wife, in another was the son and his wife, and in another was the old grandmother with the small children. In a log cabin, to which I extended my explorations, were the daughter and her husband. This cabin, adjoining the house, was formerly the original habitation.

On Sunday, August 3d, we reached Ft. Des Moines, after passing through some superb farming country. We found everything in Ft. Des Moines up to the highest notch: lots \$1 per foot, board \$2 per day, and speculation running high. "There is no doubt," my journal states, "but what it will make sometime a large business place, the largest probably in the interior of the state."

"Monday, August 4, left in the stage for Council Bluffs. One of the seven passengers is an Englishman who amazes us by his narration of what he has seen and endured in the west and elsewhere; another is a very small man wearing spectacles, who has but few ideas, but talks on everything. His grand hobby is octagon houses and gravel walks. We call him Octagon. Passed through Winterset, a place of four or five thousand inhabitants. This place has caught the fever, lots selling at \$1,000 each.

"Arrived at Council Bluffs Tuesday, August 5, 1856, and stopped at the Pacific House. This town is situated just under the bluffs on the tableland bordering the Missouri river. It is three miles from the river and contains two to three thousand inhabitants. The country from Ft. Des Moines to the Missouri is not so well timbered as the eastern portion, but better watered, and the soil equally as good. As a whole I must say that I never imagined so

magnificent a country. Instead of the perfectly level prairies and fields of blackened stumps that I had seen in Indiana, are the beautiful rolling prairies, hills and slopes, valleys and running brooks, groves of trees through which a road can be made without cutting a single tree, and streams of the purest water which never dry up. For hours I have ridden along looking upon a view which I thought could not be surpassed. The next half hour a prospect would open entirely different, but far more enchanting. One great charm is that the beholder does not feel as though he was in a wilderness and alone in an uninhabited country, but he expects to meet at every turn a village whose inhabitants have cleared up the land, moulded the hills, and planted the groves. The only drawback is the want of timber. From the bottom of my heart I must say that I never imagined a land half so productive or half so beautiful. Immigration is pouring its thousands on thousands into this beautiful land, and it soon will become the garden of America."

Wednesday, August 6, 1856, we took the Florence hack, crossed the Missouri on a steam ferryboat, and landed in Omaha, the capital of Nebraska. "It is beautifully situated, and contains about two thousand inhabitants. Two years ago there was nothing here but Indians, and now lots of one quarter acre each sell for \$2,000, or \$3,000, buildings are going up rapidly, several large brick edifices for storehouses, offices, and handsome residences. The streets are laid out regularly. It is a great deal handsomer place than I expected." At 1:00 o'clock, P. M., we arrived at the far-famed Florence, where we found Knight all right and tickled to death to see us. We engaged board for a week at the tavern which was so crowded that beds were made up on the floor. "Florence is five miles above Omaha, at the north end of the wide plateau overlooking the valley of the Missouri river. At the southern end of the plateau, Omaha is located. There are now about fifty houses where three weeks before there were but fifteen. It surpasses Omaha in its situation and

in its natural advantages, having an excellent landing for steamboats which Omaha has not, neither Council Bluffs. It is also the best and perhaps the only place where the railroad can cross the river, it being not nearly so wide here, and having a rock bottom, which is not the case anywhere else, and the river is not liable to change its position. Florence has a beautiful situation on what is called the second table. In the rear, the bluffs slope up to the height of fifty or sixty feet, but not too steep for good building lots. The town overlooks the river, which winds around for miles above and below. Buildings are being raised here every day, and some are handsome brick buildings."

Thursday, August 7, 1856, Knight took May and me out to see the country, to see his claim, and also one that he wishes me to buy, about four miles out on what is called the Little Papillion creek. "The land is certainly very handsome and the best watered of anything I have heretofore seen. On the bottoms the soil is six and eight feet deep and on the highlands two or three feet deep." We went out four miles further to the Big Papillion, and here the country was equally as good as anything in Iowa, better if anything.

I bought the claim of 320 acres one mile long by one half mile wide and lying across the Little Papillion [at what is now called Irvington], paying J. E. Scott \$175, and afterwards preëmpted 160 acres of it from the government when it was surveyed and came into the market. My brother-in-law, P. H. Perkins, of Kennebunkport, Maine, preëmpted the other 160 acres. My farm I still own (1901), and Mr. Perkins's 160 acres is owned by his heirs.

August 8, 1856, we went up into the woods north of Florence, and hewed out some timber for the building for Knight. On the way we passed through some very wild country on the borders of the river. We saw an Indian chief's grave situated on the highest bluff where poles were placed in the ground around in a circular form. The timber of the country in this vicinity, such as black walnut, oak, and cottonwood,

was worth at that time \$35 to \$40 per thousand feet, and the pine which was brought from Pittsburgh and St. Louis was bringing \$70 to \$80 per thousand feet. More buildings would have been erected if lumber could have been obtained. Sawmills could not begin to fill their orders, and immigration from all over the eastern and southern parts of the country was pouring into the new towns on the Missouri river from Kansas to the northern border of Nebraska. Money was letting at 2½ per cent a month. Russell, who owned a sawmill at Rockport some five miles north of Florence, was paying that rate, as I happened to know. At this time the settlements did not extend any distance west from the river. Towns and would-be cities and capitals of the future state of Nebraska, like Nebraska City, Plattsmouth, Omaha, Florence, Ft. Calhoun, and many others, were springing up on the Missouri river, each having its energetic and enthusiastic champions. The river boats and stages came in crowded and went away empty; hotels were full and crowded to the ridge pole; there were speculators on every hand, and prices of real estate were advancing by leaps and bounds. The incoming settlers were from all parts of the United States. A great many coming from the eastern states, they impressed themselves upon me as being, as a whole, of superior intelligence and of a better class than I had seen while on the way to Nebraska.

I find in my diary that on Sunday, August 10, 1856, there was no meeting or church to attend in Florence. Other things of greater necessity had taken up the attention of the newcomers than the building of churches. Several of these were built later.

I find that on Tuesday, August 12, 1856, Knight and myself were engaged on "the preliminary survey for a town which is to be laid out between Florence and Omaha." This was probably the first start of what is now a part of Omaha, called Saratoga.

The journal states further that on August 16th "had a hard day's work surveying, and it is hard at night to come to such quarters as we have at the hotel. Our bed is on the

floor at the head of the stairs, so that everybody tramples on it in passing. The hotel is crowded enough for another hotel, and guests increasing every day. A large addition is being built. From the bluffs, in the rear of Florence, a magnificent panorama is spread before the beholder. The Missouri winding beneath amid the carpeted meadow or bottom land, the groves on the opposite bank, the ever-changing bluffs in Iowa, and the busy little town of Florence beneath. Omaha and Council Bluffs can be distinctly seen; the atmosphere is so much clearer than in the east, that I have distinguished blinds and windows six miles distant."

August 19, 1856, I bought a building lot in Florence, paying \$100 for it, and another adjoining was given me for building a house on it. These were near the residence of James C. Mitchell, one of the founders, promoters, and owners of Florence. Mitchell's residence was still in existence in 1899. Mitchell was a small man but endowed with great energy and determination, and he worked and fought for Florence against Omaha and every other town on the river. Mr. Mitchell was the foremost citizen of the town, and with his very estimable wife did much to promote its best interests. To keep the lot given me, I built a house at a cost of several hundred dollars. It was built largely of black walnut and occupied a commanding site on the side of the bluff on the two lots (which I still own). The house went the way of most of the houses in Florence, and when Omaha grew and prospered and Florence felt the chill of disaster, my house with black walnut clapboards and shingles was sold for a small part of the cost and moved to Omaha, where it stood in the rear of the old postoffice till within ten years ago or less, and was used as a millinery or dress making establishment. Three days after I bought the lots in Florence, things took a boom. Prices of real estate advanced 100 per cent on account of the news that the railroad was certainly coming here and was to cross the river at Florence, the rock bottom in the river affording a fine foundation for the piers

of the bridge. I may say here that the rock was no myth started by the promoters of the town, for in the winter of 1856-57, when the river was frozen so as to bear, I cut holes through the ice every fifty feet and sounded with a steel rod down to the rock which in many places was bare. By this means I made a profile of the surface of the rock for use by Mitchell and other promoters of the town. At that time there was an island in the river at this point, near the present Omaha pumping station for the waterworks, made by trees and other debris lodging on this ledge and finally forming this island, which however, later disappeared.

My journal of Friday, August 29, 1856, says: "Worked with B. P. Knight this forenoon, running a line from Omaha up to the new city (Saratoga) between Florence and Omaha. Knight is to lot it up, first with the compass; then he is to go on east, get married, bring his wife and a transit, and with the latter put in the stakes correctly."

On the 30th, with a note from Mitchell to Johnson, editor of the Council Bluffs *Bugle*, I went to Council Bluffs to see him about surveying and lotting up a proposed new town called Crescent City north of Council Bluffs and opposite Florence, at the mouth of Pigeon creek, Iowa. I received the contract for surveying and plotting Crescent City. The stock of this town went up like a rocket and came down later like a stick. I took part of the pay in stock and part in cash. Every day or two I would hear that the stock had doubled in price, and it was in great demand. If I had sold out, I should have been all right, but, alas, like everybody else, I held on for still higher prices, so kept it and have it now. There never were a half dozen houses built in Crescent City, though a newspaper, called the *Crescent City Oracle* was at one time published. My plan of the city, with all the railroads of the country pointing towards it, was sent to St. Louis to be lithographed, and beautiful chromos came back to be distributed to credulous and enthusiastic investors. In Crescent City I had my first encounter with

rattlesnakes. While going through the tall coarse grass of the river bottom, I heard the ominous rattle of the snake. I stopped, and looking a few feet ahead, saw coiled up on the top of the bending grass, about four feet from the ground, two huge rattlers. I took my iron-shod surveyor staff, and, approaching slowly and carefully to within striking distance, I brought the iron-shod end down on them. For a few seconds the air was filled with the noise of rattles and a mix-up of fangs and tails. A few more blows from the staff and all was still. After this I looked ahead in wading through the coarse, strong grass of the river bottom.

"September 5, had a very heavy shower, the first rain for over three months, yet the vegetation looks well. This is an excellent soil to stand drouth, the best in the world.

"Sunday, September, 7, attended church this afternoon at E. P. Brewster's house. Mr. Barnes discoursed on religious topics. At night we young men slept in the shop (preferring it to the crowded hotel, and commenced boarding with E. P. Brewster. Our living with Mr. Brewster is all one could desire, everything neat as wax, good, wholesome, well-cooked food graces the table, while intelligence and good sense are characteristics of the family.

"Sunday, September 14, had preaching in the shop, and have laid boards around for seats. Had a full house today, twenty five in the forenoon and twenty one in the afternoon, five or six ladies, good looking and well dressed.

"September 15, Mr. Pugsley sold his interests as landlord of the Florence hotel to Hooper and two maiden ladies.

"September 16. The news from Kansas is that the border ruffians have been disarmed and sent home. Perhaps quiet may be restored to the country once more.

"September 19. A big excitement in Florence. A man by the name of Howard had jumped part of the town site."

September 24, 1856, was a great day for Florence. "An ex-governor of Iowa has

bought a residence in town, a barber shop is being built of brick; printing to be established here, and a newspaper. Mitchell will put up next spring a large brick block, iron front, and as good as he would put up in St. Louis. Buildings are going up every day, and already Florence is emerging from its chrysalis state and into a little butterfly of a city."

At this time the town or city of Columbus was started some ninety miles west at the junction of the Loup and Platte rivers. I bought one share in this to-be city for \$100. This would entitle me to some fifty or sixty lots. The city was laid out at first too near the river and most of the lots were under water at flood times. Rents in Florence at this time were very high, a house thirty feet square and one and one-half stories bringing \$70 per month; houses, however, were going up fast and cellar holes thickening.

While surveying Crescent City, six miles north of Council Bluffs, May and I boarded with a Mormon by the name of J. Johnson, who lived two miles south of Crescent City. He had at the time three wives and a host of children, and all was hub-bub in the house. Hé owned a thousand acres and kept ten men, was editor of the Council Bluffs *Bugle*, and was rather an able man. At Johnson's we saw a number of travelers from all sections of the west.

October 29, 1856, "a Captain Hawley arrived from Utah bringing the news of the murder of Hon. A. W. Babbit by the Cheyenne Indians while crossing the plains to Utah. Captain Hawley furnished a great deal of information and said that for farming purposes one need not go far from here, right here, and that this route to Utah and California was the best one for a railroad and to sustain a population. He thought Florence the place for wholesale dealers, as it would soon be the outfitting place for emigrants. Captain Hawley was on his way to Washington on matters connected with establishing a mail route from here to Utah."

Friday, October 31, 1856. "This is the last day of October. How rapidly time wings its

flight away, here where I supposed it would fly with leaden wings, but I have been and shall be so busy that no wonder I am unconscious of its passage." It seems singular now at my time of life that then, at the tender age of twenty-three, time should do much winging.

Four of us young men lived at Florence in what we called the shop. It was 12x18 feet, one story and an attic, boarded and battened, lined with cloth, no plaster; rather close quarters for four, but December 13, 1856, there came a cousin of B. P. Knight, with his wife and several children, and they occupied one-half of the shop, which was partitioned off. These were cramped quarters and cold, for the winter of '56-57 was one of the coldest ever known in the United States. January 18, 1857, the mercury in Florence dropped to 30° below zero, and a drop of 34° below was recorded at Reading, Massachusetts, near Boston. Many a morning I have found the bed covered with snow that had sifted through the roof. These cold nights one of our four was kept as a watchman to keep the fire going in the stove. About this time the city of Rockport was started, near Russell's saw mill, about five miles above Florence on the Missouri river, at the mouth of the Punkaw or Ponca. The site was densely covered with timber, brush, grape vines, and thorns. I had the surveying of it, and it was a terrible place to work, far different from the open prairie of Crescent City. I do not think there were half a dozen houses ever built there, but the plans were sent to St. Louis and lithographed, and people bought the lots at high prices. The grape vines and thorns on the townsite were typical of the grapevine twist that the townsite speculators and promoters got on the credulous investors, making their path indeed a thorny one. There was a deal of claim jumping, for the land had not yet been surveyed by the United States government or plotted or staked out. The government in time would survey the land into sections and quarter-sections and open land offices, and sell as small a quantity as 40 acres for \$1.25 per acre, and as many

as 160 acres to one person. If a person pre-empted four 40's (160 acres) the 40's must lie side by side, not merely corner on each other; one side of a 40 acre must join one side of one of the other 40's entered. The settlers formed a claim association to protect and stand by each other in their claims till they could secure a legal title, and the protection of a patent from the U. S. government. To get a deed from the United States, the settler had to prove that he had built a house on his claim and lived in it a certain length of time, perhaps thirty days previous to his pre-emption papers being given to him. The claims of the settlers were sold one to another and recorded, but these deeds were of no legal value; the one that got the patent first from Uncle Sam would become the owner. There were many cases where, either knowingly or ignorantly, a man would take up and build a cabin on the claim of another, intending to pre-empt in future. Such cases had to be settled, either by peaceable means or by force, and oftentimes the friends of the first claimant would go out with him to the claim, and there would either be a pitched battle or the interloper would flee, a few shots being fired after him as a warning, and the cabin he had erected would be destroyed. Justice was generally secured, for these first settlers of Nebraska were as law-abiding, as honest, as intelligent and possessed of as true a sense of justice and of what constituted a good citizen as the people of any community in the United States. From what I saw, in '56-57-58, of the very first settlers of Nebraska, I consider them, or a very large proportion of them, superior to the average of the country at large in those qualities that go to make up the best American communities. As the lines of the government sections all run north and south and east and west the claims were all laid out accordingly. All settlers agreed to deed and accept deeds when they got them from the government so that their final holdings would agree with their original claims.

Thursday, December 18, 1856, there is this entry in the journal: "May has a meeting of

referees to see about the jumping of his claim and also a claim of E. Knight, by some men from Omaha by name of Orchard. The trial resulted in May and Knight having to pay Orchards \$30 for the cabin put up by the Orchards, May and Knight to keep the claims."

Saturday, December 20, 1856, "Attended a claim meeting at the hotel. A respectable gathering of the free and the brave of Florence was there, and a committee was chosen to revise the old claim laws and add new ones. E. P. Brewster, Captain Kennedy, Charles Howe, Sr., Dr. Harsch and Bryant were the committee."

December 24, 1856, the first newspaper printed in Florence was issued, and in honor of the event, a grand ball was given in the dining room of the Florence hotel, afterwards called the Willet House. I remember this ball well, some forty couples being present. Captain Kennedy was the proprietor of the hotel. All the most distinguished citizens of the city were there with their ladies, and the festivities were prolonged to a late hour of the night. Captain Kennedy, tall, stately, and with a military air, acted as master of ceremonies. The only time I distinctly remember Mrs. Kennedy was at this ball. She was a very refined and cultivated appearing lady, very pleasant and agreeable, and nothing seemed to ruffle her good nature. They had two charming daughters who were the belles of Florence. I recall once, going down the center with my partner, in a contra-dance, and not stopping at the end of the dining room, but going the whole length of the kitchen. In contrast with the gay scene that night inside the dining room of the Florence hotel, outside could be seen the gaunt and haggard features of Pawnee Indians, with faces pressed against the panes of the windows, looking on with wonder.

On December 25, 1856, I walked to Ft. Calhoun and back, twenty miles round trip, through twelve inches of snow and crust. Calhoun at this time contained twenty houses, temporary affairs.

January 14, 1857, entry of journal, "A bill

is before the legislature to remove the capital from Omaha to Douglas. It has passed the third reading by a two-thirds vote in both houses."

January 15, "The bill has passed the final vote in both houses but not in the house of representatives by two-thirds; bribery of two members is charged."

January 26, "Called on a Mr. Barker in Omaha to see about buying his claim on the Little Papillion for \$1,000. Mr. Baker has been a distinguished preacher of the Gospel, has published a book on the evidences of Christianity, containing arguments irrefutable. He is now an infidel, believing in nothing; has probably been speculating in wildcat city lots, and lost."

January 27, 1857, I met the directors of the Missouri Bridge Co., Mitchell, Parker, Alling, Steele, and Bryant, at the river, to locate the abutment on west side at Florence for a bridge to be built across the Missouri river.

Saturday, February 21, 1857, a great event happened. The journal states that a meeting was held at the Willet House, Florence, and resolutions passed censuring the U. S. government. It does not state how the United States had incurred the wrath of the citizens of Florence so as to bring down upon its defenseless head words of censure. Probably it was on account of the fearful financial and business panic of 1857 that the prophetic vision of the citizens of Florence saw coming, the panic that not only brought disaster to the whole country, but enveloped in its fearful folds the young and growing territory of Nebraska, and changed it almost in a day from a scene of bustling activity, immigration, and a plethora of money, to the exact reverse.

One of the first settlers, if not the first to take up a claim and build a cabin on it, west of the tier of towns on the Missouri river, was Charles Howe, even then an old man. He was generally known by the name of "Old Man Howe." He took up a claim on the Little Papillon, at what is now called Irvington, and built his small house near the old military road, the trail of the Forty-niners, about five

miles west of Florence; and at the time he built it there was no other on the military road to Salt Lake. Howe's wife was dead. He had one son living. Old Man Howe was well thought of by the settlers, and travelers on the military road always made it a point to give him a friendly call.

In the summer of 1857 I made a trip to Fremont and Columbus. There was but one building on the site of what is today the prosperous, busy, and beautiful city of Fremont. This was a one-room log cabin, unoccupied. The 160 acres comprising the townsite, or part of it, could have been bought at that time for less than \$500. I advised a member of our party, a man by name of Stone from Shirley, Massachusetts, to buy it, saying that the railroad would be built through there in a few years and make him rich. I remember well his reply, that a railroad might be constructed there some day, but not in his day or mine. At Columbus, we found perhaps a half dozen buildings, among them a store, used also as a public-house.

Florence was the outfitting point for all the Mormon emigration to Salt Lake, and here all the lines of emigration starting from Europe converged. On the hill sloping down to the creek just north of the town, and in plain view, they camped by the thousands for weeks at a time, resting themselves and the oxen, laying in supplies from the Mormon traders located at Florence, preparing for their journey of over eleven hundred miles over the plains and mountains to Salt Lake.

The rush of emigration to Nebraska towns lasted through the spring and into the summer of 1857, then began to slack off as the financial and business depression began to overcast the country, till in the fall of '57 the tide had turned the other way, and nearly every one that could get money enough together to get away with was leaving for the east—all, except a few who were bound to stay by the territory, and others who could not get away. The stages and boats were loaded with the outgoing rush of humanity. This had a disastrous effect on the young territory. Every

one heretofore had been depending on the newcomers and the money they brought in. This money stimulated new enterprises of all kinds, except farming, which very essential thing was neglected. Supplies were brought in by boat generally up the river from Missouri. There had been practically no crops raised in the territory. Thus when a large proportion of the people left and took nearly all the money with them, a disastrous state of affairs was created. The winter of 1857-58 in Nebraska for the citizens remaining was a fearful one; there was great privation and more or less suffering. I went through that winter with but five dollars cash in my pocket, and this I expended largely for postage stamps. The brick building containing the Bank of Florence stood deserted by customers, and the only business done by the bank was the protesting of notes, foreclosing on collateral, and the charging of interest at the rate of 2½ per cent a month on unpaid loans. Before that terrible winter was over, many a kitchen stove in a Nebraska home was lowered to the gopher cellar beneath, and there the family took refuge.

The experience of 1857 had a very salutary effect in the end. In 1858 the inhabitants of the towns proceeded to open up and cultivate the land in earnest, and instead of trying to make fictitious fortunes on paper by buying and selling town lots of each other, they proceeded to take advantage of that magnificent domain spread out before them, reaching from the Missouri river, west, and awaiting only the hand of the agriculturist to make of it, what it is today, a state unsurpassed for the productiveness of its soil, and dotted all over with prosperous, intelligent, and orderly communities; its cities throbbing with life and industry, its green hills and slopes, its fertile meadows, its beautiful valleys covered with countless herds, or growing the cereals with which to feed the world.

The last of October, 1858, while awaiting at the Douglas House, Farnam street, Omaha, for a boat to take me to St. Louis, on the way to Boston, I saw the first gold brought from

Pike's Peak. It was in a quill brought by a miner just returned. This created great excitement and was the beginning of the rush to that now famous gold-producing country.

Benj. P. Knight stayed in Nebraska through all the hard times and the good times, living and dying in that beloved state he did so much to build up and for which his enthusiasm was always awakened. He was for many years a member of the board of county commissioners of Douglas county, and it was while he was its chairman that a fine county building was erected. He went through all the hardships of the hard years, bringing his young wife from the comforts and luxuries of her home in Charlestown, Massachusetts, to the boarded and battened and cloth-lined house on his farm at Little Papillion, which in later years was made to "bud and blossom like the rose" by the efforts of his estimable and hard-working wife and himself. Following the example of B. P. Knight, there came in 1856 and '57 three brothers, Daniel W., Edward, and Albert B. Knight, and two cousins, George and Gardner Knight, and later a sister with her husband, F. B. Hibbard, of Irvington, came, all from Brookfield, Massachusetts. Albert was a good farmer and had a fine farm at Irvington; he died a few years ago. Poor Edward, a mere boy, died in 1857 at Florence. I well remember the simple funeral services that were held in the old shop we four had occupied, and how sadly we followed the coffin that bore him over the hill to that lonely grave on the prairie just back of Florence, marked only by a wooden tablet. No marble monument, no elaborate enclosure — only the tears of his sorrowing brothers and comrades.

The brothers, E. P. and Henry Brewster, came from New York state. E. P. Brewster was a lawyer and had an office on Main street, Florence. Henry was a farmer. E. P. Brewster had a good practice and made a good living; both were estimable citizens.

In the early days of Nebraska, when politics boiled at all, they boiled tremendously. I remember seeing Gen. John M. Thayer but once; then he came to Florence from Omaha to dis-

cuss on the stump the question before the public, and incidentally his own candidature for office. His opponent was a young man by the name of Little, a very spare and tall person. I remember General Thayer was not at all choice in the use of words in describing his opponent, frequently alluding to his personal appearance in very uncomplimentary and sarcastic terms, such as "that little lick-spittle."

There was one unique character in Florence in 1856 and later, James Demond. He has occupied at a not very remote date the honorable office of mayor of Florence, and died only recently, leaving a widow and two sons. Mr. Demond was peculiar and was an endless talker. He had great command of language, such as it was, and would talk on any subject, however abstruse. He believed he was a great inventive genius and had spent many days trying to solve the problem of perpetual motion. I remember one of the cold days of the winter of 1857, I was in E. P. Brewster's law office on Main street. The mercury must have been down to zero, and it was blowing a gale, when Mr. Demond came along, and standing on the door step, commenced to talk. I stood at the door inside and held it open just a crack, curious to see which would get the best of Mr. Demond, the blizzard or his faculty for talk. It was a long drawn-out contest, but the blizzard finally won. Mr. Demond was a native of New York state. He was a kind hearted but visionary man. Mrs. Demond was an estimable Irish lady. She supplied to the firm the practical and economical virtues, looking upon her better half as a wonderful man and one of the great inventors of the age, while she herself was content to work and drudge and save to keep the wolf from the door, firm in the faith that some time in the future, the genius of her husband would be known and rewarded.

One of the finest and noblest young men of Nebraska, one who volunteered at the call of his country at the very beginning of the Civil War, was William Mulliken, who came to Florence early in the year 1858. He was born in Charlestown, Massachusetts (now a part of

Boston), under the shadow of Bunker Hill, and was descended from an old Lexington family. Two of the members of this house were killed in the battle of Lexington by the British, and the house of another was burned over her head. True to his ancestral blood, when the Civil War broke out, he enlisted in a Nebraska regiment for nine months, and served during that time against the Indians. In the fall of 1863 he returned to Massachusetts and enlisted for the war as sergeant in the 13th Massachusetts cavalry, Company K. He left with his regiment for the seat of war near Richmond, and was mortally wounded in the first Battle of the Wilderness in which he was engaged. One horse was shot from under him, and while mounting another his leg was badly shattered by a rifle ball. He was carried to Washington and received the best care possible at the hospital. Up to the last moment he had full faith that he would recover, and it was only by the means of a wounded comrade who occupied the next bed to him that his friends were apprised of his real condition. On the 6th day of June, 1864, when twenty-five years of age, he breathed his last — only one among the million victims of the Civil War, but for his friends a fearful sacrifice.

A younger brother, Horatio A. Mulliken, came to Florence in 1861, and settled at Little Papillion, now Irvington, and later followed Dr. Abbot to Fremont, where he is now living.

HARDSHIPS OF THE FRONTIER

(Paper read by Augustus Lockner before the Douglas County Association of Nebraska Pioneers.)

At the age of nineteen on returning from the war in 1865, it was my ambition to own a farm. I came west with a firm resolve to get a good piece of land and finally located in the Platte valley in Butler county, which had only fifteen bona fide settlers within its confines and was not then organized. At the end of five years I had a comfortable home, a well equipped farm, and a fair quantity of cattle and horses, and was out of debt.

Of course, I was busy in the fields, working

early and late, but I am simply repeating what my wife often said, that those were the most happy and care-free days of our lives. We took in all the jollifications of the times, going as far as twenty-five miles from home to attend dances, which were always enjoyable, without very much expense. Neighbors were free and liberal and never refused to divide or lend in case of emergency.

INTRODUCTION TO NEBRASKA

One day George Grant came and said his brother-in-law, Net McMurty, had gone to Columbus two days before and had not returned. We started on horseback. The neighbors joined and kept up the hunt for a week without success. Finally a hunter found a corpse floating in a small pond that was surrounded thickly with willows. It proved to be McMurty and six arrows had been shot into his body. A Mrs. Phillips living on the north bank of the river had seen Pawnee Indians riding wildly about. They were shooting and seemed very much excited. They also packed up their camp outfit and skipped out before night.

Upon learning this, the Grant boys soon persuaded the men of the settlement to arm themselves, and started for the Pawnee reservation. At Columbus the United States Indian agent and the Pawnee chiefs were taken into consultation and it was agreed that the guilty Indians should be given into the hands of the United States authorities. They were taken to Omaha. The leader could not stand confinement and soon died. The others were dealt with according to law.

A NARROW ESCAPE

After the ice broke up it was a serious matter to go to town. One cold day I was the one to go. The river was running bank full. We had a small boat, home made, for crossing. One John Patchin was to go with me. We got in the boat, John sitting in the stern and baling, while I worked the oars. When out in the stream the water came boiling through the bottom and in a jiffy we were floundering in forty feet of water and

mush ice, running at the rate of ten miles an hour. Patchin was coughing and wriggling around for breath and as he came to the surface the second time I grabbed him by the collar and as I had one hand on the upturned boat I pulled him to the boat, telling him to keep one hand on the boat and get his boots and heavy clothes off so we could swim to the shore. This was finally accomplished and after a long swim we struck bottom, and wading through shallow water for a quarter of a mile and going over the big island for a half mile in a cold northwest wind we became chilled to the bone. Patchin wanted to start a fire to keep warm, but we had no matches. I had to leave him and swim to the south channel alone, and then run to Peppers' home. Assistance was sent to Patchin, not a bit too soon to save his life.

FRONTIER JUSTICE

In the winter of 1866 and 1867 many of the settlers were chopping and hauling wood to town for the Union Pacific railroad. Among the shippers was Randall Grant, a brother of George Grant, also one Bob Wilson, an old time freighter and plainsman. These men got into a quarrel in Columbus, and Wilson shot Grant dead. George and Quincy Grant, two brothers of Randall, soon had the neighborhood in arms and Strong Peppers, a public spirited, tempestuous fellow, led the cavalcade to town, and being joined by the mob there they took Wilson out of the log prison and, against the strong protest of the officials, hanged him in Vincent Kumer's yard. They cut a hole in the ice of the Loup river and put his body in.

We were doing well financially and otherwise until one day a cloud of smoke and

ashes appeared. I was out early, plowing over the fire guards when a neighbor back-fired from his place. This and the main fire came down like race horses, before a terrific wind. I ran to the house where I had barrels full of water ready. My wife pumped the water while I threw it on the house. The smoke and ashes were blowing furiously and the only way to get fresh air was to pull a wet gunny sack over the head down close to the ground.

My new granary with 500 bushels of oats and 300 bushels of wheat, 1,000 bushels of corn in the crib, and sixty tons of hay, barn, corral, wagon, harness, reaper, and all farm implements were burning, and at the prevailing low prices of farm products I had lost \$1,200 to \$1,300 and had not a dollar's worth of insurance. Begrimed with sweat and soot, tired and sick at heart, I sat down on the watering trough with my face between my hands and fell to thinking. There were no tears, I was feeling too hard and bitter for that. It was then that my wife showed her courage. She walked up to me, putting her hand on my shoulder, and said:

"Never mind, Gust, we can work and earn some more."

I looked at her, and made up my mind that if she could take it as easy as that I would not show the white feather again, and I got up and washed my face and commenced planning for new things. I had plenty to think about, and it was a source of satisfaction that we still had thirty head of cattle, young and old, three horses and 1,000 bushels of corn in the field not gathered.

CHAPTER XVI

CHURCHES AND COLLEGES — SOUTH PLATTE CATHOLICISM — GRAND ISLAND COLLEGE — HASTINGS COLLEGE — SEVENTH-DAY ADVENTISTS AND UNION COLLEGE — FREEWILL BAPTISTS — LUTHERAN TEACHERS' SEMINARY — CHURCH OF UNITED BRETHREN IN CHRIST AND YORK COLLEGE — MORMONS IN NEBRASKA

SOUTH PLATTE CATHOLICISM (See Chapter XIV, Vol. II)

BY REV. W. F. BRADLEY

DURING the years that have elapsed since 1905, the material advancement of Catholic interests has been in keeping with the progress of the rest of the state in that regard. The last decade of the nineteenth century may be said to have seen the beginning of the end for pioneer conditions. The people hitherto perforce content with the humble dwellings and primitive equipments of their fathers, who had borne the brunt of the hardships incident to the settling up of a new country, began with the dawn of a more generous prosperity, to ambition greater things. Es-



RT. REV. J. HENRY TIHEN, D. D.*
Bishop of Lincoln, Nebraska

* John Henry Tihen, bishop of Lincoln, Nebraska, was born in Oldenburg, Indiana, July 14, 1861, son of Herman Bernard and Angela (Bruns) Tihen. Bishop Tihen received his education at St. Benedict's College, Atchison, Kansas, graduating in 1882, and St. Francis Seminary, Milwaukee, Wisconsin,

pecially has this been noticeable in the dwelling places of Nebraskans. And with the improvement in beauty, convenience, and substantial proportions of the houses of the individual members of the various congregations, came like improvement in the houses of God, where they are wont to assemble for divine worship. Structures of brick replaced the little frame churches in a very large number of parishes, and more pretense of architectural adornment was made, so that the traveler along any of our lines of railroad looks out now with increased pleasure and interest as the train stops in the little towns through which his journey takes him. Among other places in the South Platte country where

completing the course in 1886. He was appointed Bishop of Lincoln, May 12, 1911, and came to Lincoln, Nebraska, July 19, 1911. Previous to this time he was rector of the cathedral and chancellor of the diocese of Wichita. He is a member of the Catholic church.

such buildings have been erected in recent years there occur to the mind especially the following: Assumption (in Adams county), Auburn, Beatrice, Brainard, Cambridge, Campbell, Crete, David City (now in course of construction), Dawson, Exeter, Fairbury, Falls City, Friend, Geneva, Hastings (now in course of construction), Heartwell, Hebron, Manley, McCook, Orleans, Red Cloud, Sutton, Touhy, Weston, Wymore, and York. Some of these buildings, indeed — be it recorded to the credit of priests and people — were erected before the change referred to had well set in, notably in the instances of Crete, Hebron, Wymore, and York, where commodious brick churches were built in the early nineties.

The parochial school system, which, humanly speaking, supplies the very life-blood of the Catholic church, was in an equal degree strengthened and extended during these years. It is true that the city of Lincoln, itself, suffered a severe blow in the closing of the Convent of the Holy Child and the withdrawal of the Sisters in the year 1907. This was rendered a necessity by the increasing demands upon the teaching force of the central community without a corresponding increase of vocations — a pressure which has been felt in recent years not only by the Order of the Holy Child, but by many other teaching sisterhoods throughout the country, and which should be a cause for serious thought to Catholic parents and others who may have the fostering of religious vocations in their power. The loss in Lincoln was partially made up in some respects and more than compensated for, in others, by the coming, in the same year, of the Grey Nuns of Quebec, to take charge of the magnificent building which Bishop Bonacum had been engaged upon during a number of years for an orphanage. The Sisters were received with generous cordiality by the people of the capital city, regardless of creed. At first only one-half of the building was in use, but the rapidly increasing number of applications from all parts of the diocese, compelled the bishop, within a very short time of the opening, to finish it throughout. There are at the present time some eighty children sheltered within its walls. Outside

the city of Lincoln the cause of Catholic education was advanced by the establishment of schools in the following parishes: Nebraska City, by the Bernardine Sisters from Belgium; Hastings and Exeter, by the Dominicans from Springfield, Ky.; St. Mary, Johnson county, by the Felician Sisters of Milwaukee, Wis.; Paul, by the Franciscans of Milwaukee, Wis.; David City and Auburn, by the Sisters of Loretto from Kentucky; Assumption and Rulo, by the Sisters of the Precious Blood; Wahoo, by Benedictine Sisters of Atchison, Kansas.

Among the most powerful forces that the church manipulates in the pursuit of her mission are the religious orders. Their serried phalanxes press forward with patient and irresistible force where the solitary combatant often falls exhausted. They can afford to wait and abide their time often for long years, for though the man departs and dies, the order remains. The Benedictines and Franciscans had held outposts in the diocese from the beginning and Bishop Bonacum, realizing that their organization fitted them to tasks beyond the powers of the individual diocesan priest, had long had it in mind to induce some religious order to establish itself in the western missions. This purpose he at length achieved when in 1908 the Oblates of Mary Immaculate (O. M. I.) were induced to take charge of McCook and Campbell with their adjacent missions. About the same time the Fathers of the Precious Blood (C. P. P. S.) from Carthage, O., came to Nebraska City and assumed the care of both parishes — St. Benedict's and St. Mary's — with the obligation of looking after the scattered Catholics in many of the smaller towns around.

The Venerable Father Emmanuel Hartig, O. S. B., who figures from the beginning in this brief history and whose name is a household word among the Catholics of southeastern Nebraska, was beginning to feel the weight of his eighty years, and at length was compelled to lay down the burden of the active ministry, which he had borne for well-nigh half a century and to retire to the Benedictine Monastery at Atchison, from which he had set forth on his apostolic career

so many years before, there to end his days in prayer and meditation, surrounded by his brethren in religion. He was destined not to wait long for the final summons to his reward, which came on September 1, 1910, when he passed peacefully away full of years and labors. His remains were interred with monastic simplicity in the little burial ground of the monks of Atchison on one of the bluffs over-

looking the Missouri, whose waters lave the shores of the land that he loved and lived for and flow and will ever flow by the spot where all that is mortal of him awaits the final trump of doom.

The retirement of Father Emmanuel, who had been vicar general of the diocese almost from its inception, made it incumbent on Bishop Bonacum to cast about him for a successor to the venerable priest in this important dignity.

* Rev. Alois J. Klein, V. G., is the zealous and scholarly pastor of the Holy Trinity church at Brainard, Nebraska, and is widely known and much revered throughout the South Platte country of the state, not only for his learning and eloquence, but for his devout spirit and broad sympathies. His linguistic acquirements, edifying zeal, and straightforwardness that goes to the heart, make him an efficient worker in the arduous field of missionary life. He is still a comparatively young man, but his experience has given him the gravity of years, and there is a power in his speech that comes not only from the study of books, but also from a knowledge of men. A native of Bohemia and affiliated with the Roman Catholic church, he has chosen the life of a missionary priest among his people in the new world and upon their hearts his name is ineffaceably written.

Rev. Alois J. Klein is a native of the village of Frauenthal, near the famous town of Prachatitz, Bohemia, where he was born February 6, 1866. He is of Bohemian parentage, his father, John Klein, having been the proprietor of a water-wheeled linseed-oil factory, shingle mill, and the flour mill, "Paráda" on the banks of the brook "Zlatý potok," the mill having formerly been an "emphyteutic" holding.

He was given a good education in the German public school of his birthplace and in the German



*Alois J. Klein,
Vicar General,
Diocese of Lincoln, Nebr.*

school at Prachatitz, where he was thoroughly trained in the German language and common branches, and then manifesting marked ability he was sent to the Bohemian Gymnasium at Budweis. He entered this renowned institution of Bishop John Valerián Jirsík, of revered memory, in September, 1878, and for eight years followed its course, holding first place in his class during nearly all that time, and passing his graduating "examination of maturity," prescribed by the state, with the distinction of "summa cum laude."

In 1886 he became an alumnus at the clerical seminary in the same place, where he spent one year in the special study of theology and the Hebrew and Arabian languages. Unable to withstand the ever increasing desire to enter the alma mater in the capital city of Bohemia, he immediately afterwards matriculated in the theological faculty of the German University at Prague where he devoted leisure hours to the study of French and English. While there

he was engaged as a tutor in the family of Mr. Anton Šimek, a prominent wholesale dealer in the Villa Zvonarka.

And it was at Prague that he formed the determination to devote his life to missionary work among his compatriots in the new world, whither his parents with the other members of the family had already emigrated in 1881. With the consent of Bishop

The bishop's choice fell upon the Rev. Alois J. Klein, of Brainard, one of the prominent Bohemian priests of the diocese.* The appointment was made June 15, 1909. A more extended biographical notice of Father Klein is given below. Suffice it to say here that he is a gentleman, who, whilst his priestly labors have naturally and necessarily been chiefly

among those of his own race, who form such a large and influential element of our composite population, by no means permits himself to be narrowed by such circumstances, but is thoroughly American in his habits of thought, in his aims and purposes. Besides his native tongue he uses the German language with correctness and fluency and has a remarkable

Bonacum of Lincoln, Neb., he left in 1888 for Klagenfurt in Carinthia, where, under the direction of the Jesuits, with Benedictine Fathers as professors, he finished his studies for the ministry and was promoted to the priesthood by Dr. Joseph Kahn, prince-bishop of Gurk, June 15, 1889, a special dispensation being necessary on account of his youth.

year 1899, in which, through his endeavors, a new house of worship was erected.

February 11, 1901, he was placed in charge of St. Anthony's church of Bruno, Neb. During the time of his pastorate a new priest's house was built in Bruno at an outlay of \$2,400. The mission remained annexed to Brainard up to October 1 of the same year.

The young priest spent three months in his father's birthplace, Vítějice, Bohemia, and then came to America, first touching these shores October 31, 1889. He immediately reported for duty in Nebraska and was at once appointed rector of St. Wenceslaus' church at Wahoo, where in two years he paid off the last farthing of indebtedness on the rectory and erected an elegant new church building at a cost of \$7,000. He had charge of the missions of Brainard and Weston, visiting each once a month.

He then gave himself to the upbuilding and development of the mission of Dwight. The church was elegantly furnished throughout and improved to the extent of \$2,786, a number of Catholic benevolent societies were founded, for whose use a commodious hall was constructed in 1906. One acre of land adjoining the Catholic cemetery and three lots adjacent to the church were purchased in 1908 with an eye to future contingencies. A very fine residence in the proximity of the church was provided in the spring of 1910, as a rectory, with an outlay of \$3,500.

December 10, 1891, he was transferred to St. Ludmila's parish of Crete, but retained the charge of the missions of Brainard and Weston, occasionally attending the mission of Wilber. He extricated St. Ludmila's congregation from its embarrassing situation, both financial and otherwise, by paying off its outstanding debts, and restoring the confidence of its discouraged membership.

Simultaneously the efforts of Father Klein have brought about the establishment of a new mission in Bee in 1909 and the erection of a new church-building, costing \$11,000, in the year following.

With this satisfactory equipment both missions, Dwight and Bee, forming thereafter an independent pastorate, were turned over, in the fall of 1910, to Father M. Pazourek, then just ordained.

The mission of Brainard prospering greatly, Father Klein determined to make a parish of it, and in 1893 secured a handsome building for a new rectory, which has been elaborately furnished and the grounds beautified. September 5, 1893, he came to Brainard as its first resident pastor. The ecclesiastical precincts of the new parish included the mission of Weston, which he ministered to up to February 11, 1901.

At the present time (1911) Father Klein has under construction another new church, viz., in Loma, which will involve an expenditure of \$8,000. St. Luke's branch No. 69 of the Catholic Workman, which he had started in this lonely rural flag-station already in 1902, proved to be the nucleus of the present little, but stirring congregation.

His labors at Weston may briefly be enumerated thus: In 1891 he enlarged the church building to double its former size, at the same time furnishing and adorning the inside of it; two years later secured valuable additions to the church property there (five lots adjoining), started St. Mark's branch No. 26 of the Catholic Workman in 1896, the Young Ladies' sodality of St. Mary in 1898, St. Hedwig's branch No. 69 of the U. J. Z. A. in 1900, and completed the organization of the congregation. In the eleven years this mission remained in his care, its membership increased from 32 to 140 families.

Though Father Klein has rendered valuable pioneer work to so many mission movements, still his main work has thus far been found in the upbuilding of the Holy Trinity at Brainard, where he endeavored to embody his ideals and has poured forth lavishly the ardor of his youth.

When he assumed charge in 1889, he was confronted with an unplastered shell of a church building, which the twenty-eight members of the congregation had painfully built in 1888 and maintained during the hard years of the drouth. Though diminished in size twice, first in the south, by the creating of a new mission in Dwight in 1896, and second in the north, by the establishment in 1899 of a new parish church in Bruno, the Brainard congregation gradually recovered from the effects of the limitation of its sphere.

During a vacancy, in the fore part of the year 1895, the charge of St. Francis' church of Alverno, Neb., was assigned to him pro tempore.

After five years' stay in America he undertook a trip across the ocean to visit the Bohemian Ethnological exposition, which was held in Prague, Bohemia, in 1895. Upon his return he organized four branches of the Catholic Workman, viz., at Brainard, Weston (1896), Dwight and Touhy (1897), and in 1898 was elected state chaplain to this fraternal and benevolent association.

Taking up with enthusiasm the work to his hand Father Klein organized his people in various societies the most distinguished of which is that of the beautifully uniformed and accoutred Knights of St. George. The creation of the societies rendered necessary the provision in 1902 of a hall for their assemblies, which was so arranged as to be suitable for the parish library at a later date.

Presaging the outlook for greater things he started in 1896, occasionally celebrating week-day services in the public schoolhouse of Dwight, then tributary to his home church, and kept up the practice until the

When the people had thus been diligently prepared for further progress, the zealous pastor turned his attention to the church edifice itself which, though

command of English. His literary activity has been exceptional in his native tongue, and — though to a lesser extent — his pen is not unfruitful in the language of his adopted country. It may not be considered unworthy of the dignity of these pages to mention that he is looked upon as an authority among the devotees of bee and honey culture, which has been his idyllic recreation for many years.

The present year (1911) has been a memorable one for South Platte Catholics. On February 4th, the whole diocese was suddenly plunged in sorrow by the unexpected death of one who had guided its destinies for nearly a quarter of a century and who had been a main factor in all its activities during that time, his indomitable energy and perseverance inspiring priests and people. It was known to those of his immediate entourage that Bishop Bonacum's robust constitution had been showing the wear and tear of time and unintermitting labor for some years, but no one imagined that his

tastefully furnished, was by this time inadequate to the needs of the growing flock.

A vigorous campaign for funds was instituted, which culminated, after long and persevering efforts, in the face of much reluctance and even opposition, in the construction in 1906 of a stately brick and stone church, which, occupying a most slightly location, now is an ornament to the town. In size, magnificence, and the exquisite elegance of the interior, it takes rank among the most notable contemporary church buildings in Nebraska west of Omaha. The extreme dimensions are 52x120 feet, the main steeple, with its three musically harmonized bells, towering up in grandeur to a height of 109 feet. The aggregate cost of \$27,000 was all collected in the surrounding country. This imposing structure was dedicated by Bishop Bonacum June 30, 1909.

This brilliant achievement is a lasting monument to his devotion to the cause, he having attained the results by the hardest of hard work, undertaken not for the approbation of man, but to win from the Supreme Master the well-earned plaudit: "well done."

His ecclesiastical standing is illustrated by the fact that in the diocesan synod, held at Lincoln, Neb., February 17, 1898, from names proposed by election of the clergy, he was selected by the bishop as a member of the bishop's council and as synodal examiner of the junior clergy. In the same capacity he was confirmed in later successive synods, held in 1901, 1903, and 1906.

June 15, 1909, on the twentieth anniversary day of his ordination, he was appointed vicar general by Bishop Bonacum. Upon the bishop's demise he was named administrator of the Lincoln diocese, *sede vacante*, by the metropolitan, the Most Rev. Archbishop J. J. Keane, of Dubuque. His administration met with the express approval of the new ordinari, the Rt. Rev. Msgr. J. Henry Tihen, who was installed July 19, 1911, and who saw fit to retain him as vicar-general of the Lincoln diocese.

Father Klein is a hardworking and faithful priest,

career was so near its close till the end came all in one short week. He had been engaged since 1904 in remodeling the "Church of Christ" building at Fourteenth and K Streets, purchased at that time, and fitting it for use as a Catholic church. When the church was all but ready, his labors were brought to nought by a disastrous fire which left nothing of the original building standing but the graceful southwest spire. With characteristic courage the bishop set to work to pluck greater success from the very jaws of failure, and by the end of January of this year the work had once more been brought to the verge of completion. Bishop Bonacum was, however, denied the gratification of putting the finishing touch to this, his latest work. Stricken with pneumonia in the midst of his activities he succumbed after a week's illness, displaying to the last that grim determination and tenacity of purpose which was through life one of his salient characteristics.

Bishop Bonacum died on Saturday, Febru-

but he has found time to devote to the muses, and is favorably known in literary circles, both in this country and in Europe, by the contribution of poems and prose articles to the leading periodicals of the day, which have been recognized as replete with artistic feeling and couched in classical language. A collection of Bohemian poems, entitled: "From the Domain of the Prairie" ("Z oblasti přerijní"), is in manuscript ready for print (1911).

He has translated Washington Irving's work, *Alhambra*, and Charles Lamb's *Five Tales from Shakespeare* into Bohemian, and also from the German of Dr. Carl May *In the Still Ocean* (St. Louis, Mo., 1901). He was a welcome contributor to the *Ottů Slovnik Naučný*, the largest Bohemian encyclopedia, published in Prague, Bohemia, in 1908, and consisting of twenty-eight volumes.

During the last decade he has written several treatises in English on apicultural subjects, that have already made a name for him in the ranks of the beekeeping fraternity of the land.

Contributions from his pen were published in the columns of the *Rural Beekeeper*, *Beekeepers' Review*, the *American Bee Journal*, and the *Annual Report of the Nebraska State Board of Agriculture for 1911*. Frank G. Odell, secretary-treasurer of the Nebraska State Beekeepers' Association, pays him the following tribute on page 218 of the *Annual Report* above mentioned: At Brainard, in Butler county, is a clergyman of the Catholic church, who is known, wherever bee journals are read, as a scholarly exponent of the mysteries of the hive, the Very Rev. Alois J. Klein, vicar-general of the diocese of Lincoln. Father Klein makes apiculture his chief recreation from the exacting duties of his profession, and his success is only surpassed by the scholarly diction, with which he expounds his intimate knowledge of the *Apis mellifica*. The State Beekeepers' Association is honored by numbering this distinguished clergyman among its life members and as one of its honorary vice presidents.

ary 4, 1911, and on Sunday evening, in accordance with the procedure customary in such cases, the consultors of the diocese assembled in Lincoln to take the requisite steps in providing for the government of the diocese until a new bishop should be appointed. Upon their recommendation the archbishop of Dubuque, Iowa, upon whom, as metropolitan of the province, the duty devolved, appointed the vicar general, Father Klein, administrator of the diocese, *sede vacante*. This appointment was made February 6th, forty-eight hours after the death of the bishop, and the wisdom of the choice was attested by the prudence and tact, combined with firmness, which marked the five months of Father Klein's administration. He carried on the affairs of the diocese to the universal contentment of priests and people, and when the time came for him to relinquish the reins of authority into the hands of the new bishop, had the satisfaction of the latter's approval, who perhaps is better qualified than anyone else to speak with authority in the matter. The new bishop has since retained Father Klein in the office and dignity of vicar general, which ranks next to the position of the bishop, himself, in the diocese.

The obsequies of Bishop Bonacum gave occasion to a manifestation of the respect and esteem into which, through years of struggle and misunderstanding, he had won his way both among Catholics and non-Catholics. The remains lay in state for three days in St. Theresa's Pro-Cathedral. On Thursday, February 19th, a solemn high mass of requiem was sung by Bishop Garrigan of Sioux City, Iowa, in the presence of five other bishops of neighboring dioceses, of some ninety priests, and of the chief officials of state, county, and city. The funeral oration was delivered by Father Dalton of Kansas City, a life-long friend of the deceased. After the services in the church, the body was borne by a long and imposing cortege and amid the sympathetic silence of crowds which lined the streets, to its last resting place in front of St. Thomas's Orphanage, the most cherished monument, perhaps, of Thomas Bonacum's episcopal career.

The relinquished staff of episcopal authority was not left long lying on the ground. News of the appointment of the Rt. Rev. Monsignor J. H. Tihen of Wichita, Kansas, to the vacant see of Lincoln was received through the Associated Press on the morning of Thursday, May 11th. The consecration by Bishop Hennessey of Wichita, Kansas, took place in that city, July 6th, and the new bishop arrived in Lincoln Thursday, the 19th, 1911. The welcome accorded him by the citizens of Lincoln and Nebraska regardless of creed is still fresh in the minds of all. The throngs at the depot who patiently awaited the belated train bearing the prelate from Wichita to his new home, the packed church where the sacred function of his formal installation took place, and the enthusiastic crowds that ratified the welcome extended to him by the governor of the state and other civic functionaries at the meeting in the auditorium that evening, all went to show the good-will of the people not only towards the individual coming to occupy such an influential post in their midst, but towards the cause of religion which that individual was chosen to represent and will represent, we trust, for very many years to come.

The new bishop is a man in the prime of life, having first seen the light of day in Indiana fifty years ago. He is endowed with a magnificent physique, and a rugged constitution that fits him for tireless labor, which has been the lot of his priestly career and which his new position entails more than ever. It goes without saying that he is a man of exceptional ability, which has already displayed itself amongst his new neighbors through his eloquence in pulpit and on platform. He is eminently democratic and approachable and the favorable impressions made on first acquaintance are only strengthened by subsequent relations and further dealings with him. The citizenship of Nebraska in general and the Catholics of the Lincoln diocese in particular are to be congratulated on the accession to this position of one whose talents and attainments, whose earnestness and energy give promise of great services to be rendered church and commonwealth in the days that are yet to be.

GRAND ISLAND COLLEGE

Grand Island College is under the auspices of the Baptists of Nebraska. At their first state convention in 1867, with not more than half a dozen feeble churches of their faith in existence, the Nebraska Baptists passed a resolution looking toward the establishment of an institution of learning. They wanted a school that would train recruits for the evangelization of the world; where their young people, while preparing themselves for all forms of honorable service, would be educated in intelligent sympathy with their denominational life and work.

In 1880 a premature effort to establish an educational institution was made at Gibbon. The school was known as the Nebraska Baptist Seminary. It was a school of academic grade. It was under the direct control of the Nebraska Baptist state convention. The convention became responsible for its debts and maintenance. To found the school the village of Gibbon contributed a court house, which had come into its hands because of the removal of the county seat of Buffalo county to Kearney. The village contributed \$1,000 a year also, for three years, for instruction given by the Seminary to the Gibbon children above a certain grade. Rev. G. W. Read was the principal of the seminary. He employed five assistant teachers. The attendance of students at one time reached ninety. Eight persons graduated, three of whom became foreign missionaries. An agent was appointed to raise an endowment. He secured pledges for about \$6,000. What was paid on those pledges was used for current expenses. The struggle to maintain an existence lasted for five years. Then lack of confidence in the management, and lack of financial support, together with the decision of the denomination, put an end to the existence of the institution.

In 1884, even while the seminary was in operation, an education society was formed to bring about the establishment of a college under conditions that would augur success. This society became the delegated body of the whole denomination in the state. When the pur-

pose of the society to found a college became known, six cities competed for the location of the new school. The offer of Grand Island was considered the most substantial and desirable. The gift of this city was a campus of ten acres, two buildings, and several acres of city property, the whole gift being appraised at \$60,000. This college property passed from the hands of the local building committee to the Nebraska Baptist Education Society, thence to the American Baptist Education Society; thence to the trustees of Grand Island College.

The articles of incorporation provide that the trustees shall be twenty-one in number; that the board of trustees shall be a self-perpetuating body; that two-thirds of the trustees must be members of regular Baptist churches; that the president of the college, also, must be a Baptist. Aside from the provisions made with reference to the denominational relations of trustees and president, there are no restrictions made nor questions asked in regard to the denominational affiliations of teachers or students.

In October, 1892, Grand Island College opened as an academy under the presidency of Professor A. M. Wilson. Four instructors assisted the president. The first year was a disappointing one. It was generally expected by the denomination in the state, that the college buildings would be thronged with students the opening day. The school opened with thirty-two students in attendance. The enrollment increased to fifty during the year. The American Baptist Education Society, which represented in part the generosity of John D. Rockefeller, offered \$5,000 to the new college on condition that \$15,000 more should be raised in Nebraska by January 1, 1894. It was stipulated that \$10,000 of the total sum might be used for current expenses. At the close of the school year about \$6,000 of the \$15,000 had been subscribed. Then the financial secretary resigned in discouragement. Others connected with the college tried to complete the canvass for funds, but without success. The teachers were not paid;

they found other places for service for the year ensuing; the president resigned; the students scattered, not expecting to return.

In 1893 Professor George Sutherland,* of Ottawa University, was called to the presidency and continued in this office for eighteen years. At the time of his coming the panic of 1893 was in full blast. The college owed \$6,000, with some of the creditors clamoring for their money. The new president secured a new faculty; the school was changed from an academy to a college. The college opened with forty students in attendance; twenty-five additional students enrolled during the year. The most important thing attempted was the completion of the endowment effort. Of the \$9,000 needed to complete the \$15,000, \$6,000

* George Sutherland was born in St. George, New Brunswick. His parents were of Scotch ancestry. When he was six years of age the family moved to Eau Claire, Wisconsin. This has been the family home for more than half a century. Here the father and mother celebrated the sixty-third anniversary of their marriage, at which all the children, nine in number, were present.

George Sutherland received his academic training in the Methodist Seminary in Eau Claire, taught for several years in rural schools, and entered the freshman class of the old University of Chicago in September, 1870. He here took a prominent part in college activities, was a member of the Delta Kappa Epsilon fraternity, won honors as writer, debater, and orator, was the leading editor of the college paper, was senior president of his class, ranked high among university scholars, and worked his way through college. He graduated in 1874, receiving the degree of A. B. Three years later he graduated from the Baptist Union Theological Seminary, was ordained in June, 1876, as a minister of the Baptist church. On September 27, 1877, he was married to Miss Lizzie T. Pickett, of Chicago. They have seven children, four sons and three daughters. The five oldest children have already graduated from college; the two youngest are just finishing their college course. The oldest, Dr. Arthur H. Sutherland, is associate professor of psychology in the University of Illinois.

President Sutherland spent a short time in ministerial work, having successful pastorates in Deer Creek and Mionk, Illinois. In 1881 he turned his attention to educational work and became professor of Greek and philosophy in the Nebraska Baptist Seminary at Gibbon. At the same time, he was editor of the *Nebraska Visitor*, which later developed into the *Western Baptist*. In 1884 he moved to Ottawa, Kansas, to occupy the chair of Greek and philosophy in Ottawa University. He took a prominent part in the management of the school and for four years was its acting president. During this period a \$20,000 building was erected; \$45,000 was added to the endowment by the sale of property; an endowment effort, which resulted in \$35,000 more, was success-

fully pledged in one evening at a Baptist state convention in Lincoln. With the enthusiasm generated by this success, it was not difficult to raise the remaining \$3,000. Little of the amount raised at this time could, by the terms of Mr. Rockefeller's offer, be used for current expenses. The most of it was set aside to become the nucleus of an adequate endowment. In scoring this success the college made the record of being the only college in the United States and Canada, working at that time under an offer of the American Baptist Education Society, that raised what it set out to raise within the stipulated time. Every other college thus working asked for an extension of time.

The year 1894 was in most respects a crucial

fully begun; the attendance was increased and confidence in the institution was established. At this time also he was educational secretary of the Kansas Baptist state convention, and was an active member of the Kansas Literary Society. Shortly after leaving Ottawa the university conferred on him the degree of Doctor of Divinity.

In 1893 Dr. Sutherland was called to the presidency of Grand Island College. The college was one year old, but that year had been one of discouragement. There was a debt of \$6,000; an effort to raise an endowment had failed; the financial secretary and president had resigned. A faculty was chosen, \$20,000 was raised, one-half for endowment, and the spirit of confidence took the place of doubt. The eighteen years of his arduous presidency were filled with successful efforts to increase the endowment, enlarge the attendance, increase the equipment, and add to the buildings. His active presidency of Grand Island College closed June 6, 1911. In accepting his resignation the trustees elected him president emeritus and described his presidency as "years of service, courage, and inspiration," whose results appear in endowments, buildings, and other property, amounting to \$200,000, and over 2,000 young men and women students whose lives were shaped during those years. In athletics, in scholarship, in oratory, and in morals the college has ranked among the first in the state.

In addition to his service to the college Doctor Sutherland was chiefly instrumental in bringing about the organization of the college presidents of Nebraska, and the organization of the Baptist College Presidents of the Missouri Valley. He was for many years the western correspondent of the *New York Examiner*, was an influential member of the board of managers of the Nebraska Baptist state convention, was a member of the executive committee of the anti-saloon league and of the prohibition party, was at one time the president of the prohibition state convention, was a member of various clubs and organizations, such as the American Economic Association, the Baptist congress, the congregation of the University of Chicago, and its committee of one hundred. He delivered many addresses on educational subjects.

one. It was the year of the drouth; the year in which the generosity of the east sent its carloads of provisions to meet the destitution of Nebraska. There were few students in the college, few contributions came from the Baptist churches of the state, and practically no income from endowment. The trustees refused to add another teacher to the small faculty, that the president might be free to seek money for the maintenance of the school. Some of the leading members of the denomination took measures to close the institution. In this crisis the president and two of the professors offered to become responsible for the payment of the salary of another teacher, if the financial plan of the president should not prove a success. The trustees accepted the sacrifice. The president and the pastor of the Grand Island Baptist church went as solicitors to Illinois and other states. They were generously received, money was cheerfully contributed to meet the college indebtedness and to defray the current expenses. The school was continued, confidence in the administration was strengthened, and the educational enterprise took on new life.

In 1896 another effort was made to increase the endowment. During the summer of 1895 the president visited many cities, in many states, and concluded that the east would again help the institution if its needs were strongly presented. At the close of his investigations he called on the secretary of the Education Society and the private secretary of Mr. Rockefeller, and received from them assurance of assistance. The college thereupon received a grant of \$7,500, conditioned on its raising the supplementary sum of \$17,875. To assist in securing this amount the Rev. Dr. A. S. Merrifield was employed as financial secretary. Dr. Merrifield was indeed an apostle of Christian education. He solicited for the college for eleven years and raised altogether, for all purposes, generally in small amounts, over \$100,000. He and the president working together succeeded in raising the amount necessary to secure Mr. Rockefeller's benefac-

tion together with other important gifts for current expenses and equipment.

Another campaign for endowment was made in 1900. The amount sought was \$35,000. The American Baptist Education Society, among its last gifts before going into commission, pledged \$10,000 on condition that the supplementary sum of \$25,000 should be raised in Nebraska. The campaign for this sum was largely in the hands of Dr. Merrifield. Excepting the city of Grand Island he canvassed the whole state and secured \$15,000. Grand Island alone contributed \$11,000. If there had been no shrinkage in the pledges made during the four campaigns, the endowment in 1901 would have reached \$70,000.

During these trying years several gentlemen of means became interested in the institution, chiefly on account of its successful struggles to maintain an existence. Mr. J. V. Hinchman, of Iowa, bequeathed \$10,000 for endowment and instructed his executor to pay this sum to the college at his death or as soon thereafter as all the college debts were paid. To assist in paying these debts, which now amounted to \$15,000, Mr. L. B. Merrifield, of Illinois, pledged \$10,000. On receipt of this gift the bequest of Mr. Hinchman was secured. Struck with admiration for the institution that could live and thrive during the strenuous years between 1892 and 1901, Mr. John A. T. Hibbs, of Omaha, gave the college cash, bonds, United States certificates, and well located Lincoln lots to the amount of \$15,000. The generosity of Mr. Hibbs made possible the construction of Hibbs Hall. Other men of means in Nebraska and elsewhere have made Grand Island College a beneficiary in their wills. If these wills, which are not probated, shall yield a percentage equal to those that have already been probated, the future of the college will be very bright indeed.

The college has four buildings. The administration building is a commanding brick structure, three stories high. It has twenty-seven rooms, which are utilized as follows: two offices, eighteen recitation rooms or laboratories, one chapel, one society room, three

rooms donated to the library, one museum, and two store rooms. Hibbs Hall is 56 feet by 140 feet. It has a spacious dining room, many rooms in the basement for provisions, rooms for one hundred girls besides the parlor, and rooms for the matron and household servants. Grand Island Hall is capable of accommodating fifty boys. These dormitories have hot and cold water, electric lights, and other modern conveniences. The boiler house is a brick structure and in addition to furnace and coal bin, contains the headquarters for the water, light, and heating systems.

The greatest present need of the college is a library building to properly house and utilize the 10,000 books which the library contains. To supply this need application was made to Mr. Andrew Carnegie for a new library building. Mr. Carnegie offers to give the college \$20,000 for a new library building on condition that the debts of the college be paid and that an additional \$20,000 be raised and set aside to endow the library. The debts of the institution according to the last annual report, amount to \$32,000; \$72,000 including Mr. Carnegie's gift, will therefore be required to enable the college to come into possession of the library building. But the college aims at larger things; it has planned to reach \$100,000. In June, 1911, \$60,000 of this amount had been subscribed; October 1st, \$26,000 more had been pledged. There is at this writing little question that the entire \$100,000 will be raised. This amount will provide for the college, not only a library building, but increased facilities and a larger endowment.

The professors and instructors have been for the most part, young men and women, recently graduated from college. With the limited salaries which the trustees could, at first pay, it was not possible to secure as teachers, men of large experience and commanding ability. The trustees refused to employ men of inadequate scholarship and of ripening years, but chose as instructors young men of little teaching experience, yet of fine intellectual preparation, high ambition, and persistent industry. In more recent years, with

larger resources at hand, the trustees have employed professors of greater maturity, yet it is a question whether the meager salaried young men of the earlier years have not done quite as much to give the college a reputation for high scholarship, as the higher priced professors of more recent years. The average number of teachers in the faculty during the past nineteen years has been twelve. Their various terms of service are as follows: one for eighteen years; one for nine years; three for seven years; one for six years; one for five years; six for four years; ten for three years; nineteen for two years; and twenty-eight for one year.

Up to June 6, 1911, 2,234 different students were enrolled in the institution and are credited to the following departments: college, 233; academy, 697; normal, 247; commercial, 269; music, 750; art, 49. How long each of these students remained in school would be difficult to compute. On the average 117 new students enrolled each year. Excluding music students, the yearly enrollment of college students has been about 175. Including music students about 225 have attended the various departments of the college. The conservatory of music attracts large numbers, but it does not seem to be vitally connected with the rest of the school and its increase does not greatly increase the prosperity of the college.

The grade of college work has always been high. Few electives have been offered, and those in the closing years of the course; the courses of study are prescribed. They are such as most of the up-to-date professors now commend. The work of the college is accepted at par, at the best universities of the country. No student making application for a state certificate on the basis of the University of Nebraska has ever been refused by the state department of education. The first Rhodes scholar from Nebraska was a student of Grand Island College.

The literary societies give to their members opportunity to acquire facility in ready and effective speech. No secret societies exist in the school and therefore the open societies

represent the intellectual energies of the students. Much attention is given in the English class room to the foundation of victory in debate. One of the ablest professors usually guides the volunteer work of the debating teams. The preparation for each public contest is long and severe. Intense interest is taken in the annual inter-society debates. In the inter-collegiate debates thus far held eight have been won by Grand Island College and one each by Nebraska Wesleyan, and York.

Considerable attention has been given to oratory. The college is a member of the Nebraska Oratorical Association and of the Prohibition Oratorical Association. In the annual oratorical contest of this league, Grand Island College has won an honorable place. In the oratorical contests of the past fourteen years Grand Island College has won the first place once, the second place five times, the third place four times, the fourth place three times, the seventh place once. In the contests of the prohibition league the college has won two firsts in the state contests and one second in the inter-state contest.

The religious influences are strong and pervasive. They were at first represented by a Christian association. After a few years this association differentiated into a Y. M. C. A. and Y. W. C. A. Volunteer mission bands sprang up among the students; a well selected mission library was secured; strong mission classes were organized and instructed. The religious meetings have been well attended. The day of prayer for colleges, so long a marked feature of the Christian school in America, has been a veritable decision day for many a student, and has left a lasting impression upon his life. The results of these religious forces and influences are seen in the scores of graduates and former students who have carried their religion into the ministry and into business and into all the professions.

Athletics have not been a prominent feature of college life; but have occupied a place of considerable importance. Teams for the playing of football, baseball, basketball, and track athletics have been organized and

trained. These games are played under the rules of the Nebraska College Athletic Association. The college has no gymnasium, but has set off spacious grounds for physical recreation. As a rule no paid coach is employed; better results have seemed to come from the unpaid services of professors. Occasionally the college has sent out a winning team, but frequently the rigid class-room requirements have put out of the game the men who perhaps might have won the victory for the school.

The college alumni are regularly organized for special and practical purposes. They have an annual banquet and business meeting. They contribute regularly and generously to aid in meeting the expenses of their alma mater. They have made generous donations for the purchase of books for the library; they have stimulated athletics by offering attractive prizes to successful competitors; they have taken a prominent part in the financial campaigns for increased endowment and additional buildings; they have sent many students to the halls of their alma mater; they are found for the most part in business and in the professions, and are working their way toward the top.

Grand Island College has been maintained and is being enlarged by the Baptist denomination in Nebraska, which in 1911 numbered 18,000; by the citizens of Grand Island, who have always shown conspicuous generosity toward the school; by an increasing number of men and women in various states who, interested in Christian education, are making provisions for Grand Island College by bequests and special gifts; by such philanthropists as Andrew Carnegie, and John D. Rockefeller, who remember the school occasionally by comparatively small benefactions. All these, working together, have maintained the college and have, up to June, 1911, made contributions for its work as follows: Endowment, \$75,706.15; buildings and campus, \$94,400; library and scientific equipment, \$9,434.30; besides notes, which will soon be due, amounting to \$56,384.10. But Grand Island College still

waits for a large gift from some large-hearted, broad-minded, and wealthy benefactor.

HISTORICAL SKETCH OF HASTINGS COLLEGE

BY P. L. JOHNSON

The crossing at Hastings, Nebraska, of two railway lines leading to Kansas City and Omaha marked the geographical point in the year 1873 towards which interest in a wide territory was at once directed. It was in that year that the unorganized Presbyterian church in Nebraska began to formulate plans for its part in the educational and religious development of the state. A Presbytery was organized covering all the territory west of York county, and designated as Kearney Presbytery. At the meeting for organization a college was proposed and the location at Hastings was decided upon, and a committee appointed to at once proceed with the organization of a college at Hastings. This committee secured pledges of money and grounds for the site of the institution. In the following year the Presbyterians of the state organized the Synod of Nebraska at Nebraska City, October 3, 1874. The overture from Kearney Presbytery in regard to the college at Hastings, was favorably received and Synod agreed by resolution to extend moral support in the undertaking and to consider the claims of the institution as the first in case Synod founded a college. The board of trustees of Hastings College was constituted in November, 1874, with the Rev. Jas. A. Griffes, president; J. S. McIntyre, vice president; A. L. Wigton, secretary, and Samuel Alexander, treasurer. The construction of buildings for the college was delayed because of the ravages of grasshoppers, and general financial depression. Doubt as to the development of central and western Nebraska arose in the minds of Synod during the years 1874 to 1880, and caused fear in regard to the support of a college centrally located in the state and plans were approved for the establishing of a college in the eastern end of the state. The friends of the cause, however, were entirely unwilling to abandon their

plans and with true pioneer spirit the establishment of the institution was pressed until the organization was complete and faculty and students met for actual work in temporary quarters in September, 1882. It is no more than just to speak in the highest terms of commendation of the spirit and enterprise of the men who desired in this way to express their purposes for the development and growth of the state and who with great fortitude founded Hastings college. Among the men to whom we are indebted may be mentioned the Rev. Jas. A. Griffes, home missionary and synodical superintendent; the Rev. Nahum Gould, graduate of Amherst College, of Kearney, convener of the first meeting of the Nebraska Synod at Nebraska City; Mr. A. L. Wigton, of Omaha; Mr. Samuel Alexander, of Hastings; Rev. John Fleming, of Kearney Presbytery; Rev. David S. Schaff, D. D., now of Western Theological Seminary, Pittsburg, and in the early days pastor of the Hastings Presbyterian church.

The first building at Hastings was constructed in 1883 and designated McCormick Hall, in recognition of the gift of \$5,000 by Cyrus McCormick, Sr. The building was constructed at a cost of \$15,000, and was immediately followed by the construction of a second building at a cost of \$17,000. These substantial structures represented the generosity of those who were interested in the movement and gave to the institution comfortable quarters for a well directed college work.

An institution entirely dependent upon the voluntary contributions of friends may expect times when faith will waver and plans be delayed. The highest compliment that can be paid to the founders and friends of Hastings College is to record the fact that the institution went steadily forward from the opening in the fall of 1882 until the present, passing through the stress of the panic of 1893 and the entire crop failure in fifty counties of Nebraska in 1894 — financial conditions which swept out of existence five other colleges west of the sixth principal meridian, and as President Ringland states, "left the field cleared of ex-

periments in that direction." Because of its geographical position and because of its early organization and pioneer history, Hastings College has been very appropriately designated as "The College of the Plains."

Before the trying times above referred to, the college passed through even more severe tests in the eighties. Without endowment, the heavy expenses of conducting a college brought an ever increasing debt until outstanding obligations approximated the total value of the plant and the trustees were face to face with financial ruin. In that hour of seeming defeat there came upon students, faculty, and officers, a deep sense of loss, and gradually a quiet, undaunted spirit of devotion, such as has marked many a crisis in human affairs. At length, on the day of prayer for colleges, January 22, 1889, every hour of the twenty-four in that memorable day was a vigil of prayer. The Rev. Dr. Ganse, of Chicago, was the chief speaker of the day. He at length on the following day gave hope that he could secure from the widow of Mr. Cyrus McCormick, Sr., \$15,000 of endowment on condition that the entire debt of the college be first removed. The board of trustees was in session the entire day and at length devised plans whereby an effort was made to raise the indebtedness at once. The citizens of Hastings responded to the appeal made to them in a remarkable manner, providing within a few days the entire amount, \$37,000. During these early years of the college the Rev. Wm. F. Ringland, D. D., was for thirteen years the president and faithful leader in carrying the institution through every experience and succeeded in placing it upon a secure foundation. Dr. Ringland, Hon. J. B. Heartwell, president of the board of trustees, Hon. A. L. Clarke, Mr. Robert Brown, Mr. Oswald Oliver, Mr. A. L. Wigton, and other members of the board served the college with the greatest fidelity.

In recent years the college has advanced to a conspicuous place in the educational work of Nebraska. Under the presidency of Rev. E. Van Dyke Wight, D. D., from 1902 to 1907, the matter of securing endowment was pressed

until \$120,000 of invested funds are now in possession of the college. Because of the vigor of the endowment effort and on condition of its success, Mr. Andrew Carnegie promised an additional sum of \$20,000 for a new science hall and library building. Meanwhile a new and commodious dormitory for young ladies was built by additional subscriptions among friends. Recently the students have built a new gymnasium and athletic field under the leadership of Mr. P. L. Johnson, treasurer of the college.

The college has therefore developed until it has above two hundred and thirty thousand dollars of property and endowment. The grounds are most beautifully situated adjoining a city park and the golf grounds of the country club, and have an extent of 25 acres. The four buildings are substantial and the grounds artistically laid out and beautified with shade trees, walks, and drives. The library and scientific equipment is substantial and rapidly becoming extensive and thoroughly up-to-date, the new Carnegie science building being modern and suited to its purpose.

At the close of Dr. Wight's administration in 1907 Archelaus Ewing Turner, LL.D., was called from the presidency of Trinity University, Texas, to become the president of Hastings College. He brought to the institution wide experience as an executive and a ripe scholarship. Under his direction betterment and progress are manifest. The character of the institution has always been in accord with the best traditions and ideals of the American college of liberal arts, and the work of fortifying and extending its influence and efficiency is receiving such attention in the administration of President Turner that already the institution has passed out of the pioneer stage into an established work of broad educational usefulness in the state.

In addition to the regular college courses of four years, leading to the degrees of Bachelor of Arts and Bachelor of Science, the college maintains a preparatory course from which students are accredited for entrance to the freshman class in any American college or uni-

versity. The college distinctly disclaims any desire to be known as a technical school or university, but does propose to be a thorough American college of the best type, believing that to be the greatest need of the cause of American scholarship and citizenship.

The college is co-educational, believing "that there is no good reason why young women should not enjoy the same advantages and opportunities as those offered by the colleges of the country to young men," and knowing it can be shown that "the contact of students of both sexes in the class room and general college exercises has proven to be a source of mutual restraint and inspiration."

The location of the college in the state is central and accessible by railroad service over ten lines of road. The city of Hastings is known throughout the west for its enterprise, its beautiful homes, parks, and public buildings. The community is one of exceptional literary, social, religious, and musical culture. The conservatory of music connected with the college under the direction of Prof. Richard E. Yarnley, of Chicago, and his corps of assistants has no superior in the state, if indeed outside of the great musical centers of the country. Every advantage of recitals and lectures is provided in lecture courses and chautauqua programs.

SEVENTH-DAY ADVENTISTS

CONTRIBUTED BY ELDER A. T. ROBINSON, COLLEGE VIEW, NEBRASKA, PRESIDENT NEBRASKA CONFERENCE, 1903-1910

In the great religious awakening of 1883 and 1844, thousands of devoted people in nearly all the great religious bodies united in the belief, based upon the study of the prophecies, that the great prophetic period noted in the 14th verse of Daniel, the 8th chapter, and alluded to in many other prophetic scriptures, would terminate in the autumn of 1844. It was confidently proclaimed to the world that then the second advent of the Son of man would take place.

As this time passed by and the expectation

of this hope was not realized, it was discovered that a mistake had been made in the nature of the event which the prophecy declared would take place at the close of Daniel's twenty-three hundred year period. Not the second coming of the Saviour, but a special work of preparation for His coming, was to begin at that time. It was found that a message of reform, calling the attention of the world to the fact that God's law of ten commandments, as spoken amid the grandeur of Mount Sinai, had been changed; or rather that this law is unchangeable, but man's practice and relationship to it had been changed. In place of the Sabbath enjoined in the fourth precept of the decalogue, a day of human invention, to which no divine sanction has ever been given, had been substituted.

Captain Joseph Bates, a retired sea captain, living in the city of New Bedford, Massachusetts, was the first man who adopted this view. He had spent a fortune in helping forward the proclamation of the Advent message. In 1845, soon after the great disappointment, without money, without literature, without facilities of any kind, this one man started out with the conviction upon his soul that a worldwide Sabbath reform movement must be carried forward in all the world, prior to the close of human probation and the second coming of Jesus Christ. He applied the prophecy in the 10th chapter of Revelation, under the symbolism of the eating of the little book, which was sweet to the taste, but after being eaten became very bitter, as a prophecy of the experience through which the Advent believers had then recently been passing. He applied the closing verse of that chapter, "Thou must prophesy again, before many peoples, and nations and tongues, and kings," as a divine command that another message was to be carried to every nation, kindred, tongue, and people.

Sixty-six years ago, therefore, Captain Joseph Bates was the only representative in the world of the people who, a few years later, adopted the denominational name Seventh-day Adventists. From that humble beginning believers began to multiply, churches were built

up; conferences were organized, comprised of the churches in a given state or country; union conferences were formed, comprising groups of local conferences; and in the year 1863 the general conference was organized, comprising the believers in the whole world.

From the twentieth annual year book of the Seventh-day Adventists, published at the beginning of 1911, the date when this article is written, we take the following statistics of the numerical, institutional, and financial strength of the denomination. Total number of union conferences, 21; local conferences, 104, with 72 mission fields not organized into conferences. The total membership of the denomination in the world is 100,931.

The work of Christian education has ever been recognized by this people as a strong factor in building up the work of the denomination. While recognizing the untold blessing conferred upon us by our great and grand public school system, the leaders in this movement early recognized that if our youth and children were to be saved from drifting into worldly channels and thus being lost to the denomination, they must be surrounded with educational advantages equal, if not superior, to those offered in the public schools of the country. At present Seventh-day Adventists own and operate 83 colleges and academies, and 579 church-schools, employing a total of 1,172 teachers, and having a combined enrollment of 18,370. They have invested in college, academy, and intermediate school buildings the sum of \$1,843,394.09.

The publishing work of the denomination which also began in an exceedingly small and humble way has grown to large proportions. Twenty-seven publishing houses, among which are numbered some of the most thoroughly equipped and up-to-date denominational publishing concerns in the world, are owned by the denomination, with more than one million dollars invested capital. More than six hundred persons are employed in these publishing houses, and one thousand, six hundred and sixty persons are regularly employed in the circulation department. One hundred and twenty-six monthly, semi-monthly, and weekly

publications are issued in thirty-two languages. Books, tracts, and pamphlets are issued in sixty-seven different languages.

In the directory of medical institutions, 78 sanitariums and 40 treatment rooms are listed, with which are connected 1,063 regular physicians and trained nurses. There is invested in these sanitariums, \$3,261,181.14. The total amount invested by the denomination in public buildings and equipment, including 1,246 church buildings, is over \$7,000,000.

The scriptural method of devoting one-tenth of one's income to the support of the gospel is generally adopted by the members of this denomination. From this source alone there flowed into the treasury during 1910, without the money ever being asked for, the sum of \$1,218,243.46. The money given in free-will offerings added to this makes a total of all funds raised for evangelistic work during 1910, \$1,984,557.15.

CAMP-MEETINGS

For about thirty-five years the holding of camp-meetings has proven the most successful means of reaching large numbers of people. In many places these gatherings as conducted by this people have become popular and many thousands of people attend these annual convocations and listen to their leading evangelists. More than one hundred meetings were held in the United States last year.

IN NEBRASKA

Prior to 1878 the work of the Seventh-day Adventists in Nebraska was under the jurisdiction of the Iowa conference. In that year the Nebraska conference was organized at a camp-meeting held at Seward. The newly organized conference struggled with poverty and other obstacles for several years. The first camp-meeting was held in Fremont in 1877, since which time similar gatherings have been held in different parts of the state.

The Nebraska conference now comprises 51 organized churches, and 6 unorganized companies of believers, with a membership of 2,551. There are 34 church buildings in the conference, valued at \$55,800.00, upon which there is no indebtedness. There are 35 min-

isters and Bible workers in the employ of the conference, and 22 church-school teachers. The ministers are all evangelists. The churches have no settled pastors, but each church is so organized that it becomes an active missionary agency, having its own local officers.

The amount contributed by the membership of Nebraska in 1910, for evangelistic work, was \$62,350.35, being \$24.44 per member.

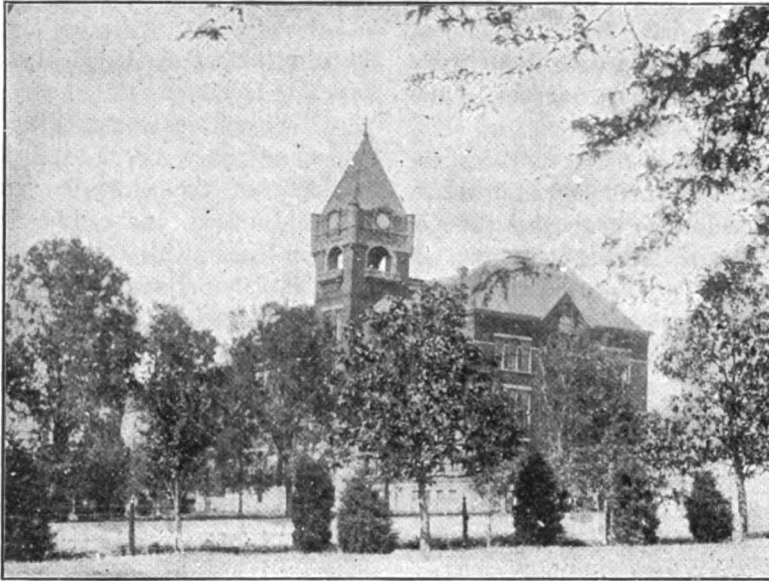
INSTITUTIONS IN NEBRASKA

At College View, a suburb of Lincoln, is located Union College, the largest educational institution owned by the denomination; the Nebraska Sanitarium, a flourishing medical institution, established in 1894, in which over

well Park lake, in the northeast part of the city, where a conference office building, a church edifice, and a sanitarium building were erected, at a cost of \$47,000.00. Twelve substantial residences have also been built in close proximity to these institutions, in which those connected with the work reside. An intermediate school is conducted at Hastings, which in 1910 had an enrollment of seventy students.

HISTORICAL SKETCH OF UNION COLLEGE

Educational work among the Seventh-day Adventists in the Mississippi Valley began with the "Minnesota Conference School," at Minneapolis, in the fall of 1888. This school was held three years in the basement of the Seventh-day Adventist church at the corner of



UNION COLLEGE

six hundred patients were treated during 1910; the International Publishing Association, from which is issued ten regular periodicals, also books, tracts, and pamphlets in six different languages. Owing to the work of these institutions, the College View post office ranks fifth in Nebraska in respect to the amount of second class mail matter sent out.

In 1907 the Nebraska conference headquarters were removed from College View to Hastings. A location was selected close to Heart-

Fourth avenue and Lake street. It enrolled each year over one hundred young men and women as students. From the first, the accommodations were too small and were otherwise unsuitable, hence a council was held at Owatonna, Minnesota, May 20, 1889, to plan for better facilities. This meeting was attended by Professor W. W. Prescott, president of Battle Creek College and educational secretary of the denomination; Pastor A. J. Breed, president of the Wisconsin conference;

Pastors W. B. White and N. P. Nelson, from Dakota; Pastors H. Grant, Allen Moon, and F. L. Mead, representing the Minnesota conference; and C. C. Lewis, principal of the Minneapolis school. At this council it was recommended that the several conferences of the northwest unite in establishing and maintaining a well equipped and centrally located school, and that a committee be appointed, consisting of two members from each conference, with power to act in the matter of building and opening such a school. The committee was called to meet again at Owatonna in July, 1889.

The meeting thus appointed was not held. Before the time arrived, the idea had entirely outgrown its original form. At a meeting held at Lincoln, Nebraska, a few weeks later, a larger council recommended the establishment of an educational institution of college grade which would serve all the conferences of the Mississippi Valley.

At the annual session of the general conference held at Battle Creek, Michigan, in October, 1889, it was decided to establish a college, under the auspices of the denomination, at some point between the Mississippi river and the Rocky mountains. A committee was appointed to select a suitable location. Invitations, accompanied by promises of a substantial bonus, were received from various cities in Iowa, Missouri, Kansas, and Nebraska. The committee spent some time in investigating these places, and considering the advantages offered. While the question of a central location with reference to the territory from which the patronage was expected was regarded as an important one, there were other considerations also that were deemed to be weighty. The general atmosphere of the community and its attitude toward education in general are important features in deciding a question of this character. It was found that while Lincoln was comparatively a new city, it was at the front in its efforts to advance the well being of its citizens. Its substantial school buildings, its many and well built churches, and the fact that it was the seat of three uni-

versities already, with a prospect that this number would soon be increased, testified to the interest of its citizens in education and religion. These considerations, together with the hearty interest shown in the project by leading citizens and the offer of very substantial aid, led the committee, at a meeting held at Knoxville, Iowa, June 28, 1890, to determine upon the city of Lincoln as the location of the new institution, which was afterwards named Union College. The citizens of Lincoln and vicinity donated three hundred acres of land, three and three-fourths miles southeast of the state capitol, and the general conference association of Seventh-day Adventists gave a bond of one thousand dollars to erect, by July 1, 1911, buildings to cost not less than seventy thousand dollars. The raising of funds and the erection of the buildings were under the direction of A. R. Henry, agent and attorney-in-fact for the general conference. W. C. Sisley was the architect and superintendent of the work. Pastor J. P. Gardiner, president of the Nebraska conference, and J. M. Morrison, one of the first builders at College View, with others too numerous to mention, labored strenuously for the success of the enterprise.

On April 10, 1890, ground was broken for the main college building, and on May 3d the first stone was laid. There were many difficulties in the way, but all were overcome, and the buildings were ready for dedication September 24, 1891. On that occasion the chapel, with a seating capacity of five hundred, was filled to overflowing with citizens from Lincoln, College View, and the surrounding country. Pastor O. A. Olsen, president of the Seventh-Day Adventist general conference, presided, and opened the exercises with prayer. Professor Wm. P. Aylesworth, of Cotner University, conducted the scripture reading. W. S. Siley presented to the trustees the keys of the college buildings, accompanying the presentation with a history of the work of building. A. R. Henry, on the part of the trustees, received the keys and responded in an appropriate address. The chief address of the

occasion was delivered by Professor W. W. Prescott, the first president of Union College. In this address he emphasized the three leading features of Christian education as consisting of the study of God's word in the revelation of the Bible, the study of His works in nature, and the study of His dealings with men and nations as revealed in history. Chancellor James H. Canfield, of the University of Nebraska, followed with an appropriate speech of welcome, delivered in his happiest manner. The dedicatory paper was offered by Pastor Uriah Smith, editor of the *Review and Herald*, Battle Creek, Michigan, and the benediction was pronounced by Pastor W. B. White, president of the Nebraska conference.

The first board of managers and the first faculty of Union College were as follows:

Board of managers: A. R. Henry, president; W. C. Sisley, secretary; W. B. White, J. P. Gardiner, J. H. Morrison, A. J. Breed, W. W. Prescott. Faculty: William W. Prescott, president; James W. Loughhead, principal; Charles C. Lewis, higher English and Hebrew; E. L. Stewart, mathematics; John A. Bobbs, biblical history and literature (died the day before school opened); C. Walter Irwin, Greek and Latin languages; George A. Droll, natural sciences; Joel C. Rogers, general history; O. A. Johnson, Scandinavian department; Professor Severin, German department; Ida E. Rankin, preceptress; Mrs. Cora M. Loughhead, assistant in English language; Mrs. Lydia M. Droll, assistant in Latin; Angelia Washburn, assistant in mathematics; Effie M. Rankin, superintendent of domestic department; Alma J. Warren, physical culture; Lars Nelson, steward.

LOCATION AND BUILDINGS

When Union College was founded there were only two or three farm houses in the vicinity, and no trees but a few locusts and cottonwoods on the campus. Now College View is a pleasant village of about seventeen hundred inhabitants, well shaded with fruit and ornamental trees. It is far enough from the city to avoid its noise and smoke and excitement, yet near enough to obtain its benefits.

By its charter no saloon can ever be erected, nor intoxicating drinks be sold, within its limits. Electric cars run between the campus and Lincoln, thus connecting sufficiently the village with the city.

The college campus consists of twenty-two acres upon elevated ground, commanding an extensive view in every direction, and overlooking the city of Lincoln. The grounds have a natural slope, thus affording perfect drainage, and are carpeted with blue grass and clover sod, dotted with trees, thus producing a restful and pleasing effect. The main building stands well forward in the midst of the campus, and is flanked by North and South Halls, retiring modestly a little to the east.

The main college building is 80 x 140 feet, four stories in height. It is surmounted by a tower, which was furnished by the students with a two thousand pound bell. North Hall is 130 x 68 feet, four stories in height. South Hall consists of the main part, 38 feet square, with two wings, each 36 x 60 feet. All of these buildings are veneered with pressed brick, and have stone basement and trimmings, and no pains have been spared to render them well adapted to the purpose for which they were designed. Special attention has been paid to the matter of heating and proper ventilation and to other sanitary conditions. The buildings are heated by one centrally located boiler house, a building covering about one hundred feet square, with laundry and electric light plant all under one roof. The class rooms of the main building are large, well lighted, and steam heated. The chapel is a beautiful room, seated with opera chairs, with accommodations for about five hundred students. In the main building, besides chapel and class rooms, are the business office, president's office, the faculty room, laboratories, library and reading room, music rooms, gymnasium, museum, and book store. The dormitory, or South Hall, as it is usually called, is a comfortable, substantial structure, located a few rods south of the college building. The buildings are all heated with steam and lighted with electricity, and are provided with bath

rooms and a perfect sewerage system, so that everything possible is done for the comfort and convenience of the students. Fire escapes are provided for each building, and a well-organized system of fire protection is maintained.

The Nebraska Sanitarium stands a few rods north of the main college building. Originally, it was built as a dormitory for young men, and was called North Hall; but as academies and intermediate schools were established in the different conferences tributary to Union College, thus accommodating many of the preparatory students, this building was not so much needed for its original purpose, and was leased to the Nebraska Sanitarium Association in 1896, and finally sold to the same association in 1905.

The entire property, as estimated by appraisers appointed by the state, was originally valued at \$305,000. The college property now, since the sale of the building for sanitarium purposes, is valued at about \$200,000.

WHO ADMITTED

Union college is open to all worthy persons of either sex who come for the purpose of doing earnest, faithful work. The denomination believes in perfect religious liberty and no religious test is applied. Those, however, who have little desire to study, or who are careless in their deportment, who are addicted to the use of tobacco or liquors, who use profane language or indulge in card playing or improper associations, are not knowingly admitted or retained.

Presidents of Union College—William W. Prescott, 1891-2; James W. Loughhead, 1893-5; Eli B. Miller, 1896; N. W. Kauble, 1897; W. T. Bland, 1898-1900; Lewis A. Hoopes, 1901-1903; Charles C. Lewis, 1904-1909; Frederick Griggs, 1910—.

Officers and Faculty—The officers and faculty for 1911-1912, the year of the preparation of this sketch, were as follows: Board of managers: E. T. Russell, chairman, Minn.; Frederick Griggs, College View, Nebr.; R. A. Underwood, Minneapolis, Minn.; B. M. Emerson, College View, Nebr.; J. W.

Christian, College View, Nebr.; A. R. Ogden, Utica, Mo.; D. U. Hale, Springfield, Mo.; L. W. Terry, Topeka, Kans.; N. T. Sutton, Hutchinson, Kans.; C. R. Kite, Denver, Colo.; W. F. Kennedy, Grand Junction, Colo.; E. A. Curtis, Crawford, Nebr.; S. E. Jackson, Minneapolis, Minn.; C. M. Babcock, Redfield, S. Dak.; M. N. Campbell, Nevada, Iowa; C. J. Buhalts, Fargo, N. Dak.; H. A. Morrison, College View, Nebr.; F. M. Burg, College View, Nebr.; A. T. Robinson, Boulder, Colo.

Executive Committee: E. T. Russell, Frederick Griggs, B. M. Emerson, J. W. Christian, F. M. Burg, H. A. Morrison.

Faculty: Frederick Griggs, president, philosophy; Frank M. Burg, Bible, ministers' training; Harvey A. Morrison, secretary, mathematics; Clement L. Benson, librarian, history; Winnifred P. Rowell, English language and literature; Levi L. Caviness, ancient and Roman languages; Emory D. Kirby, German; Harland U. Stevens, science; Albion G. Taylor, commercial branches; Sarah E. Peck, pedagogical branches; Lillian Danielson, elocution, gymnastics; Peter J. Rennings, painting and drawing; Mertie A. Wheeler, registrar, assistant in commercial branches; Mrs. Blanche E. Griggs, Latin and Greek; Eugene C. Rowell, assistant in English.

Model School—Normal department: Sarah E. Peck, principal; teachers: Lillie M. Holiday, Rose E. Herr, Anna Pierce; department of music: ———, director; Alyse Swedberg, piano, counterpoint, history, theory; Catherine Sierke, voice culture; Etta Bickert, piano; Carl Engel, violin, wind instruments; Etta Bickert, organ. Department of industries: Sidney A. Smith, agricultural branches; International Publishing House, printing, bookbinding; Rubie M. Owen, dressmaking, sewing; Frank M. Burg, woodwork, carpentry, forestry; Wm. W. Worster, household economics; Dorothy E. White, cooking, domestic science; Miss Lizzie Winston, laundering; Sarah E. Peck, manual training.

Administration: Frederick Griggs, presi-

dent; Berton M. Emerson, business manager; Mrs. Anna E. Shepherd, preceptress; F. Burton Jewell and Elmer N. Shepherd, preceptors; Dorothy E. White, matron.

FREEWILL BAPTISTS IN NEBRASKA

BY REV. JOHN H. WOLFE

The Freewill Baptist denomination being well established in the east at the time the great tidal wave swept westward, they saw the need and heeded the call to "come over and help us." They came into Nebraska.

The first workers in this great field were Revs. Lyman C. Chase and J. M. Kayser, teachers in the Atwood Institute, Ohio, who came for homes and church work. Their letters in the *Morning Star* elicited further interest of other Freewill Baptist families, among them being Rev. H. B. Richey, a young man of ability and promise. He taught school, worked on his homestead, and preached the gospel, so overworking himself that his life paid the forfeit in 1871. Among the first pioneers in the state and the first to fall.

Finding some Freewill Baptists in Salem, Richardson county, a council was appointed, and May 23, 1869, there was organized the first Freewill Baptist church in Nebraska, Rev. A. Curtis becoming their pastor. July following, Rev. Ransom Dunn, D.D., and wife, from Hillsdale College, united with the young church. In the meantime Rev. H. B. Richey was preaching in Lancaster county. He organized a church at Palmyra, which was speedily followed by the organization of the Salem quarterly meeting.

A revival broke out in Cass county, a little west of Weeping Water, where Rev. Edward Root had recently moved. He was requested to organize a Freewill Baptist church. On March 25, 1877, with only 19 members, the Centerville church was launched. Reverend Root was elected its pastor, and faithfully served it for the next ten years. A church building was erected the same year, being the second one built in the state.

Work had been done in Kansas during the

same time and various quarterly meetings formed. The Salem quarterly meeting joined with the Blue Valley, Montgomery county, and the Republic county quarterly meetings, Kansas, in organizing the Northern Kansas and Southern Nebraska yearly meeting, 1877. This union worked nicely until the two states felt that the interests needed two separate organizations. At the meeting of 1883, held with the Fairview church in Republic county, Kansas, a committee was appointed, consisting of Rev. R. Cooley, of Wisconsin (who afterwards went to India as a missionary), Rev. S. F. Smith, and Rev. E. E. Harvey, to consider a Nebraska yearly meeting. After due consideration and a thorough canvass, a meeting was called at Kenesaw, 1883, and the delegates from the Batin quarterly meeting and the Cass county quarterly meeting were examined and found in harmony with the doctrines and polity of the Freewill Baptist denomination and were organized into the Nebraska yearly meeting. At that first session of the new yearly meeting, the Hastings quarterly meeting came in, and was followed soon by the Nemaha River quarterly meeting, Aurora quarterly meeting, Clearwater quarterly meeting, and Jefferson county quarterly meeting. Rev. William Marks was the organizer of this last quarterly meeting, as well as the many churches in and about Jefferson county.

The rapidly growing interests within the bounds of the yearly meeting needed a bond which would unite the widely scattered interests and be a stronger basis from which to work. To meet this need the yearly meeting at its first session at Kenesaw appointed the following committee to formulate and draft such articles as in their judgment would fill this need: Rev. A. D. Williams, Rev. Isaac Stone, and Rev. W. H. Edgar. On December 15, 1883, they reported a "System of Co-operation" which was unanimously adopted, and has served the yearly meeting, with but few changes, until the present time. This "System" assumed the responsibility of seeing that every church was supplied with preaching and pastoral care, to guard the character

of the ministry by an annual examination, insisting on the coöperation of all the churches in financial measures for the support of the ministry and advancement of the cause generally.

In one year from the organization and adoption of the "System," the work had grown from two quarterly meetings, four churches with 93 members, to seven quarterly meetings, nineteen churches and 340 members.

The new life coming in with the adoption of the "System of Coöperation" and the incorporation of the state executive board, uniting our scattered forces, gave a solidity to the work, thus making the decade for 1880 to 1890 a notable one for church building under the leadership of Rev. A. D. Williams, D.D. All church property is now held in trust by the executive board. The new church buildings erected in this decade were Grandview (near Adams), Kenesaw, Reynolds, Thompson, Aurora, Central City, Lincoln, Long Branch (near Tecumseh), and Geneva.

A missionary and revival spirit has ever characterized the yearly meeting. Out of it have gone many faithful workers in the various avenues of life; 1900 saw two of our faithful workers, Rev. H. R. Murphy and wife, sail for India. The revival spirit made every pastor an evangelist, thus sweeping scores into the kingdom, who found homes either in our own churches or other denominations or moving out of the state, becoming the nucleus of other churches.

Those years of drought made large inroads in our churches, thus depleting many of them that were unable to call pastors, so that in 1896 Rev. W. P. Van Wormer, of Michigan, was called to become state agent for Kansas and Nebraska. He held this work for two years, doing faithful work in revivals, strengthening the churches and carrying encouragement wherever he went. From 1898 until 1903 this work was carried on by the writer, pastor at that time of the Lincoln church. He had just assumed the chairmanship of the executive board, which he has held to the present time. But at the session of the yearly meeting

for 1903, held with the Grandview church, near Adams, the need was felt so keenly, that the writer was persuaded to relinquish his pastoral work and devote his whole time as field superintendent for northern Kansas and Nebraska yearly meetings. This position he has held to the present time. Churches and parsonages have been built, mortgages have been lifted, so that at the present time there is not a dollar of indebtedness on any of the church property in the two fields.

The following churches have entertained sessions of the yearly meetings: Kenesaw, 1883, 1884, 1887, 1894; Aurora, 1885, 1893; Lincoln, 1886, 1890, 1899, 1901; Long Branch, 1888, 1891, 1898, 1905; Geneva, 1889, 1892, 1902; Grandview, 1895, 1903; Smithfield, 1896, 1904; Centerville, 1897; Elm Island, 1900; Loup Valley, 1906; Long Branch, 1907; Grandview, 1908; Kenesaw, 1909; Geneva, 1910; Long Branch, 1911. These annual meetings are held five days, commencing on Wednesday before the third Sunday in August.

EVANGELICAL LUTHERAN TEACHERS' SEMINARY (NORMAL), SEWARD, NEBRASKA

BY C. H. BECKER

This institution was founded, 1893, by the German Evangelical Lutheran Synod of Missouri, Ohio, and other states. The organization was the outcome of a demand for such a school in the west other than the one at Addison, Illinois. Four members of St. John's Evangelical Lutheran church of Seward, Nebraska, offered twenty acres of ground and \$8,000, and the college was located at this point. The donors to this fund were Herman Diers, J. F. Goehner, O. E. Bernecker, and P. Goehner. The present board of trustees is as follows: Rev. C. H. Becker, president; Rev. H. Miessler, secretary, Columbus, Nebraska; O. E. Bernecker, J. F. Goehner, Herman Diers, and Paul Herpolsheimer, treasurer, all of Seward, Nebraska. The members of the faculty are Rev. Prof. Weller, director; Prof. J. A. F. Strieter; Prof. Karl Haase, professor of music; Prof. H. B. Fehner; Rev. Prof. Aug.

Schuelke; Prof. J. T. Link; Rev. Prof. Paul Reuter. The growth of the school has been steady and satisfactory. From an enrollment of fourteen the first year, the number has increased each year, until last year the number was 120. Most of these students come from Nebraska, some from Missouri, Kansas, Iowa, Texas, Oklahoma, South Dakota, Minnesota, and Germany. The principal business of the college is the fitting of teachers for parochial schools, the course of training being about the same as in the Nebraska state normals, with the addition of religion and music. A teachers' training school is maintained in connection with the college. The main building, lecture hall, containing six class rooms, a large (36 x 80 feet) assembly hall, library rooms, office, etc., is built of brick. The second building, the oldest, has a number of small and one large music room, living rooms, dormitory, lavatories, etc. A boarding hall and hospital are maintained, well equipped to care for 150 scholars. The demand for teachers is greater than the supply.

Prof. George Weller, who was the first teacher of the college in 1894, is the president of the faculty. He was born January 8, 1860, in New Orleans, Louisiana. Shortly after the war was closed his parents moved to New York City and after a short time to Ft. Wayne, Indiana, where the son received his training in the parochial school of St. Paul's Evangelical Lutheran church. At the age of 14 years he entered Concordia college of the Missouri synod at Ft. Wayne. After graduating he took a theological course at St. Louis, Missouri, in Concordia seminary, from which he graduated in 1882 and took charge of the Lutheran church and school at Marysville, near Staplehurst, Nebraska. Here he remained until he was elected as first teacher of the new institution at Seward, the Lutheran seminary. He was married in 1882 to Miss Clara Eirich, of Nashville, Illinois. The children born to them are John, Hulda, George, Elsie, Helen, Anna, Paula, Raymond, and Alfred. John, a graduate of the University of Nebraska, department of civil engineering, is engaged on

the Panama Canal. He achieved considerable fame as captain of the football team of the university in 1907. George is one of the teachers of St. Paul's Evangelical Lutheran parochial school at Ft. Wayne, Indiana.

Rev. Carl H. Becker became president of the college board of trustees and supervisors in 1901, when he was elected president of the Nebraska district of the Missouri synod, which position he still holds. He had been vice president of the district synod since 1891 up to his election as president. The Nebraska district, one of the twenty districts of the Missouri synod (see Vol. II, page 520), was organized in 1882, and elected as its first president Rev. John Hilgendorf, Arlington, Nebraska, and as secretary Rev. John Meyer, Davenport, Nebraska, who is still serving in that capacity. The district synod is composed of 147 ministers, 208 organized congregations, and 75 missions. The communicants number 23,877, and the total adherents, 42,028. There are 168 parochial schools in the district. Of these 55 are taught by parochial school teachers, the others by the ministers of the respective congregations, instructing 4,953 children. The Missouri synod has from its very beginning, in 1847, recognized the necessity of the Christian day school. As the state cannot provide it for obvious reasons, the congregations and the pastors of this synod considered it their duty to supply what the state cannot and shall not supply according to Scriptures and the constitution of our country. Parochial schools were taught and are taught by the clergy of the Missouri synod so long as the congregation is not in position to engage a teacher for that purpose. Synod maintains large institutions for the exclusive purpose of furnishing well trained teachers for the parochial schools. These institutions and schools are provided for by free offerings and collections of the congregations. They are maintained not from opposition to the state school. The Lutherans willingly pay their public school taxes as citizens who love their country and "seek the peace of the city." But they consider as most important for the welfare of

their children Christian education, not merely instruction in religion, but Christian training and nurture. Scripture teaches, experience verifies, and schoolmen who have grown up with and become renowned by their success in the state school work, testify to the fact that the education of children, not brought up in the nurture and admonition of the Lord, is morally defective. Therefore these Lutherans maintain the Christian day school, and 93,890 children are educated in the 2,100 parochial schools of the Missouri synod, which is one of the Lutheran synods of our country laying great stress on the Christian education of children. For this reason it maintains at an annual expense of thousands of dollars, among others, its institution at Seward, Nebraska, the Lutheran seminary. It is the only one of its kind in Nebraska. The denomination maintains an orphans' home at Fremont. The home and foreign missionary work is well supported by the Nebraska district, \$45,866.31 being contributed during 1910. Its first congregation in Nebraska was organized in Cum- ing county, at Rock Creek, near Beemer, by Rev. A. W. Frese. This congregation has about 270 members. Rev. A. W. Frese was the first minister of the Missouri synod in Nebraska. He came from the state of Mis- souri, and is now at Millerton, and is still active in the ministry. All the various activ- ities of the church are progressing. This is especially true in the erection of new church buildings and up-to-date school houses. The congregation of which Rev. Becker is pastor, St. John's Evangelical Lutheran, at Seward, with 465 communicant members, has two well equipped schools, one at the seminary and one four miles south of town. A new church building has been erected. It was dedicated in August, 1910, and cost \$30,000. It is the third one built since its organization in 1879, with a seating capacity of 700. The interior is pronounced the most beautiful in Nebraska.

Rev. Carl H. Becker was born at Evansville, Indiana, September 7, 1858. After absolving the parochial school of Trinity Lutheran church at that place he entered Concordia Col-

lege at Ft. Wayne, Indiana. After finishing the college course he took up the study of theology in Concordia Seminary at St. Louis, Missouri. He graduated with the class of '82, and entered the ministry at the age of twenty-four years. His first charge was St. Paul's Lutheran congregation at Falls City, Nebraska. Here he served the church and school until he accepted the call to Seward, Nebraska, January, 1895, where he has since been pastor of St. John's church, with which the Lutheran Seminary is connected, which has grown to its present size during this time. Rev. Becker was married November 29, 1883, at Evansville, Indiana, to Miss Louise Schnute, who was born at Evansville, November 23, 1861. They are the parents of seven children: Louise, Walter H. W., Carl J. F., Paul, Hugo, Esther and Erwin, twins.

CHURCH OF THE UNITED BRETHREN IN CHRIST

This denomination has ever cherished the spiritual life, adhering firmly to the fundamental truths of the gospel, and zealously proclaiming them abroad. It grew out of the labors of Rev. Philip William Otterbein, who came from Dillenberg, Germany, in 1752, as a missionary under the auspices of the Ger- man Reformed church. He labored at Lan- caster, Pennsylvania; Tulpehocken, Pennsylv- ania; Frederick, Maryland; York, Pennsylv- ania, and Baltimore, Maryland, respectively. He preached the doctrine of the "new birth," advocated the necessity of a conscious accept- ance with God, and insisted that his members lead lives of piety and devotion to their Lord. He preached Christ in the homes of the peo- ple, instituted meetings for prayers, and con- ducted evangelistic services somewhat after the manner of the present day. Finding himself in advance of many of his people in the various charges which he was called upon to serve, he organized an independent church at Baltimore. The work grew, other churches were estab- lished, and finally in 1789, in the city last named, the first annual conference of the United Brethren church was organized.

Within the next few years many churches of the same type were founded in Pennsylvania, Maryland, and Virginia. At the conference of 1800, which convened at the home of Peter Kemp, near Frederick, Maryland, the church was more fully organized, the name "United Brethren in Christ" was adopted, and Philip William Otterbein and Martin Boehm were elected as bishops. From this conference the founding of the denomination takes its date.

About fifty years later, the states between being compassed by the itinerant preachers of this youthful organization, we find some of them crossing the Missouri river and planting the cross in the territory of Nebraska, and others pushing up from Kansas to points in the southeastern part of the state.

The first United Brethren preaching in Nebraska was done as early as 1854, by a Rev. Swain, in the community about two miles south of the present site of Plattsmouth. About this time, a United Brethren preacher by the name of Robert Paine Landon, a relative of Thomas Paine, the noted skeptic, came west from Ohio in order to recover his health, and spent several months preaching to both whites and Indians in eastern Nebraska.

Contemporaneous with these events, Jonathan Kerns, a layman in the church, and his son-in-law, Watson, as agents of the government, secured a treaty with the Indians, by the terms of which they were to vacate the lands for settlement by the whites. Two other members of the church, Henry and John Watson, built the first house in Plattsmouth in 1855. It was long used as an Indian trading post.

On April 19, 1855, ex-Bishop Henry Kumlér, Jr., by appointment of the missionary board, left his home in Dayton, Ohio, to open up the work for the United Brethren church in Nebraska. He was the first preacher to labor in a consecutive and systematic manner for this denomination in the state. He organized several churches and laid enduring foundations for the future. We read from his journal: "At Omaha I have prayed for several families, but as yet they would rather go

to a frolic than to church." Omaha was at this time a town of about 500 people, and less than one year old. It is evident that his work was prosecuted in the face of many difficulties. He made long journeys through strange and unsettled regions, and was constantly in the midst of dangers, toils, and perplexities. Another item from his diary is as follows: "On the 29th, in company with one of the dwellers at DeSoto, we set out for Fontanelle, fixing stakes by which to travel hereafter, as mine was the first vehicle that passed. I got to the place much wearied, having traveled over thirty miles of uninhabited country and preached for the people. Some thirty or forty families are crowded into a few tents and huts in a circular form like a camp meeting. Here I sleep in the midst of revolvers and guns. Here the powder is kept dry, and a guard all night, because of the Indians." At the close of the year, having traveled over six counties in Nebraska, he writes: "The mission has from fifteen to twenty appointments, three small societies organized, one Sabbath school well attended, two local ministers, about twenty members and a fair prospect for the formation of more societies."

The earliest organizations of the United Brethren church in Nebraska were effected this year, the first one at a point about two miles south of Plattsmouth. It was called Pleasant View. The place of worship was a little log school house in what is now District No. 2, Cass county. Other societies followed: Beaver Class at McNurlin school house, some fifteen miles southwest of Plattsmouth; at Concord, about twelve miles west of Plattsmouth, near the present site of the village of Cullom; at Rock Bluff, some seven miles south of Plattsmouth; and at Cedar creek, where there is now a village by the same name. These organizations in due time became one pastoral charge, the first one under the auspices of this denomination within the confines of the state. The organization at Cedar creek was afterwards moved farther south and ultimately developed into Otterbein church, one of the strong and influential societies of Cass county.

In the western part of the same county, other societies were soon formed and Stove Creek circuit came into existence.

Among the earliest members were Stephen Wiles, Dr. Schildknecht, Jonathan Kerns, Joshua Gapen, C. J. Horning, Josiah Horning, Randall Hunter, Wm. Ferree, Henry Spangler, and their wives, and also Henry and John Watson. Two of the number, at this date, October, 1911, still survive.

As an example of their devotion, one instance is worthy of mention. C. J. Horning was class-leader of the society at the McNurlin school house, which was fourteen miles from his home. Within his term of two years, he was not a single time absent from the bi-weekly class and prayer meetings.

The Pleasant View society above referred to, was blessed with a gracious revival in the early winter of 1870, conducted by Revs. I. N. Martin and S. Austin. They at once set to work to build a church. The structure was completed the following spring, and was dedicated by Bishop J. Dickson. It received the name of Liberty Chapel, and is still occupied by a strong congregation. This was the first United Brethren church edifice in Nebraska.

But before this date the organization had been carried into many portions of the state. Rev. I. Belknap was in charge of Stony Point mission, in Burt county, as early as 1865. At the same time Rev. M. Waltermire was itinerating in Dakota, Dixon, and Cedar counties. Likewise, at Pleasant Hill, Blair, Seward, Fairbury, and at points in Saunders, Fillmore, York, Hamilton, Thayer, and other counties, regular preaching services were begun and societies founded.

Some of the early preachers whose names have not already been mentioned are J. M. Dosh, Robert Loggan, J. E. Ham, S. Cole, W. H. Shepherd, J. Hubbard, J. Mapes, P. M. Pells, I. Marks, J. A. Kenaston, W. P. Caldwell, and E. W. Johnson.

Up to this time the work in the extreme eastern part of the state was conducted under the leadership of West Des Moines conference, and that in the southern part of the state by Kan-

sas conference. But in 1873, there being some thirteen charges, it was deemed best to organize an annual conference in Nebraska. So a convention was called for this purpose to meet at Pleasant Hill, the then county seat of Saline county. The place of meeting was the court house and the date was October 30th to November 2d. The Nebraska conference was duly organized. Rev. E. W. Johnson, of Seward, served as secretary, and the presiding bishop was J. J. Glossbrenner, of Churchville, Virginia. The following ministers were present: W. P. Caldwell, S. Austin, H. L. Spafford, I. Marks, J. McDougal, I. N. Martin, H. Ackaret, E. W. Johnson, W. H. Shepherd, S. Cole, and W. S. Spooner. Three others who had been toiling in the state were absent, namely, J. W. Ward, J. P. Elliot, and S. Fenton. The following young men were licensed to preach the gospel: D. L. Abbott, R. A. Bishop, C. G. Bowers, A. G. Cline, D. Edgerton, J. Bremser, I. Belknap, D. D. Weimer, P. M. Pells, B. M. Allen, C. C. Kellogg, and S. Ross.

At this first conference in the state, W. P. Caldwell and S. Austin were elected presiding elders. Nineteen charges were organized and the allotments of fields were as follows: West district, S. Austin, presiding elder; Kearney Junction mission, W. S. Spooner; Grand Island, I. N. Martin; Guide Rock, D. Edgerton; Republican City, J. McDougal; Hebron, P. M. Pells and I. Marks; Little Blue circuit, C. C. Kellogg; Aurora mission, Wm. Pringle; York circuit, R. A. Bishop; Edgar mission, C. G. Bowers. East district, W. P. Caldwell, presiding elder; Plattsmouth circuit, I. Belknap; Stove Creek, to be supplied; Ashland, H. L. Spafford; Seward, W. H. Shepherd; Blair, John Lohr; Swan Creek, D. D. Weimer; Fairbury, J. Bremser; Butler mission, J. W. Ward; Elkhorn, A. G. Cline; Platte Valley, H. Lohr and Wm. Venner. There were at this time 39 organized churches, 64 preaching places, and 694 members.

The second conference convened at the Mount Zion church in the southern part of York county, on August 6 to 9, 1874, Bishop

J. J. Glossbrenner presiding, and E. W. Johnson acting as secretary. I. N. Martin and W. P. Caldwell were elected presiding elders. The conference now contained 27 charges, 84 organized churches, 126 appointments, and 1,205 members. Seven ministers joined the conference at this session: Byron Beall, W. H. Venner, H. Lohr, J. J. Lohr, M. Waltermire, J. C. Kenaston and Levi Wolfersberger.

On September 2d to 5th the conference met for its third session at Mark's chapel, in the southern part of Jefferson county. The officers were the same as at the preceding sessions. Three presiding elders were now deemed necessary to superintend the work, and I. N. Martin, S. Austin, and E. W. Johnson were the men upon whom the leadership fell. The statistical reports showed 32 charges, 110 organized churches, 158 appointments, and 1,400 members. J. St. Clair, R. Lloyd, J. Clark, E. F. Austin, J. H. Embree, and O. Knepper were added to the roll of ministers. This was a time which tried men's souls. We read from the secretary's journal: "The past year has been one of hard toil and great privations both for the ministry and laity, caused by the great grasshopper scourge that swept almost the entire country of every green thing. Still they have labored with great zeal for the Master." Had it not been for the timely aid of brethren in the east, many of the ministers and laymen would have suffered sorest distress, or perhaps have died of utter want.

The fourth session of the conference was held at Grand Island on August 10 to 13, 1876. The same bishop and secretary were in charge of the business. There were 43 charges, 2,050 members, and the number of presiding elders was increased to four and were as follows: I. N. Martin, D. D. Weimer, S. Austin, and E. W. Johnson. Six names were added to the roll of ministers.

The next session, which convened at Liberty chapel in Cass county, in August, 1877, showed good gains in every respect, and four presiding elders were again commissioned to superintend the work. Bishop M. Wright of Dayton, Ohio, presided over this session.

In August, 1878, the conference was held at Fairbury. It was here divided and met as two bodies, one each forenoon during the session and the other each afternoon. East Nebraska conference comprised the territory lying east of the line extending from the southwestern corner of Thayer county northward to the Platte river and thence northwest through the state. The territory west of this line constituted West Nebraska conference. Steady growth has marked the passing years in both of these conferences. Those who have since served as presiding elders in the former are O. D. Cone, S. E. Lloyd, W. M. Buswell, W. P. Caldwell, S. Austin, D. D. Weimer, C. O. Robb, S. F. Longshore, E. F. Bowers, T. L. Swan, Wm. E. Schell, G. E. Driver, C. S. Long, J. M. Haskins, A. J. Smith, W. S. Lynde, and J. R. Mouer. The presiding elders who have had the oversight of the West Nebraska conference are I. Belknap, W. S. Spooner, C. C. Kellogg, I. N. Martin, J. A. Nichols, E. L. Kenoyer, J. D. Fye, C. B. Davis, J. T. Squires, J. M. Witters, B. M. Allen, H. S. Munger, J. Mason, J. M. Eads, J. Bremser, G. F. Deal, A. E. Hottell, A. Boyd, C. H. Polhemus, J. J. Smith, C. M. Fuller, L. L. Epley, and W. C. Miller. In 1881, that part of the state lying north of the Platte and east of a line drawn from the northeast corner of Hamilton county to the headwaters of the Cedar river and thence west to the west line of the state, was set off to be a part of Elkhorn conference, now North Nebraska conference. Those who have ranked as leaders in this conference are D. D. Weimer, W. S. Spooner, George Harding, N. B. Moore, L. T. Johns, C. W. Baker, G. F. Wiltse, E. J. Reed, A. A. Garner, E. Harper, and W. C. Clifton.

Rev. George Fenders, one of the frontier preachers of this denomination, was killed by the Indians in Rawlins county, Kansas, in 1879.

The labors of the United Brethren in Nebraska have been very fruitful, yet their rigid antagonism to secret societies has turned the larger part of their converts into other denominations. The laws of the church were modified in 1893 in reference to this matter, and since that time the work has gone steadily

forward and a foothold has been gained in the towns and cities as well as in the rural districts. The membership in the state is now about 8,000.

York College, York, Nebraska, is owned and operated by the denomination above referred to. An educational institution was talked of as early as the conference at Grand Island, which was in 1876, but nothing was really ac-

ade. J. George, D. D., served as president for the first four years; W. S. Reese, D. D., for the next three years; Wm. E. Schell, A. M., D. D., has been its official head since that time. Collegiate, academy, normal, pharmacy, business, music, oratory, and art departments are maintained. The college has three good buildings. The equipments are first class in every respect. It has state recognition and issues



YORK COLLEGE

complished till 1886, when an academy was founded at Gibbon. This school was in operation for four years, C. M. Brooke, J. F. Lefler, and F. W. Jones following each other as principal. In 1890 the institution was located at York, a full collegiate department being added. York College is now in the twenty-second year of educational work. It has grown at a rapid rate, especially during the last dec-

all grades of state certificates. Its assets will reach about \$135,000. The surroundings are ideal, the advantages are second to none, and the rates are exceedingly low. Many graduates have already gone forth from its halls, and are doing a good and honorable part in the business and professional work of the great world. The enrollment of adult students for the last year was 438. Nearly \$50,000 has

been secured for endowment. Ten of its students are in the foreign field as missionaries, one hundred fifty are preaching the gospel, and more than one thousand have entered the teaching profession.

The following persons constituted the board of trustees at the time of the founding of the college: Judge D. T. Moore, Rev. E. A. Leeper, D. D., Lee Love, N. A. Dean, C. J. Nobes, D. E. Sedgwick, M. D., Judge A. C. Montgomery, Rev. J. D. Counterline, D. D., F. O. Bell, Judge G. W. Post, Rev. G. F. Deal and Rev. F. W. Jones.

MORMONS IN NEBRASKA

In the *Illustrated History of Nebraska*, Vol. II, pp. 125 to 138, is an article under the above caption. It is our purpose to write something on this subject, giving an account of Mormons in Nebraska, at a later date.

The article above referred to prefaces the subject of "Mormons in Nebraska," by a statement of the history of the church from 1830. But when the author stated that "in January, 1846, the council of the church proclaimed the intention of the sect once more to move on, and this time to their final retreat at Salt Lake, beyond the great range of mountains, which were then an insurmountable barrier to the advancing civilization of the plains," he should have stated that this decision of the council was received by only a portion of the church, and that other and numerous divisions were formed, while many stood aloof from all parties, but retained faith in what was known as Mormonism in its original form.

Brigham Young was the leader of that faction which moved westward to Salt Lake. The decision to move was earlier than January, 1846; but it was in February, 1846, that they crossed the river and started on their perilous journey to the west.

There was one faction of the church which accepted the leadership of Sidney Rigdon, went eastward, and established their headquarters for a time at Pittsburgh, Pennsylvania. And one, under the leadership of James J.

Strang, went to Wisconsin, where they founded a city by the name of Voree, near Burlington, and subsequently moved to Beaver Island, in Lake Michigan.

Another faction was led by William Smith, of the Quorum of Twelve; another by Lyman Wight, of the Quorum of Twelve; and there were numerous smaller factions, among them two that went to the valley of the Missouri river; one under Alpheus Cutler, settled at a place they called Manti, Fremont county, Iowa, near Shenandoah, and remained there until sometime in the early sixties, when they removed north, to Minnesota, and settled on Lake Clitherall, in Ottertail county; another faction, under Charles B. Thompson, settled in Monona county, Iowa, at a place they called Preparation, on the Soldier river, a tributary of the Missouri.

There were also many dissenters from the faction led by Brigham Young, who went no farther with him than Winter Quarters, or Council Bluffs; then becoming dissatisfied with conditions as they found them under Young's administration, they scattered over the western country, particularly in Fremont, Page, Mills, Pottawattamie, Harrison, Monona, Shelby, and Crawford counties, in Iowa, and the eastern tier of counties in Nebraska. All along the line of emigration from Winter Quarters to Salt Lake City, at least as far west as Genoa, Nebraska, on the Platte (Loup Fork), dissenters from the Brigham Young faction halted by the way and built homes, and helped to redeem the country.

There was also another minor faction under Bishop George Miller, who was associated with Brigham Young in the travels across Iowa; but in the winter of 1846 this faction left the main camp and went farther north, upon what they called Running Water, near the mouth of the Niobrara river. In the spring of 1847 Miller returned to Winter Quarters, and, failing to agree with Brigham Young and the authorities there, took his colony southward and joined Lyman Wight in western Texas.

That portion of the membership of the

church which remained true to the first principles of the gospel as taught and practiced in the days of Joseph Smith, and retained their local organizations in different parts of the country, began, as early as 1852, to form an organization built upon the original faith. This organization was consummated in April, 1853, near Beloit, Wisconsin, remaining partially organized for several years, but having no permanent presiding officer. Elder Jason W. Briggs was chosen president pro tempore, and it was confidently expected that Joseph Smith, son of the martyred prophet, would occupy the place.

Finally at a conference of this body held at Amboy, Illinois, in April, 1860, Joseph Smith presented himself and was received as a member of the church upon his baptism by his father, and was chosen president of the church.

Prior to this time, however, these scattered elements in western Iowa and eastern Nebraska had been visited by representatives of this movement, and branches had been organized under the government of this Reorganized Church of Jesus Christ of Latter Day Saints.

The first missionaries to visit the west were William W. Blair and Edmund C. Briggs, who, in 1859, brought the message of a reorganization, with the testimony that the spirit had manifested that the seed of the prophet would yet take the lead of the church, and these scattered elements, or a great majority of them, readily received this message, and were in waiting for the time to come when Joseph Smith should take his place. The news of his coming thus to the Amboy conference in 1860, was hailed with gladness by the Latter Day Saints, or Mormons, as they were familiarly called in western Iowa and eastern Nebraska, as well as elsewhere.

Many of the old-time ministers rallied round the standard, and there was in that section of country a strong force of local ministers, among whom we name the following:

In eastern Nebraska: John Avondet, Henry J. Hudson, George Galley, Charles Brindley, George Derry, George Medlock, Alphonse Young, George Hatt, and R. C. Elvin.

Elder Charles Derry, who had emigrated from England to Utah and returned as far as Nebraska, heard of this movement while near Fontanelle, Nebraska, and gladly accepted it, and became an active minister in its defense.

These missionaries, Elders Blair and Briggs, and others who became associated with them, organized churches at numerous points, among which we find the following names:

In Iowa: Boomer Branch, Galland's Grove, Farm Creek, North Star, Little Sioux, Franklin, Plum Creek, Nephi, Glenwood, Fremont, Mason's Grove, Boyer, Crescent City, Twelve Mile Grove, Morning Star, and Union Grove.

In Nebraska: Belvidere, Florence, Columbus, Camp Creek, Weeping Water, and Nebraska City.

This organization finally received into its communion all believers in what was termed the "latter-day work" living in this section of the country. Those who rejected this organization were very few indeed.

The church in western Iowa and eastern Nebraska has continued from that time to this to be one of the strongholds of the reorganization, and has furnished a large percentage of the membership, as also a large percentage of the ministry.

There have been organizations of branches or local churches in the following places in Nebraska, most of which are still active:

Cedar Creek, Clear Water, and Glen Alpine, Antelope county; Chelsea, Inman, and Grand Rapids, Holt county; Meadow Grove, Madison county; Round Park, Custer county; Bell Creek, Blair No. 1, Blair No. 2, Elkhorn, and De Soto, Washington county; Columbus, Platte county; Decatur, Burt county; Douglas, Florence, Omaha (English), Omaha (Scandinavian), Platte Valley, and Pleasant Grove, Douglas county; Plattford, Sarpy county; Blue River, Saline county; Brownville, Nemaha county; Camp Creek, Nebraska City, and Palmyra, Otoe county; Clear Creek, Saunders county; Cottonwood, Lincoln county; Elmwood, Moroni, Platte River, Plattsmouth, and Union, Cass county; Franklin, Franklin county; Eustis, Frontier county; Fairfield, No.

1 and Fairfield No. 2, Clay county; Lincoln, Lancaster county; Shelton, Buffalo county; Snow Flake, Kearney county.

They own church buildings as follows:

Hamburg, Shenandoah, Tabor, Thurman, Henderson, Carson, Council Bluffs, Crescent City, Underwood, Weston, Persia, Harlan, Galland's Grove, Dow City, Beloit, Sioux City, Little Sioux, Mondamin, Pisgah, Moorhead, Magnolia, Missouri Valley, Logan, Woodbine, and other places in western Iowa; Nebraska City, Omaha, Blair, Clearwater, Columbus,

Decatur, Wilber, Inman, Brownville, and other places in Nebraska.

Since the semi-annual general conferences were abandoned in 1882, reunions have been held in different parts of the country. The first were in western Iowa, since which they have become very popular in all parts of the church. The last year, 1908, there were gatherings of this kind, largely attended at Little Sioux, Council Bluffs, Iowa, and Nebraska City, Nebraska.

CHAPTER XVII

FRATERNAL SOCIETIES — ODD FELLOWSHIP IN NEBRASKA — WOODMEN OF THE WORLD — GRAND ARMY OF THE REPUBLIC

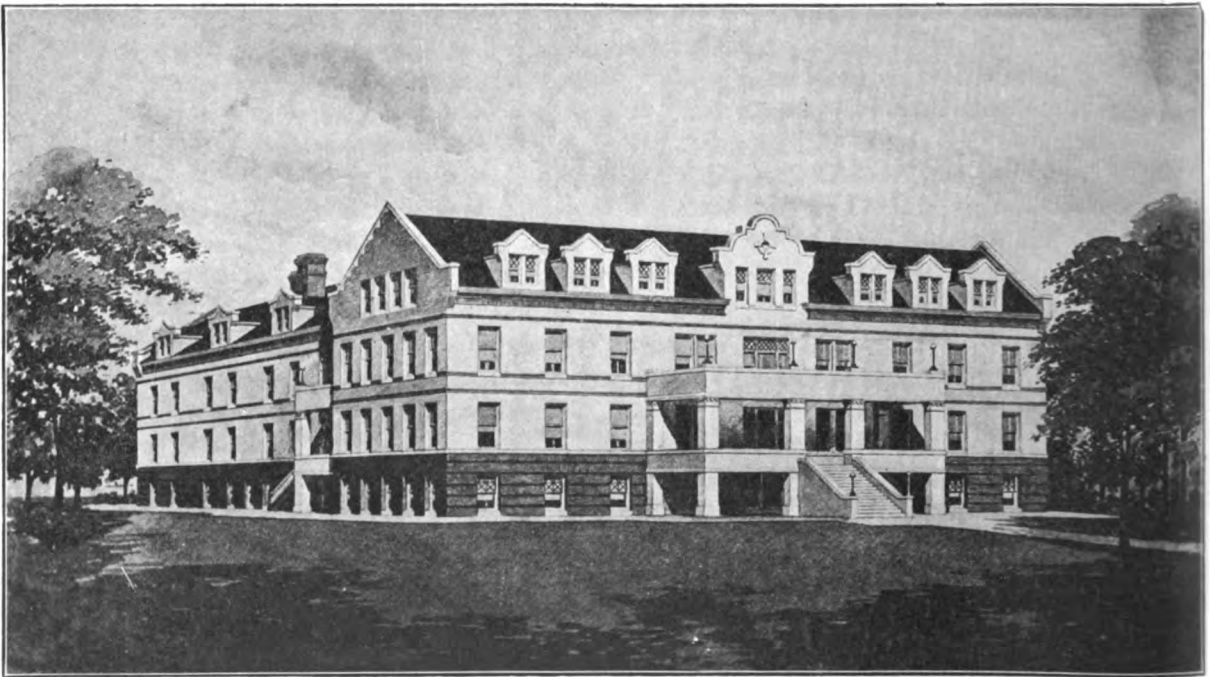
ODD FELLOWSHIP IN NEBRASKA

BY GEO. L. LOOMIS

THIS article is a continuation only of the one appearing in Volume II of this history at page 414. Since that was written four years ago the growth of the order, both in members and financial resources, has been steady and certain. At the present writing, October, 1911, the 327 subordinate lodges in the state have a membership in good standing of about 25,000. In the Encampment branch, which is recruited solely from subordinate lodge members, 63 encampments have a membership of 2,500. In the Patriarch Militant,

or Uniform Rank, which is recruited solely from encampment members, there are now 21 cantons with about 650 members. The Rebekah branch of the order has now a membership of near 15,000, comprised of about 10,000 sisters and 5,000 brothers.

Some years ago the Grand Lodge established a "Home Endowment Fund," with the express purpose of raising a permanent endowment of at least \$25,000 before taking up the matter of the erection of a home building. By the end of 1904 this fund had reached about \$26,000 and was invested in real estate mortgages. The grand lodge then authorized the



ODD FELLOWS' HOME, YORK, NEBRASKA

board of home trustees to use so much of the accruing interest on that fund as might be necessary for the assistance and care of members of the order, widows, and orphans, who would be proper applicants for admission to, and care in, the home building if same was opened. Under this authority the board have expended about \$8,000 of accruing interest for such purpose.

At its regular session in October, 1904, the grand lodge established a "Home Building Fund," in which all moneys given or appropriated for the erection of a home building have been kept. Up to the present time there has been paid into that fund in round numbers, \$90,000.

At its regular session in October, 1908, the grand lodge designated the "Home Building Board," consisting of the nine members of the board of home trustees, together with the grand master, grand secretary, and grand treasurer, and instructed that board to select and purchase a site of not less than 160 acres on which to build a home for aged and indigent Odd Fellows and needy wives and widows, Rebekah members in need of such assistance, and for the care, maintenance and education of the orphans and half orphans of Odd Fellows.

Acting under such instructions, the board in March, 1909, purchased 160 acres adjacent to the city of York on the southwest, upon a slightly eminence commanding a view of the city of York and surrounding country for many miles.

At its regular session in October, 1909, the grand lodge approved the purchase of site and instructed the building board to go ahead with the erection of a home building suitable for the purposes for which intended. The board, after careful consideration and investigation, determined to build a fire-proof building of strictly modern construction and meeting every sanitary requirement known to the building profession at the present time.

A. H. Dyer, of Fremont, Nebraska, was employed by the board as architect and superintendent.

Contracts were let in April, 1910, the principal building contract going to F. P. Gould & Son, of Omaha, and the heating and plumbing to George H. Wentz, of Lincoln. The corner stone was laid July 4, 1910, the building entirely finished and furnished by October, 1911, and dedicated by the grand lodge on the first day of its regular session, October 18, 1911, entirely free from debt. The cost of the building is near \$100,000, and the building, furnishings, and farm represent an investment of about \$135,000, besides the endowment.

The building has a front elevation 35 x 113 feet and a rear elevation of same height, 35 x 101 feet. It is practically four stories high. The basement is but three feet under ground, the window sills being above surface. The basement walls are damp proof outside and in, and the same damp proofing extends underneath the entire basement floors. This makes the basement as dry and free from exterior dampness as either of the floors above. In the east end of front upright is the dining room, 31-8 x 42-8, entered from the floor above by two flights of stairs, the main one landing in a corridor, with lavatory, at west of dining room. To west of this corridor is the amusement room, of same size as the dining room, and occupying the rest of the floor. This amusement room can be utilized for any purpose, or be partitioned into eight fine sleeping rooms should they ever be needed.

In basement of rear extension, and reached in two ways from dining room, is the kitchen, 16-8 x 24, boiler room, fuel room, bath and toilet rooms, janitor's rooms, store room, and the laundry, 21 x 32.

The first floor is entered from the front porch through a vestibule, leading in from a large porch, 14 x 44, to a roomy corridor, to the left of which is the sitting room, 32 x 28-8, entered either from the corridor, or from the main office through the library. The office, at left of main entrance, commands a view of the entire floor. To the right of main entrance are seven rooms about 12 x 13 each, and women's bath and toilet rooms. The main

stairway to second floor leads up from corridor directly in front of main entrance, to a landing, then by left turn to another landing from which one may continue to second floor, or go out onto a south porch, or down the other way to the dining room. In the rear elevation is a corridor leading out onto an east porch, twelve sleeping rooms, back stairway, and men's bath and toilet rooms.

The second floor has a large sitting hall or corridor surrounding the stairway, with light and ventilation from all four directions. From this corridor one may go north out onto the balcony, 14 x 44, over the front porch, or south onto a balcony, 12 x 16, over the south porch, or east onto another balcony, 10 x 12, over the east porch. To east of the sitting hall is the matron's room with vestibule entrance, so situated as to command the whole floor. In the front elevation are eleven sleeping rooms of about 12 x 13 each, and women's bath and toilet rooms. The rear elevation is a duplicate of the first floor.

The third floor has eight sleeping rooms in the front elevation, about 13 x 15 each, and one room 13 x 41, also four store rooms. The rear elevation has five rooms, 13 x 20, 13 x 34, 13 x 25-6, and 13 x 35-6; also back stairs, bath and toilet rooms.

Outside the building is faced with selected "iron spot" brick, and all cornice work, flashings, gutters, spouts, and metal work of every kind, are of copper. The interior construction is what is known as Johnson's fire proof system, and was put in by the National Fire Proofing Company of Chicago. The roof is of same general construction as interior of building, and covered with asbestos century shingles. The fire proof floors are all overlaid with hardwood flooring. Stairs are of iron with marble tread and landings.

The electric wires for lighting and power purposes are all laid in conduits, and are brought to the building under ground from public road 400 feet away. In the plumbing all pipes are of easy access, and so arranged that any leak will be carried to discharge pipe

and can not get into floors or ceilings. The building is heated by the overhead hot water system; the water being carried to attic through one riser and there distributed to down pipes through radiators.

The plan of the building contemplates that whenever in the future more room shall be needed another rear extension can be built from near the west end of the front elevation to correspond with the present one which extends from near the east end of the front elevation.

It is believed that not a detail of construction, either for durability or utility, has been overlooked, and that the building is the most complete in every detail, as well as the pleasantest, home building in the United States. There is not a room in it but that commands a long view either over the city of York or the Beaver valley and country for miles away.

The home is under the direct management of a board of home trustees consisting of nine members, six of whom are elected by the grand lodge, two annually for a term of three years, and three by the Rebekah state assembly, one annually for a term of three years.

Present members of the board, and who have had charge of the erection of the building, are George L. Loomis, president, Fremont; Joseph S. Hoagland, vice president, North Platte; Grace E. Haller, secretary, Blair; Oscar O. Snyder, O'Neill; Dr. Simon R. Patten, Omaha; William H. Barnes, Fairbury; Alfred G. Pruitt, York; Mary D. Livingston, Fremont, and Mary A. Caldwell, Auburn.

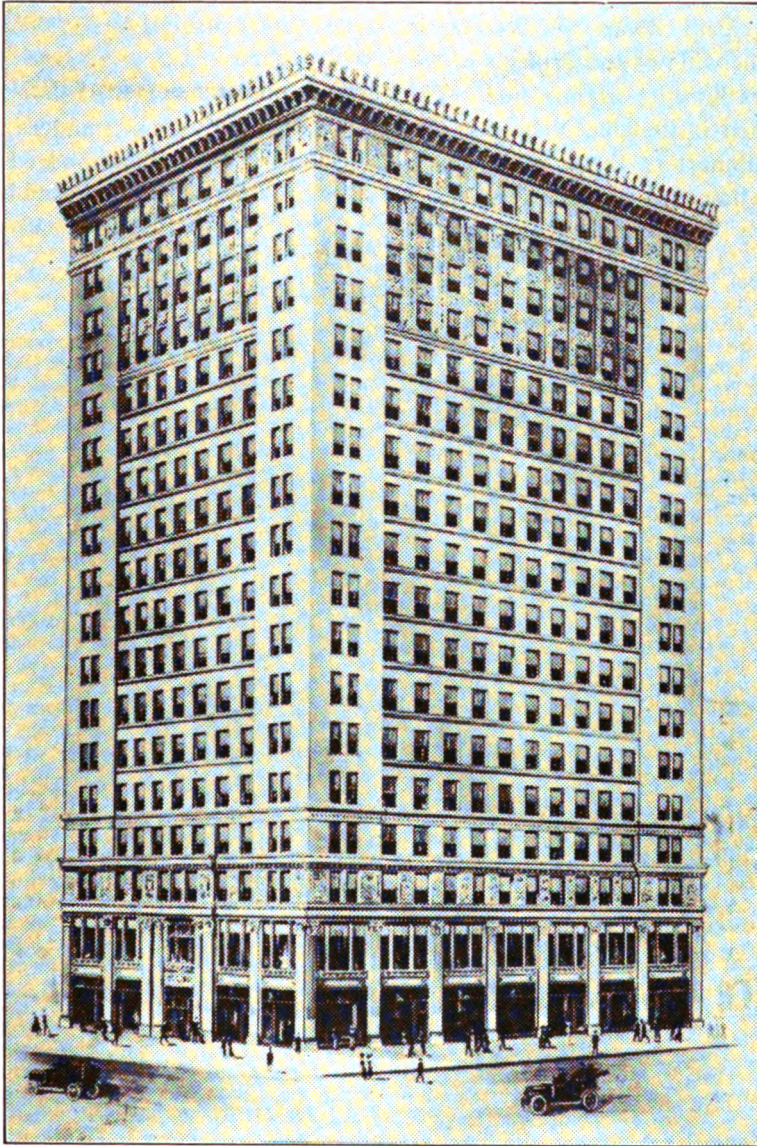
WOODMEN OF THE WORLD

The Woodmen of the World was organized June 6, 1891, J. C. Root,¹ sov-

¹ Among the promoters of fraternal and benevolent orders in this country there is no man who has wider celebrity than Joseph Cullen Root, known as the father of woodcraft. Mr. Root was born in Chester, Hampden county, Mass., December 3, 1844, and is a descendant of John Roote, who came from the parish of Badby, Northamptonshire, England, in 1635, locating at Farmington, Conn. The land acquired by this early American pioneer is still in possession of his descendants. John Roote was the

ereign commander; John T. Yates, sovereign clerk; and F. F. Roose, sovereign banker. It is a fraternal insurance order and its object

and benevolent order, having an emergency fund, which at the present time amounts to about \$14,000,000, increasing at the rate of



W. O. W. BUILDING, OMAHA

is to combine white males between the ages of eighteen and fifty-two into a secret beneficiary

father of a large family of children, who scattered throughout New England and the west of that day. The ancestors of Joseph C. Root located in Berkshire county, Mass. His grandfather married the granddaughter of Jonathan Clark, whose wife was a descendant of Colonel Mattoen, a French officer in the American army of Lafayette. Aurelius C. Root,

from two to three millions a year. The Woodmen of the World is composed of three bodies,

father of Joseph C. Root, was born at the old homestead in Otis, Mass., and upon attaining his majority embarked in merchandising at Chester. He married Eliza, a daughter of Joseph Abbott, a relative of the famous historian of that name. Aurelius C. Root was prominent and successful in business and served in the Massachusetts legislature with Daniel

known as the Sovereign jurisdiction, the Pacific jurisdiction and Canadian jurisdiction, the parent body being the Sovereign camp, having a membership approximating 600,000. This jurisdiction has paid about \$50,000,000 in death claims to the widows and orphans of the deceased members since its organization. The order was founded in Omaha, Nebraska, and still has its headquarters there, and is now building a new home to be eighteen stories in height, strictly fire-proof and modern in

Webster, with whom he enjoyed an intimate association. In 1853 he removed to Belvidere, Ill., where for two years he was cashier of a bank. At the end of that time he located at Lyons, Ia., establishing the banking house of Root Bros. & Co., continuing in that business until 1864, when he returned and devoted the remainder of his days to the supervision of a considerable estate. Joseph C. Root accompanied his father's family to the west and attended school at Cornell College, Mount Vernon, Ia. Later he entered the Northern Illinois College, at Fulton, and finally graduated at Poughkeepsie, N. Y. At the age of sixteen years he was placed by his father in charge of a book and jewelry store, which he conducted until it was disposed of advantageously. He next appeared as the manager of two large flouring mills and a grain elevator. After three years he became one of the firm with W. D. Ogden of Elmira, N. Y., under the style of Root & Ogden. This business was sold to advantage and he became United States revenue collector for the second district of Iowa, holding the office for four years. Incidentally, he had taken up the insurance and real estate business, and had established one of the first telephone exchanges in America at Clinton, Ia., and organized the Northwestern Bell Telephone Company, which he disposed of. Mr. Root was twice elected mayor of Lyons and served several terms in the city council. He was nominated for Congress by the republicans of his district, but declined. He was appointed by the governor to investigate, with others, the affairs and transactions of a state officer. The report comprised over 2,000 printed pages. In 1863, at the age of nineteen years, he successfully founded the Young Men's Library Association of Lyons. He was one of the originators of the Iowa Legion of Honor and was the first grand treasurer. He was president of the V. A. S. beneficiary order of Iowa for several years and secretary of the Chicago, Lyons & Pacific Railway Company. In 1882 he founded the Modern Woodmen of America, which, in twenty-nine years has grown to a membership of over 1,250,000. At its first delegate convention in 1883, he was elected head consul by acclamation and each year reelected unanimously until 1890, when he declined. During the seven years of his service as head of the order it enrolled over 65,000 members and paid out over a million dollars in death benefits to the families of the deceased members. Mr. Root bore the heavy expense of organizing the order and establishing it upon a firm financial footing. He furnished at one time over sixteen thousand dollars to head off a conspiracy to disrupt the organization by securing the appointment of a receiver. June 6, 1890, in company with F. A.

every detail, to cost more than \$1,250,000. Success has marked its progress from the start and today it is considered one of the strongest, numerically and financially, of any of the fraternal orders in the United States.

WOODMEN OF THE WORLD BUILDING

The building is one hundred and ten feet on Farnam street by one hundred and thirty-two feet on Fourteenth street and rises eighteen stories above the ground, with an observation

Falkenburg, of Denver, and others, Mr. Root instituted at the Paxton Hotel in Omaha, the Sovereign camp, Woodmen of the World, of which he has since been sovereign commander. During his administration, the Pacific and Canadian coordinate orders, and the Woodmen Circle, Women of Woodcraft, Companions of the Forest, and Boys of Woodcraft, have been organized as auxiliaries, and the membership of the order has grown to a combined membership of over 800,000 and has paid in death losses during the twenty-one years of its existence over forty-five million dollars. It maintains headquarters at Omaha where, in the year 1900, it purchased a building site valued at two hundred thousand dollars and erected an eighteen story building at a cost of \$1,250,000. In 1904 Mr. Root secured by special act of the Dominion government of Canada, the charter for the Canadian order, Woodmen of the World, of which he became the senior head consul. The Woodmen of the World has established a home for its infirm members and orphan children at Lyons, Ia., which is being constructed from voluntary contributions of its membership, as Mr. Root expressed a preference for an institution of this character as a permanent evidence of his efforts in promoting the order. It has been named "The J. C. Root Memorial Home," and will undoubtedly prove a blessing and a "haven of rest" to many unfortunate Woodmen who might otherwise become a public charge or dependent upon the charity of others. Mr. Root has taken thirty-three degrees in Masonry, is a noble of the Mystic Shrine, and has attained some prominence in Odd Fellowship, the Knights of Pythias, and other fraternities. Mr. Root was married in 1865 at Lyons, Iowa, to Louise M. Inslee, and they have two children: Harry J., assistant sovereign commander of the Woodmen of the World, and Alanson I., proprietor of an extensive printing establishment in Omaha.

Louise M. Root, deceased, wife of Joseph Cullen Root, was a daughter of William Inslee, a pioneer Iowa merchant who did business in Davenport and Lyons, Ia. He was a descendant of Jonathan Inslee, of English parentage, who was noted as having furnished financial aid to the infant republic during the administration of President Washington, which was never repaid, although the heirs petitioned Congress many years afterward for allowance of the claims. Mrs. Root's mother was Rhoda A., daughter of John Owens, a native of Wales, who was one of the first merchants doing business at Davenport, Ia., in 1838, having removed from Cincinnati, O. Mrs. Root was born at Davenport, Ia., March 11, 1849, and died at Omaha, September 30, 1910.

gallery some twenty feet above this on the roof. There is also a basement and a sub-basement.

The lobby, reached by the Farnam street entrance, rising to a height of thirty feet above the floor, is encased in solid Colorado marble up to the beautifully ornamented ceiling. The

Passing through the lobby to the rear, we look through the heavy, massive bronze gates into the huge vault with its thirty ton door and frame, where the emergency fund securities of the Woodmen of the World are kept. This vault is built of cement walls eighteen inches thick, reinforced with eighty-



J. Root

two Italian marble staircases leading to the second floor, one on either side of the lobby, the doorways and entrances and stairs to the basement, are all finished in a highly polished statuary bronze.

five pound railroad rails, intertwined with reinforcing steel bars, with the door and the frame of the vault solidly encased in the concrete and the interior of the vault completely lined with a metal lining, which is absolutely

impervious to the drill, and insures the safety of the contents from all possible dangers, including earthquake or riot. The door, weighing 49,000 pounds, swings on its trunion hinge so perfectly balanced that a child can move it, and the wonderful and delicate mechanism of

alarm on the street and in the corridors of the building. In the sub-basement of the building is installed a complete electric light and heating plant.

In the first story, in addition to the lobby, are nine mercantile stores, and the second floor



Mrs. J. C. Root

its locking device, showing through the plate glass on its interior, is a marvel of the watchmaker's skill. This door is twelve inches thick, of solid steel, and is the highest type of vault door obtainable at this time. Elaborate electrical burglar alarm devices render getting into the vault impossible without sounding an

² Mrs. Emma B. Manchester, supreme guardian of Woodman Circle, residing at Lincoln, Nebraska, with offices at Omaha, was born in London, England, October 13, 1848. Her father was the

manager of a large hop farm in Kent, England, and came to America in 1853. He settled on a farm near Palmyra, Wayne county, N. Y., where he lived until his death in 1901. Her mother's name was Harriet

is laid out in a shop scheme. Its shops are minute storerooms and are constructed along the same lines as the stores on the first floor, with the low windows and full glass fronts, with high ceilings.

Above this, the typical office portion of the building starts in and the Woodmen Circle,²



**MORRIS SHEPPARD, SOVEREIGN
BANKER**
**IRA W. PORTER, SOVEREIGN PHY-
SICIAN**
**DE E. BRADSHAW, SOVEREIGN
SENTRY**

JOHN T. YATES, SOVEREIGN CLERK
**JOSEPH CULLEN ROOT, SOVEREIGN
COMMANDER**
**N. B. MAXEY, SOVEREIGN MAN-
AGER**

**B. WOOD JEWELL, SOVEREIGN
WATCHMAN**
**A. D. CLOYD, SOVEREIGN PHYSI-
CIAN**
**H. F. SIMRALL, SOVEREIGN ES-
CORT**



J. E. FITZGERALD, CHAIRMAN
BOARD OF MANAGERS

E. B. LEWIS, SOVEREIGN MANAGER

T. E. PATTERSON, SOVEREIGN
MANAGER

C. C. FARMER, FORMER CHAIR-
MAN BOARD OF MANAGERS

W. A. FRASER, SOVEREIGN ADVISER

F. A. FALKENBURG (DECEASED),
FORMER SOVEREIGN ADVISER

L. Q. RAWSON, FORMER SOVEREIGN
MANAGER

A. H. BURNETT, SOVEREIGN AT-
TORNEY

ED. D. CAMPBELL, SOVEREIGN
MANAGER

an auxiliary of the Woodmen of the World, occupies the third story, the Woodmen of the World occupying from the third to the eighth story, and from here up is general office space.

tures of the building is the use of prismatic glass in the upper sash of all exterior windows. This has the particular advantage of making all the office light from front to rear and



Emma B. Manchester

This portion of the building is trimmed in circassian walnut finish, with magnificent plate glass exterior and interior. One of the fea-

Wheeler, who had five brothers in the British army, one of whom belonged to the Queen's Guards. She became the mother of five children, of whom Mrs. Emma B. Manchester was the second. Mrs. Manchester is a graduate of the high school of Palmyra, N. Y., and was married to Albert L. Manchester

equally distributing the light over a large area. The corridors on all the floors are trimmed in Colorado marble and the floors are

January 10, 1868, at Dowagiac, Mich. They resided there until they removed to Lincoln in 1878. Mrs. Manchester is a member of the Methodist Episcopal church, and a charter member of the Women's Relief Corps. In 1887 she was appointed department secretary of the Women's Relief Corps, and in 1888

all laid in a very pretty design of ceramic mosaic tile. The borrowed lights are all filled with a beautiful new type of prismatic glass giving a very pleasing effect.

On the two top floors, seventeenth and eighteenth, will be located the quarters of the Commercial Club of Omaha.

THE GRAND ARMY OF THE REPUBLIC IN NEBRASKA

BY BRADFORD P. COOK

On the fourteenth day of April, 1865, the United States flag, which just four years before had been lowered upon the formal surrender of Fort Sumter, was again raised over that fort by Major General Robert Anderson, with appropriate ceremonies, national in their character and importance.

On the second of April, Jefferson Davis had made a hurried departure from Richmond, stopping at Danville to issue a proclamation to the effect that the events of the past ten days would leave the Confederate armies "free to move from point to point, to strike the enemy in detail far from his base." Notwithstanding this, on April 9th, General Robert E. Lee surrendered the Army of Northern Virginia to General U. S. Grant, and on the 14th, General Joseph E. Johnston opened negotiations for the surrender of his troops to General Sherman, the details being formally consummated on the 26th of that month.

Mobile had been surrendered on the 12th to the military and naval forces under General Gordon Granger, commanding the 13th Army

was elected department president, and unanimously reelected in 1889, but declined the office, and in 1891 she was elected national senior vice president of the Women's Relief Corps. In 1893 the Woodmen Circle, auxiliary to the Woodmen of the World, was organized in Denver, Colo., and Mrs. Manchester was made supreme advisor of that order, which position she held until 1897, when she was elected national treasurer, and held that office until 1899. She was then elected supreme guardian of Woodman Circle, which office she still fills, being reelected in May, 1907, for four years, and in May, 1911, for four years. Mrs. Manchester was a warm personal friend of General Thayer, and assisted him in aiding the people throughout the state during the dry years. Governor Thayer remarked that "she

Corps, and Rear Admiral Henry K. Thatcher, commanding the West Gulf Squadron.

Major Generals George Stoneman and James H. Wilson commanded leading divisions of cavalry, moving at will through different sections of the south which had not seriously felt the dire effects of war, and the last named general, by a series of dashing movements, completely routed and scattered the cavalry forces of General N. B. Forest. A portion of Wilson's command, on May 10th, captured the fleeing leader of the Confederacy, Jefferson Davis.

Practically but one large division of the rebel armies then remained in the field, that of the Trans-Mississippi Department, under General E. Kirby Smith, who surrendered on May 25th to General E. R. S. Canby, commanding the Military Division of the Gulf. The rebellion was ended.

In April, 1865, more than a million men were in the military service of the United States. A still larger number had been previously enrolled and discharged.

To these must be added over three hundred and fifty thousand — *The Grand Army of the Dead*.

Altogether 2,859,132 men had been enrolled in the military service; the exact number of individuals enlisted has never been accurately ascertained, but the best estimates—reducing the enlistments to a three years' standard of service—place the total number at 2,320,272.

There had been killed in battle, 67,058; died of wounds and other injuries, 43,032; of disease, 244,586; and from causes not classified, 24,852—a total death-roll of 379,528.

did the work of twenty-five women, and how did she do it?" In 1907 she made an extended European trip, combining rest and pleasure with business. Her husband, Albert L. Manchester, enlisted in the 2d New York cavalry in 1864, and remained with his regiment until the close of the war, two years later. Mr. Manchester is a member of the Masonic order, a republican in politics, and a member of the G. A. R. He has been connected with the Burlington & Missouri railroad until recently. Mr. and Mrs. Manchester have three children, W. A., who finished a course in Professor Lillibridge's Business College; Genoa M., graduate from the Lincoln high school and the Lincoln Business College, and Roscoe, a graduate of the Lincoln high school.

The army had taken part in more than two thousand engagements, many of them of minor importance as to numbers engaged or results attained, while others were mighty battles which strained all the resources and tested the fullest powers of endurance of great opposing armies.

The navy, with 122,000 men employed, had borne an equally important part, following, watching, and capturing privateers of the enemy in foreign seas, patrolling the long line of coast from Cape Charles to the Rio Grande, blockading ports, capturing forts, and giving, often at critical times, assistance and protection to the army in many of its engagements.

The survivors of this, the noblest army the world has ever seen, returned to their homes and quietly resumed their accustomed occupations. Soon they realized the necessity of banding themselves together, to perpetuate the ties of friendship and comradeship engendered by army experiences.

On the 6th day of April, 1866, at Decatur, Illinois, the first post of the Grand Army of the Republic was organized by B. F. Stephenson.

OBJECTS

The objects to be accomplished by this organization were as follows:

1. To preserve and strengthen those kind and fraternal feelings which bind together the soldiers, sailors, and marines, who united to suppress the late rebellion, and to perpetuate the memory and history of the dead.

2. To assist such former comrades in arms as needed help and protection, and to extend needful aid to the widows and orphans of those who have fallen.

3. To maintain true allegiance to the United States of America, based upon a paramount respect for, and fidelity to, its constitution and laws; to discountenance whatever tends to weaken loyalty, incite to insurrection, treason, or rebellion, or in any manner impair the efficiency and permanency of our free institutions, and to encourage the spread of universal liberty, equal rights, and justice to all men.

ELIGIBILITY TO MEMBERSHIP

Soldiers and sailors of the United States army, or navy, or marine corps, who served between April 12, 1861, and April 9, 1865, in the war for the suppression of the rebellion, and those having been honorably discharged therefrom after such service, and of such state regiments as were called into active service and subject to the orders of U. S. general officers, between the dates mentioned, shall be eligible to membership in the Grand Army of the Republic. No person shall be eligible to membership who has at any time borne arms against the United States.

DEPARTMENT OF NEBRASKA

Nebraska was first constituted a provisional department July 10, 1867. Comrade Silas A. Strickland, of Omaha, was appointed provisional commander, and John C. Cowan, of Omaha, was appointed assistant adjutant general, but no reports were made to national headquarters, and it was soon dropped from the rolls.

In 1874 Comrade J. E. Philpot was appointed provisional commander. On August 26th, he was, at his own request, relieved, and Comrade Paul Van Der Voort, who had in February resigned as assistant adjutant general of the department of Illinois, by reason of his locating in Omaha, was appointed. Comrade Otto Funk, of Lincoln, was appointed senior vice commander; Webster Eaton, of Kearney, junior vice commander; Lee S. Estelle, of Omaha, assistant adjutant general; council of administration: Comrades Alex. Schlegel, Plattsmouth; Otto F. Steen, Omaha; Thomas J. Majors, Peru; R. M. Grimes, Kearney; C. J. Dilworth, Red Cloud.

The meeting for the organization of a permanent department was held at Omaha, June 11, 1877.

Posts represented: Sedgwick No. 1, Kearney; Phil. Kearny No. 2, Fort Omaha; McPherson No. 4, Fremont; Custer No. 7, Omaha; Canby No. 8, St. Paul; Baker No. 9, Columbus; Abe Lincoln No. 10, David City.

ANNUAL ENCAMPMENTS

1st, June 11, 1877, Omaha; 2d, January 27, 1878, Omaha; 3d, January 31, 1879, Omaha; 4th, April 8, 1880, Lincoln; 5th, January 26, 1881, Aurora; 6th, January 25, 1882, Lincoln; 7th, February 19, 1883, Lincoln; 8th, January 29, 1884, Fremont; 9th, January 28, 1885, Beatrice; 10th, February 17, 1886, Red Cloud; 11th, March 15, 1887, Omaha; 12th, March 1, 1888, Lincoln; 13th, February 20, 1889, Kearney; 14th, February 19, 1890, Grand Island; 15th, February 18, 1891, Plattsmouth; 16th, February 17, 1892, Columbus; 17th, February 15, 1893, Fremont; 18th, February 21, 1894, Lincoln; 19th, February 13, 1895, Hastings; 20th, February 12, 1896, Omaha; 21st, February 10, 1897, Hastings; 22d, February 9, 1898, Norfolk; 23d, May 10, 1899, York; 24th, May 10, 1900, Beatrice; 25th, May 8, 1901, Plattsmouth; 26th, May 22, 1902, Omaha; 27th, May 13, 1903, Fremont; 28th, May 11, 1904, Kearney.

ANNUAL REUNIONS

1st, Warrens Grove, Butler county, October, 1879; 2d, Central City, September 13, 1880; 3d, Lincoln, September, 1881; 4th, Grand Island, August, 1882; 5th, Hastings, September, 1882; 6th, Fremont, September, 1884; 7th, Beatrice, September, 1885; 8th, Grand Island, September, 1886; 9th, Omaha, September, 1887; 10th, Norfolk, August, 1888; 11th, Kearney, August, 1889; 12th, Grand Island, September, 1890; 13th, Grand Island, August, 1891; 14th, Grand Island, August, 1892; 15th, Grand Island, August, 1893; 16th, Grand Island, August, 1894; 17th, Hastings, August, 1895; 18th, Lincoln, August, 1896; 19th, Lincoln, September, 1897; 20th, Lincoln, September, 1898; 21st, Lincoln, September, 1899; 22d, Lincoln, August, 1900; 23d, Hastings, August, 1901; 24th, Hastings, September, 1902; 25th, Hastings, September, 1903; 26th, Omaha, 1904.

DEPARTMENT COMMANDER

1877, Paul Van Der Voort, Post 2, Omaha; 1878, R. H. Wilber, Post 7, Omaha; 1879-80, James W. Savage, Post 7, Omaha; 1881-2, S. J. Alexander, Post 214, Lincoln; 1883, John

C. Bonnell, Post 25, Lincoln; 1884, H. E. Palmer, Post 110, Omaha; 1885, A. V. Cole, Post 81, Juniata; 1886, John M. Thayer, Post 11, Grand Island; 1887, Henry C. Russell, Post 34, Schuyler; 1888, W. C. Henry, Post 18, Fairmont; 1889, S. H. Morrison, Post 24, Nebraska City; 1890, Thad S. Clarkson, Post 110, Omaha; 1891, Joseph Teeter, Post 25, Lincoln; 1892, C. J. Dilworth, Post 13, Hastings; 1893, Alonzo H. Church, Post 69, North Platte; 1894, Church Howe, Post 173, Auburn; 1895, C. E. Adams, Post 63, Superior; 1896, J. H. Culver, Post 56, Milford; 1897, John A. Ehrhardt, Post 190, Stanton; 1898, Thomas J. Majors, Post 302, Peru; 1889, John E. Evans, Post 69, North Platte; 1900, John Reese, Post 98, Broken Bow; 1901, R. S. Wilcox, Post 110, Omaha; 1902, Calvin F. Steele, Post 77, Fairbury; 1903, Lee S. Estelle, Post 262, Omaha; 1904, Harmon Bross, Post 25, Lincoln; 1905, John Lett, Post 32, York; 1906, I. R. Maxon, Post 91, Minden; 1907, J. A. Creigh, Post 110, Omaha; 1908, Eli A. Barnes, Post 11, Grand Island; 1909, L. D. Richards, Post 4, Fremont; 1910, John F. Diener, Post 21, Syracuse, and 1911, A. M. Trimble, Post 25, Lincoln.

SENIOR VICE COMMANDERS

1877, Calvin McCune, Post 10, David City; 1878-9, J. J. O'Connor, Post 2, Fort Omaha; 1880, Brad P. Cook, Post 10, David City; 1881, F. E. Brown, Post 21, Syracuse; 1882, L. W. Osborne, Post 52, Blair; 1883, H. E. Palmer, Post 45, Plattsmouth; 1884, Thad S. Clarkson, Post 34, Schuyler; 1885, J. H. Culver, Post 56, Milford; 1886, Geo. M. O'Brien, Post 7, Omaha; 1887, W. S. Randall, Post 43, Fairfield; 1888, W. V. Allen, Post 143, Madison; 1889, J. W. Bixler, Post 69, North Platte; 1890, Joe Teeter, Post 25, Lincoln; 1891, J. T. Thompson, Post —, Fairbury; 1892, Alonzo H. Church, Post 69, North Platte; 1893, Church Howe, Post 173, Auburn; 1894, C. E. Adams, Post 63, Superior; 1895, J. H. Culver, Post 56, Milford; 1896, John A. Ehrhardt, Post 190, Stanton; 1897, Thomas J. Majors, Post 302, Peru; 1898, John E. Evans, Post 69, North Platte; 1899, John Reese, Post 98, Broken

Bow; 1900, R. S. Wilcox, Post 110, Omaha; 1901, C. F. Steele, Post 77, Fairbury; 1902, S. S. Peters, Post 35, Beatrice; 1903, John Lett, Post 32, York; 1904, Andrew Traynor, Post 110, Omaha; 1905, J. R. Maxon, Post 91, Minden; 1906, John F. Diener, Post 21, Syracuse; 1907, Eli A. Barnes, Post 11, Grand Island; 1908, Ferd Brother, Post 35, Beatrice; 1909, I. N. Thompson, Post 77, Fairbury; 1910, J. M. Morgan, Post 94, Alma, and 1911, O. H. Durand, Post 77, Fairbury.

JUNIOR VICE COMMANDERS

1877, D. D. Wadsworth, Post 9, Columbus; 1878, B. E. Rodgers, Post 9, Columbus; 1879, C. W. Smith, Post 12, Sidney; 1880, S. J. Alexander, Post 214, Lincoln; 1881, B. Crabb, Post 32, York; 1882, J. S. Miller, Post 44, Aurora; 1883, C. H. Fitch, Post 7, Omaha; 1884, A. V. Cole, Post 81, Juniata; 1885, J. B. Davis, Post 90, Wahoo; 1886, John Morrow, Post 60, Harvard; 1887, Julius Neubauer, Post 12, Sidney; 1888, E. C. Parkinson, Post 3, Seward; 1889, E. C. Calkins, Post 1, Kearney; 1890, Willis Gossard, Post 154, Indianola; 1891, Joel Hull, Post 91, Minden; 1892, Bob La Fontaine, Post 1, Kearney; 1893, F. A. Whittemore, Post 67, Long Pine; 1894, J. B. Barnes, Post 42, Albion; 1895, Jno. A. Ehrhardt, Post 90, Stanton; 1896, T. J. Majors, Post 302, Peru; 1897, John E. Evans, Post 69, North Platte; 1898, H. B. Stafford, Post 193, Plainview; 1899, R. S. Wilcox, Post 110, Omaha; 1900, C. F. Steele, Post 77, Fairbury; 1901, J. R. Maxon, Post 91, Minden; 1902, F. W. Kinney, Sr., Post 52, Blair; 1903, W. J. Blystone, Post 25, Lincoln; 1904, Joseph Hoagland, Post 69, North Platte; 1905, L. J. Horton, Post 190, Stanton; 1906, Jonathan Edwards, Post 7, Omaha; 1907, E. E. Lyle, Post 90, Wahoo; 1908, W. H. Stewart, Post 22, Geneva; 1909, Henry W. Alberts, Post 32, York; 1910, O. F. Durand, Post 77, Fairbury, and 1911, Freeman Marryman, Post 1, Kearney.

ASSISTANT ADJUTANTS GENERAL

1877-8, Wm. Coburn, Post 7, Omaha; 1879-80, J. S. Woods, Post 2, Fort Omaha; 1881-2-3-4, Brad P. Cook, Post 214, Lincoln; 1885,

S. J. Shirley, Post 81, Juniata; 1886, J. W. Liveringhouse, Post 11, Grand Island; 1887, J. D. Miles, Post 34, Schuyler; 1888, J. W. Liveringhouse, Post 11, Grand Island; 1889, P. A. Gatchell, Post 25, Lincoln; 1890, J. B. Sawhill, Post 7, Omaha; 1891, J. W. Bowen, Post 25, Lincoln; 1892, J. W. Bowen, Post 25, Lincoln; 1893, J. E. Evans, Post 69, North Platte; 1894, A. M. Trimble, Post 25, Lincoln; 1895-6-7-8, J. D. Gage, Post 136, Franklin; 1899, W. H. Barger, Post 17, Hebron; 1900, J. D. Gage, Post 136, Franklin; 1901-2, M. Howe, Post 25, Lincoln; 1903, W. S. Askwith, Post 262, Omaha; 1904, C. M. Parker, Post 25, Lincoln; 1905, L. M. Scothorn, Post 25, Lincoln; 1906, C. M. Parker, Post 25, Lincoln; 1907, A. M. Trimble, Post 25, Lincoln; 1908, A. M. Trimble, Post 25, Lincoln; 1909, A. M. Trimble, Post 25, Lincoln; 1910, L. M. Scothorn, Post 25, Lincoln; 1911, L. M. Scothorn, Post 25, Lincoln.

ASSISTANT QUARTERMASTERS GENERAL

1878-82, Michael Cody, Post 2, Fort Omaha; 1883, John Steen, Post 90, Wahoo, resigned June 19; succeeded by N. G. Franklin, Post 214, Lincoln; 1884, N. G. Franklin, Post 214, Lincoln; 1885, H. S. Hotchkiss, Post 25, Lincoln; 1886, W. C. Henry, Post 18, Fairmont; 1887, L. M. Scothorn, Post 25, Lincoln; 1888, L. C. Washburn, Post 109, Norfolk; 1899-90, C. L. Howell, Post 11, Grand Island; 1891, H. J. Streight, Post 45, Plattsmouth; 1892, A. C. Moore, Post 13, Hastings; 1893, C. C. Cannon, Post 34, Schuyler; 1894, E. M. Shaw, Post 104, Talmage; 1895, I. A. Arnold, Post 1, Kearney; 1896-7, D. E. Figard, Post 3, Seward; 1898, J. Stevenson, Post 25, Lincoln; 1899, Wm. C. Elder, Post 69, North Platte; 1890, Brad P. Cook, Post 214, Lincoln; 1891, L. A. Harmon, Post 110, Omaha; 1892, I. N. Thompson, Post 77, Fairbury; 1893, L. M. Scothorn, Post 25, Lincoln.

NATIONAL OFFICERS

Commander-in-chief, Paul Van Der Voort, Post 2, Omaha, 1882; commander-in-chief, Thad S. Clarkson, Post 110, Omaha, 1896; senior vice commander-in-chief, Paul Van Der Voort, Post 2, Omaha, 1878; junior vice com-

mander-in-chief; Thad S. Clarkson, Post 110, Omaha, 1891; adjutant general, F. E. Brown, Post 21, Syracuse, 1882; assistant adjutant general, Brad P. Cook, Post 10, David City, 1882; adjutant-general, C. E. Burmester, Post 110, Omaha, 1896; J. H. Culver, member National Council of Administration, 1908; S. H. Spaulding, member National Council of Administration, 1910 and 1911.

ANNUAL REUNIONS

In no state are the soldiers' and sailors' reunions more largely attended than in Nebraska. Many thousands of veterans have been in attendance during the week of camp life each year. Some of the comrades travel in wagons for hundreds of miles.

The competition for the place for holding these reunions is spirited, and the department has been able to make such terms as not only to avoid expense to the department, but to add thereby to its treasury.

The proposals for the location, in addition to a cash bonus, require the use of 240 acres of land, water for at least 50,000 people, and for 3,000 horses or mules, 40 tons of ice, 75 tons of hay, 50 tons of straw, 100 cords of wood, 500 wall tents, and in addition one large wall tent for each state organization, Women's Relief Corps, Sons of Veterans, Daughters of Veterans, also a sufficient number of good, commodious tents for department and camp headquarters, furnish sufficient guards to protect all property, to police the camp, and maintain order during the week.

To insure all property from the time it is in transit to, in use at, or in transit returning from the reunion.

Furnish \$200.00 worth of advertising.

No gambling, or vending of any spirituous or malt liquors is allowed on the grounds.

NEBRASKA SOLDIERS' AND SAILORS' HOME

Nebraska, in making provision for the care of needy veterans, by act approved March 4, 1887, made a decided advance over any other state, by its liberal provisions.

One act reads as follows:

Section 1. That there shall be established and maintained by the state of Nebraska, an

institution to be known as the Nebraska Soldiers' and Sailors' Home, the object of which shall be to provide homes and subsistence to honorably discharged ex-soldiers and sailors and marines, and also hospital nurses who served in the United States army or navy, or hospitals, during the war of the rebellion, and who entered the army or navy, or entered such hospitals from this state, or who shall at the time of the application for admission to such home, have been an actual *bona fide* resident of this state for two years next preceding such application; and who shall have a wife or children dependent upon him or her for support, and who have become disabled by reason of such service, old age or other cause, from earning a livelihood, and who would be dependent upon public or private charities, and also wives of such soldiers and sailors, and their children under the age of fifteen years, and the widows and children under the age of fifteen years, of soldiers, sailors and marines, who died while in the service of the United States, or who were honorably discharged from such service, and who have since died, and also the children under the age of fifteen years, of any such hospital nurse;

Provided, That such widow or children shall have been *bona fide* residents of this state for two years preceding admission to such home, and are unable to earn a livelihood, and are dependent upon public or private charities.

Citizens of Grand Island donated 640 acres of land and \$19,200 in money for the establishment of the home at that place. Thirty thousand dollars were appropriated by the legislature for maintenance for 1887-88. The main building, 50 x 100 feet, four stories in height, was opened for inmates July 10, 1888. Cottages have been built for men with wives. Comrade John Hammond, of Post 9, Columbus, was the first commandant of this home. Each biennium since its establishment the legislature has made generous appropriations for new buildings, repairs, and maintenance, but this home is over-crowded at the present time, and many applicants are rejected for lack of room. Comrade W. S. Askwith is the present commandant.

A BRANCH HOME FOR SOLDIERS AND SAILORS was dedicated August 21, 1895, with fitting ceremonies.

It is situated near Milford, on an eminence

overlooking the picturesque Blue valley. The grounds, containing 38 acres, are covered with large hickory, oak, ash, and other trees, affording beautiful, shady retreats along the banks of the Blue river and Coon creek.

The first commandant of this home was Comrade J. H. Culver, of Post 56, Milford.

The last legislature was very patriotic and liberal in its appropriations for the care and comfort of our disabled comrades at the state soldiers' and sailors' homes. Grand Island, having 415 inmates, received \$125,000 for maintenance, and \$24,500 for improvements; Milford, with 125 inmates, received \$40,000 for maintenance, and \$33,500 for improvements.

BURIAL OF VETERANS

By an act of the legislature passed in 1885, provision is made for the burial of honorably discharged soldiers, sailors, and marines, who may die without leaving means sufficient to defray funeral expenses. Tombstones similar to those in the national cemeteries are furnished by the U. S. government.

EXEMPTION

By an act approved March 31, 1887, pension money of soldiers, sailors, and marines, disabled in the service of the United States, and all property purchased and improved exclusively with such pension money, to an amount not exceeding \$2,000 in value, are exempt from levy and sale upon execution or attachment.

ROSTER

By an act approved March 4, 1887, provision was made for obtaining the names of all residents of Nebraska who served in the United States army, navy, or marine corps, during the War of 1812, the Mexican War, and the War of the Rebellion, designating the rank, company, regiment, battery, or vessel in which they served, two thousand copies of these rosters to be published, three copies to be furnished to each post of the Grand Army of the Republic in the state.

GRAND ARMY BADGE

By an act approved March 31, 1887, any person who shall wilfully wear the badge of the

Grand Army of the Republic, or who shall use the same to obtain aid or assistance thereby, unless duly entitled to wear the same, is liable to imprisonment for not exceeding thirty days or a fine not exceeding \$20, or to both such fine and imprisonment.

MEMORIAL DAY

May 30th was made a legal holiday in Nebraska by act of the legislature passed in 1885.

GRANT MEMORIAL HALL

By an act approved March 31, 1887, an appropriation was made to furnish properly a room in the state house for the care and preservation of the official records of all officers and soldiers who served in the volunteer regiments of the state; also for the proper care and preservation of relics and mementoes of the War of the Rebellion that may be donated to the state of Nebraska.

Comrade Edgar S. Dudley, commander of Appomattox Post 214, G. A. R., Lincoln, was appointed custodian under this act.

On the same day an act was approved appropriating \$20,000 for the erection of a building on the grounds of the state university at Lincoln, to be known as the Grant Memorial Hall, "to be devoted to the uses of the military department of said university and used as an armory, drill-room, and gymnasium, to forever remain a public monument in memory of the late General Ulysses S. Grant."

By an act passed in 1889, the county boards of the several counties of this state are authorized to levy a tax not exceeding three-tenths of one mill upon the taxable property of their respective counties, for the purpose of creating a fund for the relief and funeral expenses of honorably discharged Union soldiers, sailors, and marines, and the indigent wives, widows, and minor children not over 14 years of age in the case of boys, and not over 16 years of age in the case of girls, having a legal residence in such county.

The county board in each county of this state shall, in January, 1890, appoint three persons, residents of such county, at least two of whom shall be honorably discharged Union soldiers,

to be known as "The Soldiers' Relief Commission," such commission to disburse the funds raised by this act.

SOLDIERS' BURIAL GROUNDS

By an act passed in 1893, "a parcel of land not exceeding one acre, in such place and in

such form as shall be selected and agreed upon between the trustees of Wyuka cemetery and a committee of the Grand Army of the Republic, of Lincoln, Nebraska, is hereby dedicated to the use and for the purpose of a soldiers' burial ground."

CHAPTER XVIII

CHICAGO & NORTHWESTERN RAILWAY — NEBRASKA STATE BOARD OF AGRICULTURE — OMAHA
STREET RAILWAY — M'KEEN MOTOR CAR — CAPTAIN JAMES HENRY COOK

CHICAGO & NORTHWESTERN RAILWAY

BY MAJOR J. R. BUCHANAN

IN 1835 Chicago had become a "right smart village." Its commercial importance began to take hold upon the people. At that time the tendency of all crop commerce was eastward to the Atlantic seaboard, for consumption, and for trans-shipment to Europe. Because of the lake transportation from Chicago, and the railroad (the Michigan Central) approaching from the east, it was manifest Chicago was destined to be a principal market, and a trans-shipping point. There were many millions of acres of virgin prairie lying west and northwest awaiting the agriculturist. This land was available at almost "nothing per acre," and with a foreign population pouring in, and many people in the east wanting cheaper land, these acres were rapidly reduced to farms. These farms would require markets and these markets must have a commercial center, a trans-shipping point.

Chicago was, in embryo, the commercial center. It only required highways in the most direct courses and to the best localities, to point the way of the prospective settler. Since railroads had become recognized as the modern means of transportation, it remained but to find the brave and foresighted adventurous man or men who would build them. In January, 1836, the legislature of Illinois passed an act chartering the "Galena & Chicago Union R. R. Co.," naming as the first board of directors, William Bennett, J. C. Goodhue, J. W. Turner, J. B. Thomas, Jr., Thomas Drummond, Peter Semple, and E. D. Taylor, authorizing them to build a railroad "out into the prairie and towards the Mississippi river near the

lead mines at Galena, Ill., and Dubuque, Iowa." This railroad was finally opened for business in 1848 for ten miles from Chicago to near the Des Plaines river. It was laid with "strap" rails and was the pioneer railroad westward from Chicago. It was not until 1852 that "T" rails were substituted for the strap rails for the line from Chicago to Elgin, Ill.

A "branch" under the name of the "Mississippi Junction" railroad was incorporated to build a railroad west from Turner Junction — or rather from Dixon, Ill., to Fulton, on the Mississippi river. This line was completed to Fulton in 1854, 138 miles from Chicago. Strangely, this Galena and Chicago Union R. R., although only ten miles of strap railroad had been completed in 1848, in 1850 paid the stockholders a ten per cent dividend.

Another organization called the Chicago, Iowa & Nebraska R. R. Co. commenced the construction of a railroad in Iowa from the west bank of the river opposite Fulton to an unnamed inland point in Iowa. Conspicuous in this new company were Capt. John Bertram, of Salem, Massachusetts, Alfred Johnson, of Belfast, Maine, Messrs. Glidden and Williams, of Boston, Oakes Ames, of Massachusetts, George Greene, John Weare, and S. C. Bever, of Cedar Rapids, Iowa.

In June, 1859, the Cedar Rapids and Missouri River Railroad Company was organized to build a road from Cedar Rapids to the Missouri river. The principal projectors of this company were the same men as those who built the Chicago, Iowa & Nebraska R. R., with among others, John I. Blair, of Blairstown,

New Jersey, which road will always remain a great monument to his name, his activities, and his eminent success. Mr. Blair's name and personality added great strength to this railway building project in the west, and although the building of a railroad hundreds of miles through a practically unsettled prairie state possessed an element of speculation, Mr. Blair's careful and conservative judgment gave confidence — afterward so fully justified.

When the Cedar Rapids & Missouri River Railroad Company was incorporated in 1860, and gave promise to accomplish much, the state of Iowa resumed ownership of the land originally granted to the "Iowa Central Air line" and transferred it to the Cedar Rapids & Missouri River R. R. Co. Work was accordingly begun and the line built to "Otter Creek," now "Chelsea," station, 40 miles from Cedar Rapids, which was completed in the winter of 1861-62. The Galena & Chicago Union R. R. Co. had leased the Chicago, Iowa & Nebraska R. R. and assumed control of it. This same company now entered into like contract with the Cedar Rapids & Missouri River R. R. Co., to lease its road on a basis of a percentage of earnings, and to take it as completed in sections of 40 miles. The building progressed, and the work was turned over to the Galena & Chicago Union Co., as contracted. In the meantime another company, following the construction of the Galena & Chicago Union out of Chicago, had been organized to build northward through northern Illinois and into Wisconsin. This was the "Chicago and Northwestern Railroad Co." A consolidation had been effected between this Chicago & Northwestern and the Galena & Chicago Union, the new organization taking the name of the Chicago and Northwestern Railway Co., which company succeeded to the contracts of the Galena & Chicago Union Co., and then assumed proprietorship of the Chicago, Iowa & Nebraska, and the Cedar Rapids & Missouri River railroad as it was being constructed. It finally reached Council Bluffs with its rails in January, 1867, although operation over the last section did not open until April of that year.

This company also built six and one-half miles from Missouri Valley Junction, Iowa, directly west to what is now called California Junction, where a connection was effected with a line being constructed from Sioux City down the east valley of the Missouri river and turning directly westward at California Junction to and crossing the Missouri river at what was then known as "Yazoo landing."

During the years succeeding 1862 a number of railroad companies were organized and some work done in construction, in northern Wisconsin, Minnesota, northern Iowa, and Dakota. Some of them partially materialized in bits of road in different places, and generally left a trail of insolvency behind them with only incomplete pieces of most indifferent railroad. In 1878 one of these, the West Wisconsin, was purchased by a syndicate consisting of Henry H. Porter, David Dows, and Walston H. Brown. They associated others with them and reorganized under the laws of Wisconsin, under the name of the Chicago, St. Paul and Minneapolis Railroad Co., which then proceeded to gather in other uncompleted pieces of roads, to build connecting links, and otherwise to improve them. Amongst these properties acquired were the St. Paul & Sioux City, and the Sioux City & St. Paul railroads. By an arrangement with the Chicago and Northwestern railway a connection was made at Elroy, Wisconsin, and thus a through connected link between St. Paul and Chicago was established. Then a connecting line was built between St. Paul and Sioux City, and the Sioux City and St. Paul roads, with a running arrangement with the line now known as the Illinois Central R. R. Co. for joint use of the track between Sioux City and LeMars, thus establishing a through connected line between St. Paul and Sioux City, all operated by and under the organization known as the Chicago, St. Paul and Minneapolis Railroad Company.

On November 28, 1869, were filed articles of incorporation of the Omaha & Northwestern Railroad Company: by Ezra Millard, J. A. Morrow, James E. Boyd, John A. Horbach,

Edward Creighton, Herman Kountze, John S. Gise, Joseph H. Millard, Charles H. Downs, L. H. McCormich, William A. Paxton, Joseph Boyd, John I. Redick, H. E. Brown, Augustus Kountze, George M. Mills, as incorporators. The purposes of the organization were "to construct a railroad from Omaha through the counties of Douglas, Dodge, Washington, Burt, Cuming, Stanton, Madison, Pierce, and LaQui Court to the Niobrara river." The amount of capital stock necessary to construct said railroad was \$1,000,000.

On October 2, 1878, the Omaha & Northern Nebraska Railway Company was organized with the following incorporators: John A. Creighton, Herman Kountze, Henry W. Yates, and Frank Murphy. Section 3 of the articles of incorporation read: "This organization is created to purchase, locate, construct, equip, and operate a line of railroad with branches in the state of Nebraska, having its initial or southern part at or near Omaha, in Douglas county, Nebraska, and extending thence in a northwesterly direction through the counties of Douglas, Pierce, Knox, and Holt, to a point on the Niobrara river east of the 100th degree of west longitude in the state of Nebraska, thence by the most practicable route through the territory of Dakota to the town of Deadwood. The capital stock shall be \$30,000, in shares of \$100 each." On April 17, 1879, the capital stock of this company was increased to \$1,000,000.

The Sioux City & Nebraska Railroad Company was incorporated December 5, 1879, by Charles H. Bigelow, president; Assel Blakely, vice president; Horace Thompson, treasurer; James A. Drake, secretary; A. H. Wilder, John I. Merriam, E. T. Drake, Henry H. Sibley, John S. Prince, J. W. Bishop, George A. Hamilton. Its purpose was "to build, operate and maintain a railroad and telegraph from a point on the right bank of the Missouri river in the county of Dakota and state of Nebraska, opposite to or below the city of Sioux City, in the state of Iowa, in a southerly direction through the counties of Dakota, Blackbird, Cuming, Burt, Washington, and Douglas, to

and into the city of Omaha in the state of Nebraska with a northerly branch diverging from the same in the county of Dakota, thence running northwesterly and westerly through the counties of Dakota, Dixon, Cedar, Knox, and Holt, thence in a westerly direction to the west line of the state; also with a branch diverging from said line and running in a southerly direction through the counties of Wayne, Stanton, Madison, and Platte to Columbus, in said county of Platte. . . .

Also to build, own, operate, and maintain telegraph lines and transfer boats across the Missouri river and to build, own, operate and maintain a bridge across said river from any place where said road is located on the right bank of said river in said county of Dakota to a point on the opposite bank of said river in, near, or below said city of Sioux City connecting with the tracks of the Sioux City and St. Paul railroad in or near said city." The amount of the capital stock of the company was \$6,000,000.

On November 9, 1875, the Covington, Columbus & Black Hills Railroad Company was organized, and until the first election, the affairs of the company were to be managed by J. B. Hubbell, C. D. Booge, Joseph Hollman, Isaac Powers, William Adair, A. W. Hubbard, A. De Graff, C. P. Heath, P. Barry, D. Duggan, P. O'Neill, Jesse Warner, C. E. Hedges, S. T. Dabis, J. Stough, T. Murphy, Cornelius O'Connor, S. Bevins, Williams Nixon, M. C. Bogue, Dennis Ryan, Martin Lockwood, William Boyd. The principal place of business was Covington, Nebraska. The objective route of the company was as follows: "From a point on the Missouri river to the town of Covington, in Nebraska, thence through the counties of Dakota, Dixon, Wayne, Stanton, Madison, and Platte, to the town of Columbus, together with a road from such point as the company may select in the county of Dakota through the counties of Dixon, Cedar, Knox, and Holt, to a point on the northern line of this state at the 100th meridian of longitude, and thence northwest through the Black Hills to some suitable point of junction

with the route of the North Pacific railroad, so much of said road as may extend through the territory of Dakota to be constructed and operated under the laws of said territory and the laws of Nebraska, and to that end this corporation shall have power to acquire all the rights, powers, and franchises of any railroad company now organized or which may be hereafter organized under the laws of such territory, the capital stock of said company to be \$3,000,000."

February 22, 1876, the articles of incorporation were amended to read "that the company shall have the right to construct and maintain a road to Laporte, in Wayne county, or some other point on the main line of the road between Laporte and the 6th principal meridian (the west line of Wayne and Stanton counties) in a southwesterly direction through the counties of Madison, Boone, Greeley, Merrick, Hall, and Buffalo to a junction with the Union Pacific railroad at Grand Island and also to construct a road from the route here named commencing at the town of Stanton or such other point as may be selected for the purpose, northwest through the counties of Madison, Pierce, Antelope, and Holt to the north line of the state at the 100th meridian of longitude."

February 26, 1876, the company increased "its capital stock of this corporation to \$5,000,000."

The Omaha and Northwestern Nebraska in 1878 by purchase acquired the Omaha and Northwestern with all its franchises, rights, and privileges, consolidating the same with this Omaha and Northern Nebraska.

Under date of May 25, 1880, the Chicago, St. Paul and Minneapolis Railway Company having acquired by purchase the Omaha and Northern Nebraska Railroad Company, its franchises, etc., and also the Covington, Columbus & Black Hills Railroad Company with its rights, franchises, etc., and all their respective antecedent companies, reorganized under the name of the Chicago, St. Paul, Minneapolis & Omaha Railroad Company, with Henry H. Porter as president and C. W. Porter as secretary. Among the incorporators and in the first

board of directors were the following: Roswell P. Flower (later governor of New York), Hon. John C. Spooner (later U. S. senator from Wisconsin), Philetus Sawyer (later U. S. senator from Wisconsin), Joseph B. Redfield, auditor of the Chicago & Northwestern Railway Company, William H. Ferry, James H. Howe, George B. Smith, the latter two gentlemen distinguished lawyers of Wisconsin; James W. Ferry, and Henry H. Porter, who became the president of the reorganized company. The capital stock of the consolidated company was \$50,000,000. The consolidation papers were recorded in the state of Nebraska June 3, 1881.

In referring to the antecedent organizations which at present constitute the Chicago, St. Paul, Minneapolis & Omaha R. R. Co. and lines, no attempt is here made to give the entire or the correct history or the dates or even the entire or correct names except as to those lines organized under the laws of Nebraska and the immediately preceding organizations which, by purchase or consolidation, acquired them and finally crystalized into the present organization known as the Chicago, St. Paul, Minneapolis & Omaha Railroad Company. Those interested in these antecedent companies outside of Nebraska are referred to a most valuable publication by Dr. W. H. Stennett, of Chicago, auditor of expenditures of the Chicago and Northwestern Railway Co., entitled *Yesterday and Today*, which for brevity and comprehensiveness can hardly be overestimated.

The North Eastern Nebraska Railroad Company was organized May 27, 1865, with incorporators: E. W. Winter, J. M. Whitman, E. E. Woodman, John D. Howe, and S. S. Perrin, who also constituted the first board of directors. The principal place of business was Wayne, Nebraska. "The general motive of the business of this corporation shall be to build, construct and operate railroad and telegraph lines from Wayne, Nebraska, northwesterly through the counties of Wayne, Cedar, and Knox to Niobrara, Knox county, Nebraska."

C. S. I. P. & O. R. R. Co.—Amendment to

article of incorporation dated May 22, 1888, authorized and directed the president to purchase "of the North-Eastern Nebraska Railroad Company a corporation of the last named state [Nebraska] the whole of its constructed railroad and branches with all the property, rights and franchises, etc. (Signed) E. E. Woodman, Secy."

The Sioux City and Pacific Railroad Company was organized at Dubuque, Iowa, on August 1 (articles filed October 6), 1864, to construct a railroad down the valley of the Missouri river on the east side to a junction with a spur which had been built by the Cedar Rapids and Missouri River R. R. from what was known as "Missouri Valley Junction." This "spur" was built directly west from the main line to form a connecting link between the Cedar Rapids & Missouri River railroad and the Sioux City & Pacific railroad. The junction was called "California Junction," Mr. Blair insisting it would some day become conspicuous as a principal point on a great trans-continental system of lines, the trains from St. Paul, from Chicago and Kansas City converging on this junction and on the line to be built thence directly west to and again beyond the Missouri river to Fremont, in Nebraska, where it would intersect the Union Pacific railroad then in process of construction. This line from Chicago saved nearly 35 miles in distance over the line through Council Bluffs and Omaha and a like saving in distance from St. Paul, and was nearly as short from Kansas City to Fremont, the intersection from the great prospective through line to the Pacific coast.

The Northern Nebraska Air Line Railroad Company was organized June 8, 1867, "to survey, locate, build, construct and operate a railroad at and between 'a point' at and within the town of De Soto, Washington county, Nebraska, and at and within one-half mile of the Missouri river in Washington county in the state of Nebraska, thence in a westerly course by the most practicable route to be hereafter selected by the said company or under its direction through the counties of Washington

and Dodge or through parts of the same to the town of Fremont in the county last named, the town of Fremont to be the terminus of said road." The articles of association were signed by D. C. Slader, John A. Unthank, Thomas P. Kennard, John S. Bowen, and Jesse T. Davis. The capitalization was \$2,000,000.

September 15, 1868, the Sioux City & Pacific Railroad Company and the Northern Nebraska Air Line effected a consolidation. The stock of the Nebraska Air Line Company, represented at the meeting to have this consolidation effected, was held by John I. Blair, 750 shares, Oakes Ames, 500 shares; Charles E. Walker, 100 shares; George Douglas, 100 shares; W. W. Walker, 348 shares; Jesse T. Davis, 1 share. W. W. Walker was president of the Nebraska Air Line and Isaac Cook was secretary.

The Sioux City & Pacific Railroad Company held a meeting January 29, 1869, at Cedar Rapids, Iowa, and approved the action of consolidation. Among the stockholders were John I. Blair, W. W. Walker, D. C. Blair, C. Scribner, James Blair, Samuel Sloan, J. H. Scranton, Sidney Dillon, William E. Dodge, F. M. Ames, Abner Ames, second, Oakes Ames, Oakes A. Ames, Princess Crowell, J. T. Cooledge, Thomas Nickerson, E. M. Glidden, A. H. Twombly, John Bertram, George Douglas, Henry Forman, K. C. Glidden, and W. T. Glidden. The consolidated company was to inherit and acquire all the lands, property, etc., of both companies.

"The effect of this consolidation will be to secure to this company 48,000 acres of land granted by the state of Nebraska to the Northern Air Line Company; the stock of that company is only \$200,000 and that is so controlled by the members of the company that the stock of the consolidated company need not be increased beyond the present amount of the Sioux City & Pacific stock."

Signed,

John I. Blair, Pt.

W. W. Walker, Secy.

Consolidated Company.

The above quotation was the last clause of a proposed agreement included with the notice of the meeting of the stockholders of the Sioux City & Pacific to pass upon the consolidation. It was found in the articles of incorporation of the Northern Nebraska Air Line Railroad Company that the principal place of business of the company should be at De Soto, Nebraska.¹

The object of the corporation is given as follows: "This company is organized for the purpose of constructing and operating a railroad from Sioux City, Iowa, to some point at and upon the Union Pacific railroad or the Iowa branch thereof from Omaha as may be hereafter selected under the provisions of an act of Congress entitled "an act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific ocean and to secure to the government the use of the same for postal, military and other purposes." Approved July 1, 1862, and the acts amendatory thereof.

This company was organized in conformity to the provisions of the acts of Congress, was approved by the president of the United States—all of which assured to this Sioux City & Pacific Railroad Company its share of rights accruing to Pacific railroads, including certain land grants and other subsidies to be hereinafter referred to. Its course was south from Sioux City to what is now California Junction, thence directly west to "Yazoo landing," on the Missouri river, transferring over the river for some years on ferry boats and thence to Fremont, Nebraska. Of this organization John I. Blair was president, and W. H. Hamilton, secretary.

Construction commenced in the spring of 1867, and was completed into Sioux City in 1868. This line was completed from California Junction, Iowa, to Fremont, Nebraska, early

¹ The incorporators of this Sioux City & Pacific Railroad Company were Platte Smith, S. C. Crocker, Morris K. Jessup, John I. Blair, James T. Wilson, A. W. Hubbard, Charles A. Sanborn, Frederic S. Church, and William B. Allison. The organization provided that the corporation should run 50 years from August 1, 1864, with right of renewal. The principal office was to be at Dubuque, Iowa. The capital stock was to be six million (\$6,000,000) dollars.

in 1869, a transfer "ferry boat" closing the gap across the Missouri river between the Iowa and Nebraska sections of road line until the fall of 1883, when the Blair bridge was completed, since which time it has been the connecting link.

The Sioux City and Pacific Railroad Company received 42,500 acres of land under its grant from the United States government, also from the state of Nebraska 44,107.50 acres more. It also received from the United States government a loan of 6% bonds amounting to about \$16,000 per mile of road, aggregating \$1,628,000, all of which money, subsidy and interest have since been paid the government. These assets being at the time insufficient to complete its construction, it borrowed the remainder necessary, the deficiency being made up by the C. R. & Mo. R. R. until the sale of the road in 1884. In 1880 the C. R. & Mo. R. R. and the C., I. & N. roads purchased some 90% of the stock. In 1884 they were all sold to the Chicago & Northwestern Railway Co.

The Blair bridge was built by a separate organization because, although Congress in 1882 authorized the Sioux City & Pacific to build it, that company was unable to provide the money, and so the Missouri Valley & Blair Bridge Company was organized to construct it, the several roads named taking stock and aiding in its completion, which was accomplished in November, 1883. The breaking up of the ice in March, 1884, carried out 600 feet of the trestling, rendering it temporarily useless, but traffic was resumed in May and has not since been seriously interrupted. Horace Williams was the president of the bridge company. George S. Morrison, the great bridge engineer, made the plans and had charge of the construction.

The Sioux City & Pacific railroad, having reached Fremont, Nebraska, and an intersection with the Union Pacific R. R., its destined terminus, rested.

It constituted the connecting link between Sioux City, Iowa, and Chicago, via California Junction, Missouri Valley Junction, and the Chicago and Northwestern Ry. It also con-

nected St. Paul, Minneapolis, and the north and northwest with Nebraska, via California Junction and also via the Chicago and Northwestern Ry. to and through Council Bluffs and Omaha. It also connects these northern points with all the south and southwest and southeast via Council Bluffs and the Kansas City, St. Joseph and Council Bluffs (now the Burlington) R. R., and diverging lines.

We have now our eastern connecting lines completed and connected up in the state of Nebraska, the Chicago and Northwestern through California Junction to Fremont and also through Council Bluffs and the Union Pacific to Omaha.

The Chicago, St. Paul, Minneapolis and Omaha R. R., via Sioux City, and the several organizations which it inherited, were purchased or absorbed, to Omaha and also to Norfolk, at which latter place it connected with the Fremont, Elkhorn & Missouri Valley R. R. — a Nebraska corporation destined to make a great impression on the state. This company we will now follow from its organization to its latest development through Nebraska, into South Dakota and Wyoming.

The Fremont, Elkhorn & Missouri Valley Railroad Company was organized in January, 1869. The first ten miles were built from Fremont up the valley of the Elkhorn river in 1869. In 1870 it was extended to West Point, county seat of Cuming county. The projectors and organizers were substantially the same men as those who built and owned the Sioux City & Pacific, and they leased the Fremont, Elkhorn & Missouri Valley R. R. to the Sioux City & Pacific. In 1871 it was extended to Wisner, 51 miles from Fremont, a town named after J. P. Wisner, one of the directors of the company. Here it rested until 1879, suffering most severely by the grasshopper scourge.

¹“Doc Middleton” had achieved distinction as a “cattle rustler” and with his band of robbers was widely known and generally feared. He was a type of his kind of people and like Rob Roy of Scottish history, had some warm friends as well as enemies, and had a way of accumulating a small herd of cattle without the usual formalities of purchase.

At least that was his reputation. He and his band were naturally averse to increasing settle-

In 1879, under improved conditions and a changed management, it took a new spurt and built to Oakdale. It also built toward Pierce, county seat of Pierce county. In 1880 the main line was extended to Neligh, county seat of Antelope county. The diverging or branch line from Norfolk was extended to Plainview. These were practically the limits of settlement in north Nebraska, except a settlement in Holt county, located by General O’Neill, the leader of a Fenian raid on Canada. The settlement consisted chiefly of Irish farmers with a localized market (country store, etc.), usually called “O’Nales’ Place,” now O’Neill City, county seat of Holt county.

Outside of the above settlement there was no population west of Antelope county, no organization north or west of Holt county, nor for quite a wide strip south, in the state of Nebraska, all that vast unorganized territory being attached to Holt county for judicial purposes, and given over to or taken up as cattle ranches and usually called, or known, as “Doc Middleton’s Country.”¹

Another important change had occurred in that northwest which had a vast bearing on the settling up of the country and the building of railroads.

The tribe of Sioux Indians, numbering some fifteen to twenty-five thousand and under the famous old chief, Red Cloud, practically occupied the territory west of the Missouri river north of the state line of Nebraska. They had been troublesome, were jealous of their rights(?), and were prompt to resent encroachment. The territory they occupied extended over and included the Black Hills and Wyoming, as well as the plains of South Dakota. The government sent out an expedition in 1874 to look over and make topographical sketches and give full information of the north-

ments or close neighbors and so settlement was retarded. It was even believed that the cattle owners sympathized with Middleton in the matter of preventing or discouraging an influx of settlers, but the laws and public opinion had aided to break up this condition and after sundry attempts and failures Middleton was caught napping, captured, tried, convicted, and sentenced to a term in the state prison. Since serving his time it is believed he has lived within the requirements of law.

west country and more especially of the so-called Black Hills. These Black Hills were a sort of myth so far as the public knew—an upheaval in the heart of the great plains, occupied by the Indians, inaccessible and unattractive except as possible hunting grounds. None but hunters or adventurers ever found them, and they rarely returned.

With this government expedition were some California miners. While encamped near the base of Harney mountain, near the present site of Custer City, where the scientists were making their observations, the miners instinctively prospected the country and were rewarded by finding unmistakable traces of gold in placer and quartz. This information becoming known, a rush of miners from Colorado and California broke into the Black Hills. Naturally the Indians resented this encroachment, and complaint being made and further investigation determining the fact that gold did exist in large quantities and all over the northern hills, an effort was at once made to induce the Indians to part with their right there. In the meantime quite an army was sent into the Hills to move the adventurers and miners out, and off Indian territory. All this advertised the value of the Hills, also that it was 300 miles overland travel from Sidney or Cheyenne to the Hills and a difficult and dangerous trip. The government finally succeeded in making a treaty, culminating in 1877, under which the Indians agreed to vacate the Hills, move onto a large reservation, bounded by the state of Nebraska on the south, a line a short distance east of the base of the Hills on the west, the Cheyenne river on the north and the Missouri river on the east, locating an agency at a point called Pine Ridge, thirty miles due north of the present town of Rushville, in Nebraska.

The government, in order to protect settlers and travelers from depredations by these Indians, established three military posts; one was known as the Red Cloud Agency in northern Nebraska, and now as Fort Robinson. This, especially, was to guard the line of travel from Sidney on the Union Pacific, and the chief route of travel to the Black Hills.

Another was near the base of Bare Butte on the northeastern boundary of the Black Hills, and named Fort Mead; it was to safeguard travel from and to the St. Paul country and that portion of Dakota which was then being settled up along the line of the Chicago & Northwestern railroad to Pierre, South Dakota. Population quickly sought the Black Hills, and from Omaha and Sioux City a constant movement occurred. So in 1880, to protect settlers and travelers from Omaha, Sioux City, and the east, another military post called Fort Niobrara was located on the Niobrara river in north Nebraska near the Dakota line.

These three military posts occupied the three corners of a triangle, and were supposed to be a protection against any raids or outbreaks of Indians. All these events presupposed an influx of settlers, a largely increased travel, and movement of supplies for the military posts, for the troops, and the rapidly increasing population in the Black Hills; and here again we find an inspiration for the extension of the Fremont, Elkhorn & Missouri Valley railroad, which we left resting at Neligh, at the close of 1880. In 1881 the main line was again extended, first to O'Neill and then to Long Pine, and the "branch" from Plainview to Creighton. Creighton grew into a thriving town under the double stimulus of being the end of the railroad and being obliged to compete with "Bazile Mills," a country settlement on the Bazile creek where the water power had justified the building of a flouring mill, owned by Mr. George A. Brooks.

Long Pine was named after a creek and canyon of that name. The source of the creek is a group of large springs of soft water which break out of the west bank of the canyon, forming quite a creek which flows northward through a deep canyon or gulch to the Niobrara river, thence to the Missouri river.

In 1882 this main line was extended to Thacher, a short distance east of the Niobrara river. The station was named after James M. Thacher, the post trader at Fort Niobrara.

The east bank of the Niobrara river was largely stone and quite formidable, and

Thacher remained the terminus for nearly a year and until the embankment was subdued and the river bridged. When the road was extended to what is now Valentine, four and a half miles south of Fort Niobrara, and where Cherry county, named for Lieutenant Cherry, whose tragic death thus became historic, was organized, Valentine was made its county seat. Here the road rested for about a year. Valentine was named after Judge E. K. Valentine, member of Congress, but who now lives in Chicago.

In August, 1884, the Chicago and Northwestern Railway Company purchased the Fremont, Elkhorn & Missouri Valley Railroad and prepared at once to extend it to the Black Hills and to the Wyoming line. Grading was put under contract and the following spring track laying followed. The work was pushed rapidly. Sheridan county, next west of Cherry, was organized, with Rushville as the county seat. Dawes county was organized, joining Sheridan on the west, with Chadron as county seat. Sheridan was named after General Sheridan, and Dawes after Governor Dawes, of Nebraska. Chadron was named for a creek of the same name nearby on the south. Chadron became, and has since remained, a division point on the road. About five miles west of Chadron the line deflected from its west course, turning almost due northward into South Dakota and striking the base of the Black Hills in Fall River county, two and one-half miles north of the Cheyenne river which it crosses near a natural gap in the mountain through which a small stream and a highway run. This opening is said to have been the course of the herds of buffalo which entered the Hills for shelter in the winter, and emerged through it in the spring onto the plains. Hence the name Buffalo Gap, which became the name of the station.

Here the road rested nearly a year. In 1886 it was extended to Rapid City, and again in 1887 it was extended to Whitewood, having passed near Fort Meade, through Sturgis, county seat of Meade county. The town of Sturgis is generally supposed to be named

after General Sturgis. It was in fact named after his son, Lieutenant "Jack" Sturgis, whose tragic death with Custer occurred on the Little Big Horn in Wyoming.

The road rested at Whitewood until 1890. Then a branch was built to Belle Fourche, northwest from Whitewood and through the Belle Fourche river valley, which is devoted to farming. The line was also, in 1890, built into Deadwood, tunneling through eleven hundred feet of stone through a spur of mountain which intervened. In the same year, 1890, a branch line was built from Buffalo Gap to Hot Springs, county seat of Fall River county, a beautiful and picturesque spot where there are a number of thermal springs of wonderful medicinal power, whose importance has been recognized by the United States government through Congress making large appropriations for building very extensive sanitoriums for the benefit and restoration of sick soldiers. The site was selected by the managers of the United States soldiers' homes, who recommended the appropriation by Congress.

Recurring to the line in Nebraska: In 1885 the main line was extended west through Fort Robinson and the large county of Sioux to the Wyoming state line. Thus in four or five years, from an unimportant local bit of line in the eastern part of the state the Elkhorn Railroad had built nearly one thousand miles of railway into and through the state to the west border and into the Black Hills in South Dakota, furnishing transportation facilities directly to and from these three military posts, as well as generally to the localities occupied by it.

Under a Wyoming incorporation, subsequently absorbed by the parent company, the Chicago & Northwestern railway, the road was again extended, being completed to Douglas, county seat of Converse county, Wyoming, and near the site of Fort Fetterman in a section of Wyoming whose early history bristles with exciting incidents and interest.

In 1887 the North Platte river was bridged at Douglas and the road extended to Glenn Rock, and in 1888 again extended to Casper.

There it rested until 1905, when steps were taken to extend the line to Lander, county seat of Fremont county, near to the Shoshoni Indian Reservation. There was another military post called Fort Washakie also situated on the reservation. In 1906 work was pushed on this extension and completed to the eastern border of the reservation in July, 1906. The reservation was opened for settlement August 4th and the road built through it and completed to Lander.

In 1891 there was also built a system of narrow gauge lines from Deadwood through the mountains to the most prominent mining camps in the Black Hills, where active mining had developed a necessity for transportation of ores to the smelters and other reduction works at Deadwood. One of these new narrow gauge lines climbed the mountain and crossed gulches to the so-called Bald mountain, or Ruby Basin district, where were being worked the "Golden Reward" and some lesser mines, all active properties. Another line branching off from this penetrated the Ragged Top section. These lines, commenced in 1891, were completed or extended in subsequent years as later developments made such necessary.

In 1901-2 another line from Deadwood to Lead City was built, having a third rail for either narrow or standard gauge use, and now (1906) a new standard gauge line is being built between Rapid City and Pierre, the capital city of South Dakota.

These Wyoming and South Dakota lines were, and are being built under organizations of these states, not necessary to be further mentioned here, all being done by or under the parentage of the Chicago & Northwestern railway, to which all are attached or with which they are consolidated when completed. As we have followed up these various developments it would appear that one development followed the completion of a preceding one as a natural necessity, but we find by reference to the records that the great, grand scheme had been carefully thought out and planned long before. Under date of December 29, 1880, at Neligh, Nebraska, on the border of that vast

unpeopled cattle range lying west, the articles of incorporation were amended by the following: "And said branch through Madison and Holt counties may be extended from time to time through the unorganized territory lying west of Holt county and through Sioux county [at that time all that unorganized territory lying west of Holt county was called and known as 'Sioux county'] to a point or points on the north and west lines of said state of Nebraska and to points beyond the limits of said state by such route or routes as said company shall hereafter determine, which said branch may be deemed, treated, and operated as the main trunk line."

By further amendment the capital stock of the company was increased to ten millions of dollars. At the same meeting the company adopted an amendment in the form of a new article establishing the headquarters and principal office of the company at Fremont, Nebraska. Another amendment extended the corporate existence to January 20, 1969. Thus that far reaching scheme, now so fully carried out, was thought out and planned long in advance of apparent necessity or possibility, and no doubt is attributable to Mr. Philo E. Hall, of Cedar Rapids, Iowa, who had succeeded to the management of the properties, the Sioux City & Pacific railroad and the Fremont, Elkhorn & Missouri Valley railroad. Mr. Hall was a very broad minded man, familiar with the western country and its possibilities. It was under his management that all these extended schemes incubated and in the end were carried out.

By the records in the office of the secretary of state of Nebraska, it appears there had been organized a corporation to build a railroad from "Lincoln to Fremont" and one to build a railroad from "Fremont to Lincoln," but nothing beyond the organization and filing of articles of incorporation came of them. On May 22, 1885, by act of the board of directors of the Fremont, Elkhorn & Missouri Valley R. R. Co., the capital stock was increased from ten million dollars to fifteen million dollars. The directors were: David P. Kimball, of Boston; Martin

L. Sykes, of New York, Marvin Hughitt, of Chicago; Philo E. Hall, of Cedar Rapids, Iowa; Horace Williams, of Clinton, Iowa, and Joseph B. Redfield, of Chicago, the latter being made secretary. Manifestly, enlargement was contemplated.

In 1886 a bridge was built across the Platte river, and a connecting road from Fremont to it. In 1886 a new line was built from Platte river bridge to Lincoln. On May 21, 1886, the capital stock was again increased from fifteen million dollars to thirty million dollars, and provision was made for building other lines; one from the south side of the Platte river (connecting with the bridge line) "through Saunders county and through the counties of Butler, Seward, York, Hamilton, Clay, and Adams to Hastings, county seat of said Adams county, and thence southwesterly to a point on the western boundary of said Adams county." Also, for "a branch from a connection with said Hastings line, in Butler county, in a southwesterly direction through said Butler county and through the counties of Seward, Saline, and Fillmore in said state of Nebraska, to a point on the western boundary of said Fillmore county." Also for a branch "from a connection with the main

line at a point in Douglas county, Nebraska, in a southerly direction to the stock yards in South Omaha in said county."

There was also provision made to build a line from an intersection with the Sioux City & Pacific R. R. at or near Arlington south-easterly through Washington county and into Douglas county to Omaha, Nebraska, and another branch line from Scribner, Nebraska, through Platte, Colfax, Boone, and Madison counties into Oakdale, Antelope county, there connecting with the main line.

These several lines were constructed: In 1885, Fremont to Platte river and the Platte river bridge; in 1886 from this Platte river bridge line to Lincoln, and also the lines from Arlington to Omaha and from intersection with that line to South Omaha; in 1889 from Platte river to Hastings, from Linwood to Geneva, and from Scribner to Lindsay; in 1888 from Geneva to Superior, from Lindsay to Oakdale. In 1904 the branch line from Norfolk north was extended to Bonesteel. These constitute the present lines of what was originally the Fremont, Elkhorn & Missouri Valley R. R., all now owned, consolidated with, and forming part of the great Chicago & Northwestern Railway.¹

¹ These several lines received in aid and encouragement to build as follows: The Sioux City and Pacific R. R. Co. received \$16,333 per mile in bond aid from the general government, all with interest, since paid back to the government. Also 44,107.50 acres of land. Also in local bonds from: Dodge county, Nebraska, 7% bond.....\$50,000 The Omaha and Northwestern received in acres of land.....76,865 33/100

In bonds:
 7% from Washington county.....\$150,000
 8% from Douglas county..... 200,000
 7% from Burt county..... 105,000
 7% from Dakota county..... 95,000
 7% from Dixon county..... 87,000
 The Fremont, Elkhorn & Missouri Valley R. R. received in acres of land..97,546 71/144
 In local bonds:
 From Dodge, 8% bonds.....\$120,000
 From Cuming county, 8% bonds..... 100,000
 From Saunders county, 8% bonds..... 40,000
 Municipal bonds:
 From Lincoln city.....5% 50,000
 From Baker township, York county...6% 10,000
 From Stewart township, York county..6% 10,000
 From New York township, York county.....6% 10,000
 From Thayer township, York county..6% 5,000
 From city of York, York county.....6% 13,000
 Brown township, York county.....6% 6,000

Henderson township, York county.....6%	5,000
Lincoln precinct, Clay county.....6%	17,000
City of Fremont.....6%	15,000
C precinct.....6%	10,000
L precinct.....6%	5,000
B precinct.....6%	10,000
M precinct.....6%	15,000
Howard precinct, Adams county.....6%	20,000
City of Hastings.....6%	60,000
Town of Olive, Butler county.....6%	6,000
Town of Read, Butler county.....6%	10,000
Town of Beneck, Butler county.....6%	10,000
Town of Onion, Butler county.....6%	6,000
Town of Oak Creek.....6%	6,000
Town of Madison, Fillmore county....6%	5,000
Town of Geneva city.....6%	15,000
Town of Exeter precinct.....6%	18,000
Town of Stanton.....6%	8,000
Geneva township.....6%	3,000
Shickley.....6%	3,600
David City.....6%	7,000
Franklin township.....6%	7,000
Nora precinct, Nuckols county.....6%	5,000
Hammond precinct.....6%	5,000
Elk precinct.....6%	7,000
Beaver.....6%	5,000
City of Superior.....6%	5,000
Manchester precinct, Boone county....6%	10,000
Jackson precinct, Knox county.....6%	3,000
Village of Wahoo, Saunders county....6%	3,000

Settlements took root along the original lines of travel, the old wagon trails, and later along the lines of the first railroads in Nebraska. As those were the Union Pacific with large government aid in bonds and land and the Burlington with a liberal land grant, enabling both to advertise generously, and as both were located along and south of the Platte river, very naturally the population or immigration located along those lines, and in the south two-fifths or one-half of the state, not because the land or the climate were better, but solely owing to the influence named, and so the north three-fifths of the state remained unoccupied, except in the eastern counties. Even in these the settlements were slow and scattering. The advent of the Sioux City & Pacific and the Omaha & Northwestern helped in the counties on the northeastern border. The organization of the Fremont, Elkhorn & Missouri Valley R. R. with the purpose of piercing this great northern part of the state promised great things, but it had but a nominal bit of land or aid and was building, or organized to build, into a sparsely settled country. It barely got started when the scourge of grasshoppers came upon the west and paralyzed the prospects.

Many who had ventured into that new country became discouraged and left their lands, their homes, and the state. Everybody who remained, and this poor little railway as well, were poor and could not leave.

In 1879 a change of management occurred. Mr. Philo E. Hall, of Cedar Rapids, Iowa, became the manager and moving force. He had been connected with the sale of the land grant lands which had been given in aid of the Cedar Rapids & Missouri River railroad in Iowa and had seen the splendid results of enlarged facilities. He induced his company to move forward, and so the feeble enterprise which had nearly died outright took on new life, revivifying, and began to move on, first from Wisner to Oakdale, and then a feeble little wing started out from the side of this reanimated body, pierced the almost wholly unoccupied section

northward from Norfolk and into Pierce county.

Almost exhausted by these efforts the company took another rest of nearly a year. Then it made another mighty effort in 1880 and extended its main line five miles and rested at Neligh, the practical limit of habitation and on the border of the great cattle range, and the little side wing had extracted enough vitality from the main body to carry it to a farm in Pierce county, where a town was laid out and called Plainview, and it was in fact a plain view, beautiful view, too, where rich virgin prairie covered with rank vegetation stretched away in every direction as far as the eye could see. Mr. Hall's genius and confidence in the future had begun to inspire others, and some people began to buy up land, now available and accessible by this railroad, at \$4.00, \$2.00 and even \$1.25 per acre, some on speculation and some for occupation. Mr. Hall had been developing some larger schemes of advancement, but there were formidable obstacles to overcome. One was, this cattle range country was valuable to the cattle kings, occupants who did not pay anything for their occupancy, and while they welcomed a railroad and its facilities up to a certain point, they did not encourage immigration. In fact an impression had gone abroad that that land was improvident and would not support a population. Even Mr. Hall himself was fully imbued with this view, but the cattle shipments promised important business and he had projected in his mind an extension into the heart of that cattle country. Another influence no doubt retarded settlement and acted adversely to this northern section of the state which it may be of almost doubtful propriety to mention, but this is history and not advertising, and ought to be truthful. Omaha had become the commercial emporium of the state. It was naturally jealous of any adverse influence which did not bring "coal to its Newcastle." This little railroad crossed the Missouri river twenty-five miles north of Omaha, and its business and patronage naturally at that time sought the larger market at Chicago through the Chicago &

Northwestern railway via California Junction and Missouri Valley, instead of delivering it to Omaha. Then, too, the large land grant roads which had millions of acres of land along their lines to sell, which had been given to them, had their agents located in Omaha, and through Omaha to the land grant sections along their lines and south of the Platte, and as Omaha was widely known and advertised as the commercial center or city of Nebraska, the practical initial point of the great Union Pacific railroad, quite naturally immigration was drawn into Omaha and through it along the old and strong lines.

These influences of the old lines, their agencies in Omaha and elsewhere, very readily account for settlement of the so-called "South Platte" section of the state long before the northern portion was considered habitable.

The land along the Elkhorn is today considered to be as good as any in the state, but by the influences named attention had not been called to it nor access made easy.

About this time Mr. Hall reorganized his staff and working forces and became more aggressive and the road and section were more liberally advertised. Here were millions of acres of utterly unoccupied land where unnumbered buffalo had lived and fed and since then the vast herds of cattle had been grown and fattened. It seemed a fair assumption the land had merit, notwithstanding an opposite impression had been given out. Even Mr. Hall himself was cautious about inviting settlements into the more northern and western portions of the state, lest the land would not feed them, but chemical analyses of the soil demonstrated the merit, leaving only the uncertainty of moisture precipitation, and that was no more uncertain there than in the same longitudes in other portions of the state.

There was being discussed in the newspapers and magazines at that time the probability that railroad building, tree planting, and soil culture in the arid sections would promote added rainfall. Whether true or not, it was advocated, and the liberality of the government in offering free homesteads, preëmptions, and

tree claims, supplemented by advertisement of these "free homes," under the advertising slogan of "Free Homes for the Millions," caught the fancy of people and the immigration began to pour into that section of the state in thousands and tens of thousands. The road also advertised excellent, cheap lands in the eastern counties and along the Elkhorn valley where land of the very best quality was available at from ten dollars down to three dollars per acre, and "free homes" in the counties of Antelope and Holt and all west thereof. These "free homes" or lands in 160 acre tracts, under these existing laws, could be had for the filing fee, \$14.00. In fact if one had a little money and was ambitious to get more land he could "preëempt" 160 acres, live on it six months, "commute" the price, that is, pay the government \$1.25 per acre, and get a patent. He could then enter a "homestead," 160 acres more, and at the same time file on a "tree claim" of 160 acres, plant ten acres of trees, live on his homestead, cultivate or protect from prairie fires the trees planted, and at the expiration of five years could secure patent for both, thus securing 480 acres of land on payment of \$200.00, commutation for the preëmption claim, plus the filing fees on each.

While thousands bought the excellent, though low priced lands in Dodge county and other eastern counties, tens of thousands sought the free lands farther north and west.

That vast unorganized section beyond Holt county was divided up into Boyd and Keyapaha counties north to the state line, and Rock, Brown, Cherry, Sheridan, Dawes, and Sioux counties west to the Wyoming line, and some others south, were duly organized.

When the Chicago & Northwestern Railway Co. bought the Fremont, Elkhorn & Missouri Valley railroad in 1884, Mr. Marvin Hughitt, president of the Chicago & Northwestern, became president of the Elkhorn and has remained so ever since. Mr. Hall declined to remain as general manager but consented to remain with the company as superintendent of construction, a position which he held until all the lines in Nebraska were built, except the

extension from Creighton to Verdigris and Bonesteel. He also built the lines in South Dakota until Deadwood was reached, also until the Wyoming lines as far west as Casper were built, these extensions all being planned and accomplished under Mr. Hughitt and the Chicago & Northwestern management.

Mr. W. B. Lindsay succeeded Mr. Hall as general manager. His health not permitting him to remain, he resigned after a little over a year and Mr. William F. Fitch succeeded him as general manager. Mr. Fitch lived in Omaha, where he established a valuable and pleasant acquaintance both for himself and for the road. During his incumbency the line was built into Omaha and the headquarters and all departments were moved from Missouri Valley Junction into Omaha.

This line into Omaha, the chief commercial city of the state, together with the line from Fremont to Lincoln, the capital city of the state, and the other lines to Hastings and Superior, all connecting with the main line, made the road an all-over-the-state line. Mr. Fitch remained about three years, when he resigned to take the management of the Duluth, South Shore & Atlantic railroad, with headquarters at Marquette, Michigan. He has since become president of the same road.

Mr. Horace G. Burt succeeded Mr. Fitch as general manager of the Elkhorn road and remained nearly ten years. During his incumbency some notable improvements and valuable extensions were made. He resigned to accept the management of the Chicago, St. Paul, Minneapolis & Omaha road, and not long afterward became third vice president of the Chicago & Northwestern railway at Chicago, and from that became president of the Union Pacific railroad. Mr. George F. Bidwell succeeded Mr. Burt as general manager. Under his management the extensions from Creighton to Verdigris and to Bonesteel and the late extensions in Wyoming west of Casper were constructed. In 1908 Mr. Frank Walters succeeded Mr. Bidwell and is now, 1911, the general manager.

In 1903 the Chicago & Northwestern Rail-

way Company formally absorbed the entire control of the Elkhorn, abolishing the department management at Omaha, leaving an operating staff there and an assistant to the Chicago traffic office in Omaha to look after local matters under direction of the Chicago headquarters.

Mr. Marvin Hughitt was president over the entire system and the guiding authority in all its policies. Mr. Hughitt, rising from a telegraph operator through all stages of the operating department, is as near master of the science of railroad affairs as one may expect to attain. Broad-minded, conservative, and conscientious, his wisdom is conceded and his judgment final. To him is due the credit of having made the Chicago & Northwestern the great, prosperous system it is today. Mr. Hughitt is now chairman of the board of directors and W. A. Gardner is president.

Mr. Hiram R. McCullough, vice president, is in charge of all traffic, Mr. Marvin Hughitt, Jr., freight traffic manager, and A. C. Johnson, passenger traffic manager, all located at Chicago, with S. F. Miller principal representative of the traffic departments at Omaha.

It should be noted that the Black Hills trade has grown into importance, and is of great significance to the state of Nebraska. There is a population in the Hills of nearly one hundred thousand people. They practically contribute as much to the state and markets of Nebraska as if a part of the state. The same is substantially true of the population of central Wyoming, which was settled coincident to the building of this railroad into that state.

There have been many incidents and much of interest attending the building and development of this great property and that part of the state with it, but they can hardly be classed as historic matter and the writer feels that he has probably already made this sketch too extended. He may, and probably has, erred in many places, but has consulted the state records of statistical facts and has drawn very largely on his personal knowledge, derived from over twenty-two years' connection with the railroad company as its general passenger agent and some fifteen or more years' resi-

dence in the state. He is also greatly indebted to Mr. Philo E. Hall, to Dr. W. H. Stennett, auditor of expenditures, Chicago (author of the condensed history of the C. & N. W. railway, entitled, *Yesterday and Today*), to the various state departments, officers and their assistants, and especially to Mr. C. S. Paine, of the State Historical Society of Nebraska, for facts, records, and for assisting in gathering and collating the foregoing sketch.

The following memorandum of the significance of names of stations and places is given. It will no doubt interest many:

Irvington—A station on the South Omaha line in Douglas county, named by Frank Hibbard, a resident of that place.

Bennington—Another station on the Arlington and Omaha line named after Bennington, Vermont.

Washington—Another station on the same line named after the county of Washington, in which it is located.

Blair—County seat of Washington county and first station west of the Missouri river on the S. C. & P. R. R., named after John I. Blair, the president of the road.

Bowen—Another station on the same road named after Hon. John S. Bowen.

Kennard—Station on S. C. & P. R. R. in Nebraska, named after Hon. Thomas P. Kennard, afterward secretary of state and a banker at Lincoln.

Arlington—Originally known as Belle Creek, the name of a stream; changed to Arlington through the influence of L. B. Sheppard because more euphonious.

Raw Hide—One of a party of overland travelers had boasted that he would kill the first Indian seen, so after some friendly Indians appeared he killed one. The Indians thereupon captured the party, demanded the culprit, and on receiving him, skinned him alive on that stream, which took the name "Raw Hide" from this incident.

Stanton—Station on the F., E. & M. V. named for Edwin M. Stanton.

Fremont—Named after General Fremont.

Pilger—After the man from whom the station grounds were purchased.

Meadow Grove—From a grove of cottonwood trees in the valley.

Battle Creek—From the adjacent stream which was so named, commemorative of a famous battle with the Pawnee Indians by General John M. Thayer.

Tilden—Originally called after Burnett, the then superintendent of the S. C. & P. and F. E. & M. V. railroads. After he left the road the station and post office names were changed to Tilden, after Samuel J. Tilden, of New York.

Oakdale—Named by I. N. Togler, a land agent, who located there in 1865.

Neligh—Named for John D. Neligh, a prominent citizen of West Point, who platted the town of Neligh.

Clear Water—From a small stream near by.

Inman—From an old settler who had a county frontier store, a trading post.

Stafford—For Mike Stafford, a roadmaster, who had a land claim there.

Ewing—For "Uncle Johnny Ewing," a first settler in that part of the state.

O'Neill—For the Fenian leader, General O'Neill, who brought a colony of Irishmen from Scranton, Pa., and took up government land there.

Cody—For Tom Cody, foreman of the water supply when the road was being constructed.

Emmett—For the Irish patriot, Robert Emmett.

Eli—For the man who drove chief engineer Captain Ainsworth's team during construction and who was called "Get There Eli." His real name was Daniel Webster Hitchcock.

Stewart—Named for owner of land.

Bassett—For an early settler cattleman.

Long Pine—For stream and canyon and the pine trees growing there.

Ainsworth—For Captain J. E. Ainsworth, the chief engineer during construction.

Johnstown—For John Berry, right-of-way and frontier man during construction.

Arabia—Named by Henry V. Ferguson, auditor, because of the sandy character of the surrounding country.

Wood Lake—For two small cottonwood trees growing on the bank of a small lake near by.

Thatcher—For James M. Thatcher, post trader at Fort Niobrara.

Valentine—For Judge E. K. Valentine.

Merriman—For John Merriman, train master in charge of construction trains.

Crooksten—For W. T. Crook, yard master at Valentine during construction.

Irvin—For Bennett Irvin, one time foreman of Newman's ranch.

Hay Springs—Early cattlemen cut hay from marsh land here, where was a spring.

Rushville—Near head of Rush creek.

Bordeux—For Bordeaux creek.

Chadron—For Chadron creek, a few miles south of town.

Dakota Junction—Where main line to Wyoming and the Black Hills line join.

Wayside—"Occasional stopping place."

Smithwick—For engineer in charge of construction of this part of line.

Oelrichs—For Henry Oelrichs, who managed a cattle ranch there.

Buffalo Gap—For gap in mountain through which the buffalo entered and emerged from the Black Hills.

Bradish—For George Bradish, engineer in charge of construction.

Hermosa—Spanish for "Beautiful Place." Here stages connect with the Key Stone mining district.

Brennan—For John R. Brennan, one of the first settlers in Rapid City, where he kept "tavern." Later state railroad commissioner and Indian agent at Pine Ridge.

Rapid City—For Rapid creek.

Black Hawk—For creek of same name.

Piedmont—Originally "Spring Valley," a ranch and stage station kept by Captain Gardner, changed to "Piedmont," "base of mountain."

Tilford—For Colonel Tilford, commandant at Fort Meade when road was built.

Sturgis—For Lieutenant Jack Sturgis, who was killed in the Custer massacre, son of General Samuel Sturgis.

Whitewood—For Whitewood creek nearby.

St. Onge—Name of Catholic church.

Belle Fourche—For stream nearby, a branch of the Cheyenne river.

Terry—At foot of Terry, peak of mountain in the heart of the Hills.

Cedar Bluffs—An abrupt bluff on the Platte river where some cedar trees grew.

Colon—Existing post office.

Wahoo—Indian for a shrub, Indian arrow, or bitter ash.

Swedeburg—For a large settlement of Swedes.

Ceresco—A Latin word, no doubt it should be "cresco," signifying "I grow."

Davey—Original owner of the land.

Morse Bluff—For Chas. W. Morse, who owned the land when station was built.

Octavia—For Mrs. Octavia Speltz.

David City—For David Butler, of Nebraska.

Surprise—Named before railroad was built.

Gresham—Named in honor of Secretary W. Q. Gresham.

Goehner—For Hon. John F. Goehner.

Thayer—For General John M. Thayer.

Houston—For Hon. Joseph D. Houston, an early settler.

Millerton—For Wm. P. Miller, early settler and large land owner.

York—County seat of York county from which it takes name.

Charleston—For Chas. A. McCloud, a right of way agent.

Stockham—Now a post office.

Henderson—For David Henderson, an early settler.

Harvard—Former county seat of Clay county, named long before by B. & M. R. R. Co.

Inland—By B. & M. R. R. Co.

Hastings—County seat of Adams county, named by B. & M. R. R. Co.

Georgia—For George A. Frost, a carpenter who erected buildings for this railroad company.

Linwood—Post office already established.

Abie—Nearby was a Bohemian Catholic church where was a store kept by Abbie Stevens and a post office named after "Abbie."

In some unaccountable way the second "b" was left off and the name "Abie" given the railroad station.

Bruno—In a Bohemian settlement after name of town in the fatherland.

Brainard—Of a post office established.

Dwight—Originally post office called Star, about 1855. Henry Glover became postmaster and got name changed to Dwight, after his home town in Illinois.

Bee—The principal political township of the county which is named after the letter "B." The railroad company added the "ee" and the station became Bee.

Seward—County seat of Seward county.

Beaver Crossing—The overland trail from Fort Leavenworth joined the Platte valley at old Fort Kearny, crossing Beaver creek at a ford here, and gave the name to the place.

Exeter—Named by B. & M. R. R.

Geneva—County seat of Fillmore county.

Shickley—Name by B. & M. R. R. for one of their land agents, who had land and town-site here.

Cadams—For Mr. Adams, banker at Superior, whose first name commenced with "C."

Davenport—Named by St. J. & G. I. R. R. Co.

Oak—For Oak creek, a tributary of the Blue.

Superior—Named by the B. & M. R. R.

Snyder—The owner of the land.

Dodge—For George H. Dodge, an early settler in Dodge county. Dodge county got its name for A. C. Dodge, one time senator from Iowa.

Eldorado.

Clarkson—Post office for T. S. Clarkson, later postmaster of Omaha.

Leigh—Post office.

Creston—For being highest ground from which water flowed, eastward to the Elkhorn river, and westward to the Platte river.

Humphry—Named by M. P., being junction of M. P. & F. E. & M. V. R. R.

Newman Grove—For an early settler named Newman, who planted the grove.

Lindsay—For land owner.

Albion—County seat of Boone county.

Petersburg—For John Peters, later internal revenue collector at Omaha.

Elgin—Post office.

Pierce—County seat, Pierce county, which was named for Franklin Pierce.

Hadar—Post office.

Plainview—First high land after leaving the Elkhorn Valley.

Foster—For George Foster, an agent on the road and land owner here.

Creighton—For Hon. John A. Creighton, of Omaha.

Verdigris—For Verdi creek.

Niobrara—Situated at the mouth of the Niobrara river.

Bonesteel—Senior member of the mercantile firm of Bonesteel & Turner.

Crawford—After Captain Jack Crawford, U. S. A., noted Indian fighter.

Fort Robinson—For military post there.

Andrews—For Jew Andrews, locating engineer.

Coffee Siding—For Chas. F. Coffee, cattleman nearby.

Harrison—First named Bowen, for John S. Bowen, of Blair, Neb. Later changed to Harrison, for President Harrison.

Shawnee—Name of creek.

Node Ranch—After cattle ranch, managed by Frank S. Lusk.

Keeline—For George A. Keeline, of Council Bluffs, Iowa, once a large cattle owner.

Lost Spring—For a spring at head of Lost creek on which station is located.

Fisher—Owner of X H cattle ranch.

Irvine—For Billy Irvine, prominent cattleman in Wyoming.

Stronde—Cattleman.

Manville—For H. S. Manville, manager of the Converse Cattle Company.

Lusk—For Frank S. Lusk, who owned land and laid out the town.

Fetterman—An old time military post, named after Lieutenant Colonel Fetterman, who was killed by Indians at Fort Phil. Kearny in 1866.

Cary—After Hon. John H. Cary, United States senator from Wyoming

Glen Rock—Name of coal mines. An old time stage station on overland trail.

Inez—For Inez Richards, daughter of DeForest Richards, afterward governor of Wyoming.

Mondamin—Indian for maize (see Longfellow's *Hiawatha*).

River Sioux—Banks of the little Sioux river.

Onawa—As a modification of the Indian word "Onaway," signifying "Anaki" (Longfellow).

Whiting—Home of Hon. Chas. E. Whiting, large land owner.

Sloan—For Sam Sloan, late president of the D., L. & W. R. R.

Salix—The Latin for "Willow," because of large growth of willow trees.

Blencoe—After town of same name in Canada, town of local residents from Canada.

NEBRASKA STATE BOARD OF AGRICULTURE

BY S. C. BASSETT

The belief that the development of the agricultural resources of the territory might be materially assisted by organized agricultural societies is attested by legislation along that line at an early date in the history of the territory of Nebraska, and later of the state.

FIRST AGRICULTURAL SOCIETY

The first or parent agricultural society appears to have been the Cass County Agricultural Society, incorporated by act of the territorial legislature at its second session, and approved January 26, 1856. The act of incorporation reads as follows:

TO INCORPORATE THE CASS COUNTY AGRICULTURAL SOCIETY

Section 1. Be it enacted by the Council and House of Representatives of the Territory of Nebraska; That H. C. Wolph, John F. Buck, G. W. Moore, Hon. A. Towner, William Young, Augustus Case, Thomas S. Gaskill, Levi G. Todd, Broad Cole, John Carroll, W. H. Davis, and Joseph Vanhorn and their associates and successors be, and are hereby declared a body corporate; . . .

Sec. 2. The purposes of this incorporation are hereby declared to be the encouragement of agriculture and the improvement of the breeds of horses, cattle, sheep and swine and also the encouragement of the arts, and domestic manufacture: . . .

Sec. 6. No president or other officer of this society shall receive any compensation for his services as such.

The provision that no officer of a county agricultural society should receive any compensation for services as such was in accordance with the public spirit universally manifested in the early settlement of both the territory and state, when individuals gave more largely of their time and services for the public good than at later dates, but from earliest times down to the present those who help to make our agricultural societies, county and state, a success, do so largely from motives of public spirit, public enterprise, for the general good, rather than for direct personal compensation for services performed.

TERRITORIAL BOARD OF AGRICULTURE

The territorial board of agriculture was created by an act passed at the fourth session of the territorial assembly, and approved October 14, 1858. After defining the duties of the board, the membership of the board was provided for as follows;

"Section 4. That Thomas Gibson, Harrison Johnson, A. D. Jones, E. Estabrook, J. M. Thayer, Christian Bobst, Robert W. Furnas, Jesse Cole, S. A. Chambers, Jerome Hoover, Mills B. Reeves, Broad Cole, J. C. Lincoln, Harlin Baird, Joel T. Griffin and E. H. Chaplin be and they are hereby created a body corporate with perpetual succession in the manner hereafter described under the name and style of the Nebraska Territorial Board of Agriculture."

Section 6. This section provides for an annual meeting of the board, "Together with the president of each county society or delegate therefrom duly authorized, who shall for the time being be ex-officio members of the territorial board of agriculture, for the purpose of deliberating and consulting as to the wants,

prospects and condition of the agricultural interests throughout the territory."

The act provided for the organization of county agricultural societies and that "when the said society shall have raised and paid into the treasury, by voluntary subscription . . . not less than \$50 in each year . . . the county clerk shall draw an order on the county treasurer for a sum equal to the sum raised, Provided, it does not exceed half a cent to each inhabitant of the county upon the basis of the last vote cast for delegate to Congress allowing five inhabitants for each vote thus cast, but not to exceed in any county the sum of Two Hundred Dollars."

The names of twelve persons appear in the list of incorporators of the Cass county society and sixteen persons in the territorial board, the name of Broad Cole appearing in both lists.

Under the auspices of the territorial board of agriculture the first territorial fair was held at Nebraska City, September 21, 22, 23, 1859. Taking into consideration the unsettled condition of the territory, the comparatively few inhabitants, and the undeveloped and unknown agricultural resources of the new west, this fair was a most pronounced success except in a financial way, the latter being so great and discouraging that no attempt was made to hold another like fair until 1868.

It seems that the first territorial board of agriculture ceased to keep up its organization after the disastrous fair of 1859, and at the tenth session of the territorial assembly there was incorporated a territorial board of agriculture in which twenty-one persons are named, not one of whose names appear in the list of incorporators of the board created in the year 1858.

INCORPORATION OF THE SECOND TERRITORIAL BOARD OF AGRICULTURE

At the tenth session of the territorial assembly an act was passed and approved February 13, 1865, creating a territorial board of agriculture as follows: "That section Four of an act entitled 'an act to establish a territorial board of agriculture' is hereby amended to read

as follows: S. M. Kirkpatrick, O. P. Mason, C. H. Walker, George Crow, J. G. Miller, John Patrick, Col. John Ritchie, John Cadman, Samuel Maxwell, J. N. McCandish, Isaac Albertson, Amos Gates, George A. Hall, William Imlay, E. A. Allen, H. M. Reynolds, John Biggs, Charles F. Walther, O. P. Boyne, A. S. Holliday, J. B. Bennett be, and the same are hereby created, a body corporate with perpetual succession, in the manner hereinafter described, under the name and style of the Nebraska Territorial Board of Agriculture." (Session laws, tenth territorial assembly, page 36.)

In the *Revised Statutes* of Nebraska for 1867, page 6, the names of members of the (second) territorial board of agriculture, incorporated by act of the assembly, is given as follows: S. M. Kirkpatrick, O. P. Mason, C. H. Walker, George Crow, J. G. Miller, John Patrick, John Ritchie, John C. Cadman, Samuel Maxwell, Elam Clark, Isaac Albertson, Amos Gates, George A. Hall, William Imlay, E. A. Allen, H. M. Reynolds, W. D. Scott, A. S. Holliday, John B. Bennett, B. Bates, Louis A. Walker, J. Sterling Morton, J. W. Hollingshead, G. P. Thomas, J. B. Stout, Henry Sprick, S. W. Kennedy, A. L. Childs, and Anderson Miller, are hereby created a body corporate, with perpetual succession, in a manner hereinafter described, under the name and style of the "Nebraska Territorial Board of Agriculture." The first list consists of twenty-one names, and the second of twenty-nine names; doubtless the second list (twenty-nine names) is the correct one as a like list appears in the report of the permanent organization of the board.

While the second territorial board of agriculture was incorporated in 1865 it was not till January 30, 1868, that a permanent organization was perfected; in the second annual report of the board of agriculture for the year 1869 appears the following regarding the organization of the board:

"Omaha, Nebraska, January 30, 1868.

"According to a previous notice, the Nebraska State Board of Agriculture met at the office of John Patrick.

"Present — B. E. B. Kennedy (proxy for Amos Gates), L. A. Walker, E. A. Allen, Samuel Maxwell (by proxy), John Patrick and C. H. Walker.

"Hon E. A. Allen called the meeting to order by calling Col. John Patrick to the chair, and C. H. Walker was chosen secretary.

"On motion the board proceeded to the nomination of permanent officers, which resulted in the election of John Patrick, president; Samuel Maxwell and E. A. Allen, vice presidents; C. H. Walker, secretary; L. A. Walker, treasurer.

"By lot the following named members of the board were drawn for one year; John Patrick, B. Bates, Anderson Miller, S. W. Kennedy, W. D. Scott, William Imlay, A. L. Childs, John Ritchie, S. M. Kirkpatrick, John Cadman, Amos Gates, George A. Hall, J. Sterling Morton, H. M. Reynolds, and J. B. Stout. And the following for two years: George Crow, Henry Sprick, J. G. Miller, Samuel Maxwell, Elam Clark, Isaac Albertson, A. S. Holliday, C. H. Walker, L. A. Walker, E. A. Allen, John B. Bennett, O. P. Mason, G. P. Thomas, and J. W. Hollingshead."

It will be seen that in the organization of what is now the State Board of Agriculture, six persons were present, four of whom were members of the board — L. A. Walker, E. A. Allen, John Patrick, and C. H. Walker — Amos Gates and Samuel Maxwell being represented by proxies.

(Note.—The spelling of the names of the members of the board, as named in the act of incorporation and herein given is that given in a report submitted by Robert W. Furnas, president, and dated December 10, 1868: the spelling of these names varies greatly as given in the session laws and compiled statutes — in some cases names being omitted. Mr. Furnas had a personal acquaintance with all these members and was also very particular as to the correct spelling of proper names in all public proceedings with which he had to do.)

In section 9 of the amended act it was provided, "It shall be the duty of said board, or any five or more of them, to meet at Omaha . . . and organize by electing a president, secretary and treasurer and such other officers as they may deem necessary: also to determine by lot the time that each member shall serve,

so that the term of service of one-half of the members shall expire annually on the day of the annual meeting."

In section 11 of the amended act was the following provision: "For the purpose of aiding agricultural pursuits in this territory, the sum of three hundred dollars is hereby appropriated out of the territorial treasury, and annually hereafter, . . . Said amount to be used in the payment of premiums awarded by said board in the various branches of agriculture, and for no other purpose."

From the incorporation of the first territorial board of agriculture in 1858 to the appropriation by the state legislature in 1901 for purchase of a permanent site for state fair grounds, no appropriation has been made out of the territorial or state treasury for support of the board of agriculture other than for payment of premiums awarded at annual fairs, and the amount of such appropriations from the year 1858 to and including the year 1910 approximates seventy-three thousand three hundred dollars (\$73,300). During this period forty-two annual fairs have been held.

There are two classes of members of the board of agriculture: the twenty-nine elected members each serving two years — fifteen being chosen at an annual meeting and fourteen at the succeeding annual meeting; and the ex-officio members — presidents or duly authorized delegates from county agricultural societies. While at the annual meetings of the board ex-officio members have been recognized and have taken an active part in all the proceedings of the meeting including the election of new members and of officers of the board, yet it can not be recalled and it is not believed that the records will disclose that any member of the board has been elected as an officer or a member of the board of managers, who was not at the time an elected member of the board, that is not an ex-officio member.

Although a member of the board, unless serving in an official capacity, has never received any salary, and for the first twenty-five or more years paid all his personal expenses (transportation and hotel) in attending

the annual meetings and annual fairs, yet membership in the board of agriculture has always been esteemed a great honor and has been eagerly sought: a quite close personal acquaintance with the members of the board and of its affairs since 1876 warrants the statement that no person has been for two or more terms reëlected a member of the board who did not by active service and duties well performed warrant such reëlection. All portions of the state have been represented in the membership of the board, a rule requiring that no county should have to exceed one member, except that Douglas and Lancaster counties might have not to exceed two members each — this provision largely for the reason that all annual fairs since 1871 have been held either at Omaha or Lincoln.

In 1907 the elected membership of the board was apportioned according to congressional districts, five to the first district, three to the second, five to the third, six to the fourth, five to the fifth, and five to the sixth district, and the election of the members has been by the Australian ballot. At an annual meeting it has always been customary to permit any citizen, whether a member of the board or not, to place in nomination a person for membership on the board.

In the life of the board of agriculture from its incorporation in 1866 to the date of the annual meeting in 1910 the records disclose that two hundred fifty-eight different persons have been elected to membership: a large majority of these served one term only; those who have served continuously for five or more terms (ten or more years) are the following:

Robert W. Furnas	38 years	1867-1905
Daniel H. Wheeler	28 years	1866-1887
Martin Dunham	25 years	1872-1897
John B. Dinsmore	30 years	1877-1907
Edmund McIntyre	29 years	1876-1905
Chris Hartman	10 years	1878-1888
J. Sterling Morton	10 years	1866-1876
E. N. Grennell	18 years	1875-1893
L. A. Kent	16 years	1880-1896
J. Jensen	14 years	1881-1895
S. M. Barker	16 years	1882-1898

R. H. Henry	14 years	1885-1899
J. D. McFarland	16 years	1886-1902
Eli A. Barnes	16 years	1882-1899
W. R. Bowen	10 years	1888-1898
M. L. Hayward	10 years	1888-1898
Milton Doolittle	12 years	1890-1902
Austin Humphrey	13 years	1888-1901
E. L. Vance	14 years	1890-1904
S. C. Bassett	14 years	1894-1908
L. Morse	14 years	1894-1908
W. R. Mellor		1898-
Peter Youngers		1898-
C. H. Rudge		1900-

(Note — Messrs. Mellor, Youngers, and Rudge have served from the respective dates given to date of this article to 1911.)

It is believed to be a conservative estimate to state that in the forty-five years at least two hundred fifty different persons have attended the annual meetings of the board in the capacity of ex-officio members, and that it is true that quite five hundred different persons have served as members of the board (elected and ex-officio) between the dates mentioned, 1866-1910.

The charge has sometimes been made that the elected membership of the board comprised a close corporation, controlling, by means of the elected members, the election of new members and of the affairs of the board; the records, in so far as available, seem to disclose that twenty-four members, less than five per cent of the total membership, or less than nine per cent of the elected membership have, in the period extending over forty-five years, been reëlected for five or more terms, serving continuously for ten or more years; whether the charge mentioned is true or not is not for the writer of this history to determine, but it is unquestionably true that the services for so many years of such members, of large, varied, and ripe experience in all that pertains to a state fair, as Robert W. Furnas, Daniel H. Wheeler, Martin Dunham, John B. Dinsmore, Edmund McIntyre, and others whose names are found in the list of long service, has been of almost incalculable worth and benefit to both the board and the people of the state.

NAME CHANGED TO STATE BOARD OF AGRICULTURE

At the fourth session of the state legislature, approved February 15, 1869, the original name of the board, "Territorial Board of Agriculture" was changed to "State Board of Agriculture."

BOARD OF MANAGERS

The financial affairs of the board of agriculture, and the management of the annual fair have been almost entirely under the control of the board of managers; this board consists of five members, appointed at the annual meeting by the president, the appointment being confirmed in open session of the board. In 1907 the president and secretary were made ex-officio members of the board of managers. The members of the board of managers served without compensation from 1868 to 1884; beginning with the year 1884 the members of this board received a total of \$1,000 annually — \$200 per member — but not always thus divided, the chairman of the board receiving, usually, much the greater relative portion. In 1907 the compensation of a member of the board of managers was fixed at \$300 per annum. So far as the records disclose, the salary first allowed the president was \$150 per annum: this was increased to \$200 in 1866, and to \$300 in 1907. The salary first allowed the secretary, as disclosed by the records, was \$1,000 annually; in 1880 it was increased to \$2,000, and in 1907 to \$2,500. Previous to 1883 the treasurer was allowed a salary of \$100 annually; in 1883 this was increased to \$200, and in 1907 to \$250.

THE ANNUAL FAIR

The greatest work of the board of agriculture has been the holding of annual fairs, and it might be added that under the provisions of law creating the board it could not have continued to exist without the holding of such fairs, as its only source of revenue was that received from fairs held. Without question the annual fairs held under the auspices of the board of agriculture have been one of the most important factors in the development of the state and its agricultural resources.

The fair held in 1910 was the forty-second, and in all these years until 1901 the annual fair had no permanent home; it was not until 1883 that the legislature gave authority to the board of agriculture to locate the annual fair for a period not exceeding five years. The first territorial fair was held at Nebraska City, as were also the fairs held in the years 1868 and 1869; those held in 1870 and 1871 were located at Brownville; 1872 at Lincoln; 1873-74-75 at Omaha; 1876-77-78 at Lincoln; 1879 to 1884 at Omaha; 1885 to 1894 at Lincoln; 1895-96-97 at Omaha; no fairs were held in 1898-99 on account of the Trans-Mississippi Exposition at Omaha; from 1900 to date the fairs have been held at Lincoln. It would have been impossible to have held credible, useful, and successful fairs without the active, hearty, and generous support of the business men of the cities in which the fairs were held, and often such support was given at the expense of much personal sacrifice on the part of individuals; as a rule the grounds on which the fairs were held were furnished gratuitously, and to a large extent the necessary buildings. For more than thirty years the most important factor in the holding of a successful fair, from a financial standpoint, was the assistance and support rendered by the railroads of the state; for years all agricultural and live stock exhibits were transported to and from the fairs free, and very low passenger rates were granted to those attending, at times a blanket rate of five dollars for the round trip from any point in the state.

To George W. Holdrege, general manager of the Burlington & Missouri River railroad in Nebraska, both as an individual and as an official of a railroad corporation, is especial mention and credit due for active, generous, and loyal support of the work of the board of agriculture and in the holding of its annual fairs.

The holding of an annual fair is at best a hazardous undertaking, and especially when the only source of revenue is the receipts of the fair, and those largely made up of paid admissions. It is a matter of tradition that

only once in the history of annual fairs held was the board unable to pay in full the premiums awarded; as this occurred at the close of the fair held in 1897 it may be of interest as a matter of history to state the reasons therefor. For ten years previous to 1895 the annual fair had been held at Lincoln with marked success, financial and otherwise, until 1894, in some respects one of the most disastrous years in the history of the state, being one of extreme drouth; the attendance at the fair (paid attendance 27,137) being less than any since 1883, and the receipts correspondingly less than previous years, there was a deficiency at the close of the fair of \$1,123.53. As the records state (*Annual Report 1894*, page 27), "This deficiency was provided for by a generous and voluntary tender of a loan, by Austin Humphrey, individually. Thus all indebtedness has been paid in full to date." At the annual meeting held in 1895 the annual fair was located at Omaha for a term of five years, the Omaha Driving and Park Association and the Omaha Fair Association to furnish 160 acres for fair ground purposes and to erect necessary specified buildings, all at an expense estimated at \$50,000, which sum had been subscribed for the purpose by the business men of Omaha. The grounds, buildings, and the fair as a whole were planned on a scale much more elaborate than ever before attempted, and before the gates could be opened to the exhibitors the board of managers were compelled to borrow, on their own individual account, \$5,000, to be used in completion of buildings. The attendance at this fair was the largest in the history of fairs held to that date (59,094 paid admissions) and the receipts correspondingly large, but as the expenses of the fair were also larger than ever before it became necessary for the board of managers to borrow \$2,000 in order to meet all outstanding indebtedness. In point of paid attendance and total receipts the fairs held at Omaha in the years 1895-96-97 were the largest in any three years in the board's history of fairs to that date, but because of greatly increased expenses there was,

at the close of the 1897 fair, a deficiency of approximately \$4,000; as the Trans-Mississippi Exposition was to be held in 1898 no state fair could be held; all expenses of the fair, other than premiums were paid in full, and the premiums awarded prorated. In the secretary's report, *Annual Report 1897*, page 12, appears the following in regard to the financial condition at the close of the year 1897: "Expenditures other than for premiums, \$23,110.81, were paid in full. Premiums, total awarded, \$16,264.51; \$8,882.35 of this total award were paid, 55 per cent cash, \$4,885.29, and 45 per cent, \$3,997.06 with evidences of indebtedness, payable November 1, 1899, bearing 6 per cent interest from date, November 1, 1897. Total premiums paid in cash, \$12,267.45." Speed premiums were paid in full, the others prorated.

The location of the fair grounds for the years 1895-96-97 was most unfortunate, being several miles from the business center of the city of Omaha, and the transportation facilities were wholly inadequate to comfortably and expeditiously handle patrons at a state fair.

No fairs were held in the years 1898-1899, and at the annual meeting held in 1899 the following resolution was adopted:

"Resolved; That the board of managers be and are hereby requested to declare the contract by which the state fair was located at Omaha for five years, cancelled and without force and effect, on account of non-fulfilment on the part of the contractors with this board, and that this board re-convene in session in Lincoln on the 4th day of April for final action on the question of holding a state fair in the year 1899."

During the years 1898 and 1899, the appropriation of \$4,000 for payment of premiums at state fairs had remained in the state treasury. In 1899 suit was brought in the district court of Lancaster county on the part of the state board of agriculture against State Auditor John F. Cornell to compel the issuance of a warrant in favor of the board for the \$4,000 appropriated by the state for payment of premiums at state fairs for the years

1898 and 1899. Through an oversight on the part of the attorney general's office the case went by default in the district court and judgment was given in favor of the state board of agriculture. When demand was made on the auditor for the warrant, Auditor Cornell invited Deputy Attorney General W. D. Oldham to a conference with the president and secretary of the state board of agriculture; partly by persuasion, and after the deputy attorney general and the auditor were fully convinced that the state board of agriculture was owing for unpaid premiums more than the amount provided for in the two appropriations (\$4,000), Deputy Attorney General Oldham advised Auditor Cornell to issue the warrant, which was done.

With the \$4,000 thus received the board was enabled to take up the certificates of indebtedness for unpaid premiums. The citizens of Lincoln contributed \$3,000 with which to make needed repairs on the fair grounds, and in 1900 a successful fair was held on the old fair grounds at Lincoln.

PERMANENT LOCATION OF THE STATE FAIR GROUNDS

The permanent location of the state fair grounds was provided for in an act of the legislature approved March 30, 1899, as follows:

"The state fair shall be held annually at or near the city of Lincoln in Lancaster county, under the direction and supervision of the State Board of Agriculture, and the State Board of Public Lands and Buildings is hereby authorized, empowered and directed to select a site for same within a radius of three miles of the present state capitol building and to purchase a suitable tract of land for such a site; Provided, however, that said board of public lands and buildings after selecting said site shall pay not to exceed the sum of one dollar for a clear and sufficient title therefor."

No appropriation was made at that session for the purchase of a site, and no action was taken in reference thereto by the board of public lands and buildings. In 1901 the legislature appropriated the sum of \$35,000 with which to purchase a site for a permanent state

fair grounds. Of this amount, \$18,000 was fixed as a limit by the board of public lands and buildings, to be paid by the state for the grounds and buildings thereon used for many years for state fair purposes, these grounds comprising one hundred twenty-three acres. The cost of the tract, exclusive of the ten acres owned by the Lancaster county agricultural society, was \$22,300. The state board of agriculture and the citizens of Lincoln raised the necessary balance to conclude the purchase and also secured the deed to the ten acres owned by the Lancaster county agricultural society, and the land (123 acres and buildings thereon) was deeded to the state as a permanent site for state fair grounds. The following are the amounts appropriated by the state for permanent state fair grounds and improvements thereon:

1901 purchase of grounds and im-	
provements	\$35,000
1903 ladies' comfort buildings.....	3,000
1905 live stock building.....	10,000
1907 cattle barn.....	20,000
1909 stock judging coliseum.....	50,000
1911 repairs on grand stand.....	15,000

The growth and development of the state fair has kept step, year by year, with the growth and development of the state, and a history of the growth of the one in this respect is a sure indication of the growth and development of the other. In 1876 the total number of entries at the state fair was 2,000, in 1890 the number was 10,000, and in 1910, 15,175. During the 1876 fair the Burlington railroad announced through the daily press that it would run a train from the city to the fair grounds at 1:30 P. M. and return at 5:00 P. M.; in 1910 the Burlington was giving a two-minute service between the city and the fair grounds in addition to a like service by the street car company.

Possibly the best history of the state fair in a condensed form, showing its growth from year to year and the generous patronage accorded it by the people of the state, is by means of a table showing the net receipts and paid attendance. This information has been

gleaned from various sources, principally from the reports of the board and from newspaper files, and in some instances estimates have been made, based on either receipts or paid attendance. Where estimates have been made the aim has been to be conservative, and such estimates are believed to be approximately correct.

Table showing paid attendance and net receipts at state fairs 1859 to 1910, together with location of fair. Where estimates are made such estimates are marked thus (*).

1906	90,975	67,862.33	Lincoln
1907	85,474	68,186.10	Lincoln
1908	95,269	81,422.84	Lincoln
1909	77,187	57,834.72	Lincoln
1910	99,558	82,208.90	Lincoln
Total		1,477,989	\$1,182,438.27

FREE ADMISSIONS AT ANNUAL FAIRS

Free admissions to a state fair can be divided into two classes: first, those necessary and in which value is received by the fair management, such as to exhibitors, concessionaires, and employees of the board; second, complimentary, given for many years because it had become customary and was believed to be necessary, but later found not only unnecessary but wrong in principle. The complimentary free pass at state fairs, like the free pass on railroads was in its day a great and constantly growing evil, and its practical elimination at our state fairs occurred at about the same date as the elimination of the free pass on railroads.

In 1895 a coupon complimentary ticket (a coupon ticket providing for one admission daily during the fair) was first adopted for use at fairs, since which date it has been possible to determine the number of both paid and free admissions at each fair. Previous to 1895 there was issued an unlimited complimentary ticket which read "Admit _____ and Lady, account complimentary." These complimentary tickets were not taken up at the gates, were good for any number of admissions daily, and there was no means of ascertaining the number of persons admitted on such tickets. On more than one occasion a party to whom one of these complimentary tickets had been given was caught in the act of passing the ticket through the fence — after having himself and lady admitted into the fair grounds — to a friend who in turn secured admission for himself and lady, thus illustrating the abuse incident to such a system, and also that the free pass is an evil tending to demoralization. At some fairs more than 1,000 such complimentary tickets were issued, but not all issued were used. For many years these complimentaries were really a work of

Year	Paid Attendance	Net Receipts	Location of Fair
1859			Nebraska City
1868	*2,924	\$ 812.00	Nebraska City
1869	*2,879	1,984.70	Nebraska City
1870	*2,965	2,448.20	Brownsville
1871	3,971	3,177.00	Brownsville
1872	*6,153	4,923.00	Lincoln
1873	*6,388	*5,435.00	Omaha
1874	*6,421	*5,361.00	Omaha
1875	7,284	5,830.00	Omaha
1876	*7,706	6,627.97	Lincoln
1877	*8,425	7,246.00	Lincoln
1878	8,246	7,155.00	Lincoln
1879	10,536	9,954.57	Omaha
1880	*13,289	*11,564.00	Omaha
1881	*15,341	*13,347.00	Omaha
1882	*18,202	15,654.00	Omaha
1883	21,211	17,728.40	Omaha
1884	28,395	21,321.53	Omaha
1885	41,296	31,690.33	Lincoln
1886	40,426	32,723.73	Lincoln
1887	46,661	35,272.60	Lincoln
1888	40,397	32,989.81	Lincoln
1889	43,554	35,698.50	Lincoln
1890	46,251	39,978.13	Lincoln
1891	45,422	38,322.26	Lincoln
1892	59,094	41,828.91	Lincoln
1893	27,609	27,746.90	Lincoln
1894	27,137	24,622.97	Lincoln
1895	64,620	46,153.12	Omaha
1896	52,182	40,837.34	Omaha
1897	45,676	36,006.61	Omaha
1898		138.00	No fair held
1899		332.95	No fair held
1900	33,415	†32,528.58	Lincoln
1901	35,721	27,970.63	Lincoln
1902	45,835	34,646.82	Lincoln
1903	52,171	41,801.81	Lincoln
1904	53,195	42,279.16	Lincoln
1905	58,538	40,784.85	Lincoln

† This includes \$4,000 of state appropriation for years 1898-1899.

art, gotten up at a considerable expense, a new design each year, and were preserved as souvenirs. When the coupon form of complimentary was first used it is recalled that an ex-president of the board paid his admission into the grounds and coming to headquarters threw down the coupon complimentary with the remark, "I'll be d—d if I want to be insulted with any such 'cheap John' complimentary as this." At the 1895 fair, where the first coupon complimentaries were used, the records disclose that there were 14,371 free admissions, of which number 5,864 — 40 per cent — were of the coupon complimentary form. This forty per cent of complimentary tickets in the free admissions at the 1895 fair is used as a basis for estimating the total number of free admissions to fairs previous to the year 1895.

TOTAL ADMISSIONS — PAID ADMISSIONS — FREE ADMISSIONS

Total admissions, 1868-1910, partly estimated	2,049,917
Total paid admissions, 1868-1910, partly estimated.....	1,477,989
Total free admissions, 1868-1910, partly estimated.....	571,928

PER CENT OF PAID ADMISSIONS TO TOTAL ADMISSIONS

1868 to 1910 (partly estimated), per cent paid admissions .....	.721
1886 to 1895 (partly estimated), per cent paid admissions .....	.742
1900 to 1909, per cent paid admissions..	.818
1895 to 1910, per cent paid admissions..	.806
1910, per cent paid admissions.....	.765

NET RECEIPTS AT STATE FAIRS ON BASIS OF ONE PAID ADMISSION

1868 to 1910, 41 fairs (partly estimated), average.....	.828 cents
1883 to 1910, 26 fairs, average....	.798 cents
1886 to 1895, 10 fairs, average....	.828 cents
1900 to 1910, 10 fairs, average....	.811 cents
1910, average.....	.825 cents

CONCESSIONS

From an educational and moral standpoint the annual fair has kept fully abreast with the

growth of public sentiment in these respects. In the matter of concessions, shows, games, gambling, and liquor selling on the fair grounds, many such things were permitted in the early history of the board of agriculture which would not be permitted or countenanced at the present time. It is recalled that at the fair held in the year 1876, games of chance and gambling were the most prominent features of the fair. Pool selling on races at the race track was permitted, that is, the privilege to sell pools on races on the fair grounds was sold as a concession, and in a daily paper of September 28, 1876, in an account of the state fair it was related, "No pools were sold and but little betting was done." In the September 30th issue of the same paper appears the following: "We learn that J. Wilkerson, pool seller at the fair grounds, skipped out last night taking the A. & N. train for the east; the amount of the pools is variously estimated at from \$500 to \$1,500. At Falls City Wilkerson was arrested by the marshal, but in some mysterious manner eluded the officer in time to board the train again and escaped into Kansas. It looks rather strange that he should escape from the marshal so easily before the train had left the station."

In the year 1879 the legislature passed an act providing, "No person shall be permitted to sell intoxicating liquors, wine or beer of any kind, or exhibit or conduct indecent shows or dances, or be engaged in any gambling, or other games of chance, or horse racing, either inside the enclosure, where any state, district, or county agricultural society fair is being held, or within forty rods thereof, during the holding of such fair." From a financial standpoint the receipts from concessions are an important feature; from the year 1890 to 1909 the receipts from concessions averaged thirteen per cent of the total receipts. The annual fairs held by the Nebraska State Board of Agriculture have always stood in the front rank both from an educational and moral standpoint as compared with other state fairs.

ANNUAL REPORTS

In the original act creating the territorial



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William R. Mellor

board of agriculture provision was made for an annual report by the board, on the agricultural conditions of the territory, and later of the state. In these reports may be found such an accurate, complete, and detailed history of the growth and development of agriculture and of the various resources of the state as can not be found elsewhere; beginning as these reports do, with an unsettled and practically unknown territory, inhabited largely by uncivilized Indians who lived mostly by hunting, beginning also with a virgin soil and unknown or little known climatic conditions, these reports furnish a history of investigations, experiments, and discoveries, year by year relating to the agricultural and other resources of the state down to a period when Nebraska had come to rank as the tenth state in the Union in the production of agricultural wealth. One of the most important and valuable features of these reports, beginning with 1885, is a series of reports to the board by what were designated as "scientists of the board of agriculture," so appointed and designated by action of the board.

These scientists have all been members of the faculty of the state university, each eminent in his chosen field of study, investigation, and research, and only in the annual reports of the board of agriculture can be found the permanent record of the work of these eminent men—original investigations and discoveries as relating to the resources of the state. The annual reports of the board of agriculture embrace more than ten thousand pages, and it is not possible to compute their value to the state. As illustrating the extent of these scientific investigations and their great historical value, as embodied in these reports, it might be mentioned that since 1885, Doctor Charles E. Bessey, one of the scientists, has furnished sixteen reports relating to, "Grasses and Forage Plants of Nebraska, Native and Cultivated," "Trees and Plants," "Conditions Affecting Agriculture in Nebraska," all original investigation and research. The reports of Doctor Bessey comprise more than six hundred pages as published in the annual reports

of the board. In the development of the agricultural resources of the state, nothing is of more importance than a proper understanding of climatic conditions.

In the reports mentioned, as furnished first by Prof. G. D. Sweezy, and later by Mr. G. A. Loveland, may be found a record of highest and lowest temperatures, also mean temperatures, the precipitation each month, and the total for each year. This record begins at Fort Kearny, in the central part of the state (then territory) in 1849. In 1895 there were 104 observers, representing all portions of the state, who each month reported to the central office in Lincoln in regard to climatic conditions in their particular locality. In the annual report for 1895 is a summary in regard to temperature and precipitation at each reporting station from its establishment to and including the year 1895. In the annual report for 1905 is a like summary for the ten years, 1895 to 1905. The following are the names of those who have served as scientists of the board of agriculture, each, at the date of such service, a professor in the state university: Charles E. Bessey, Lawrence Bruner, Robert Hicks, E. H. Barbour, H. H. Nicholson, Goodwin D. Sweezy, H. B. Ward, A. T. Peters, O. V. P. Stout, E. A. Burnett, Samuel Avery, George A. Loveland, George E. Condra, Robert H. Wolcott, J. H. Gain.

FINANCIAL STATEMENT

In the annual reports may be found a financial statement of the board for the respective year which not only includes an account of receipts and expenditures, the receipts showing the sources from which received, but also a detailed list of warrants drawn, giving the number of the warrant, the amount, for what purpose, and in whose favor.

NEBRASKA STATE BOARD OF AGRICULTURE

BY W. R. MELLOR

Robert W. Furnas prepared and on Friday, the 24th day of September, A. D., 1858, introduced the bill to establish a Territo-

* See Territorial Products, page 262, vol. 2.

rial Board of Agriculture. It was referred to the committee on agriculture, consisting of Mills S. Reeves, John R. Porter, and Charles McDonald, who recommended said bill for passage. On Thursday, September 30th, it was sent to the house of representatives who passed and returned it on Wednesday, October 13th. It was signed and approved by W. A. Richardson, territorial governor, and reported to the council by John McConhie, his private secretary, and was approved October 14, 1858.

The proceedings of the first annual meeting of the territorial board of agriculture, held at the Herndon House, Omaha, on Saturday, October 20, 1858, was presided over by John M. Thayer, of Omaha, with A. D. Jones, of Omaha, as its secretary. In the determination as to the length of term each individual named in section four should serve, the allotment resulted as follows: For one year: Thomas Gibson, E. Estabrook, J. M. Thayer, C. Bobst, J. Hoover, M. S. Reeves, Broad Cole and H. Baird; for two years: H. Johnson, A. D. Jones, R. W. Furnas, J. Cole, S. A. Chambers, J. C. Lincoln, J. T. Griffin and E. H. Chaplain.

The election of permanent officers resulted as follows: R. W. Furnas, president; A. D. Jones, secretary; J. M. Thayer, treasurer. The following board of managers were appointed: E. H. Chaplain, of Douglas; H. Baird, of Dakota; M. S. Reeves, of Otoe; Broad Cole, of Cass, and C. Bobst, of Pawnee.

At this first meeting it was decided to hold the first annual fair for a period of three days, commencing the third Wednesday in September, 1859, and the president was authorized and directed to solicit propositions from the different counties for the holding of the fair; the secretary was ordered to secure the services of an orator to deliver an address at the first territorial fair and the president and secretary were appointed as a committee to draft by-laws and prepare a premium list. The following is a full statement of the

RULES AND REGULATIONS FOR THE FAIR

Exhibitors are required to have their articles entered on the books at the business office, before they are placed within the enclosure. On

the entering of the articles and animals, cards will be furnished with the number and class, as entered at the office, which are to be placed on the animal or article to be exhibited. No article exhibited shall be removed before the close of the exhibition, without the permission of some member of the executive committee. Every exhibitor should have his articles on the grounds on the 22d, if possible, and if delayed beyond 12 o'clock M. on the 23rd they cannot come in competition for premiums.

Applicants for premiums shall pay particular attention to the requirements for fat cattle, milch cows, fat sheep, plows, butter, cheese, honey, sugar, etc.

For premiums in the class of horses and cattle, open to all, as well as foreign horses and cattle, it is expected different breeds of animals will be brought into competition with each other. The awards to be made in favor of the animals which approach the nearest to the standard of perfection of their various breeds and classes.

Judges.—The judges will repair to the business office immediately after being appointed, receive instructions and enter upon the discharge of their duties. They are requested to make their reports to the secretary at the business office, as early as practicable. The reports shall all be made at 4 o'clock p. m.

Instructions to Judges.—The judges on animals will have regard to the symmetry, early maturity, size and general characteristics of the breeds which they judge. They will make proper allowances for age, feeding and other circumstances of the character and condition of the animals. They are expressly required not to give encouragement to over-fed animals. No premiums are to be awarded to bulls, cows, or heifers, which shall appear to have been fattened for the butcher; the object being to have superior animals of this description for breeding.

No person whatever will be allowed to interfere with the judges during their adjudications.

The judges on stock, if not satisfied as to the regularity of the entries in their respective classes, will apply to the secretary for information; and should there be any doubt, after examination, of their coming within the regulations; or, if any animal is of such a character as not to be entitled to exhibition in competition, they will report the fact to the executive committee, that such course may be adopted as the case may require.

Fat Cattle.—The judges on fat cattle will give particular attention to the animals submitted to examination. It is believed that, all

other things being equal, those are the best cattle that have the greatest weight in the smallest superficies. The judges will require all the cattle in this class to be weighed, and will take measures to give the superficies of each, and publish the result in their report. They will also (before awarding any premiums) require of the competitors full statements as to the manner and cost of feeding, as required by the regulations of the premium list.

General Rules Applicable to Animals.—When there is but one exhibitor, although he may show several animals in a class, only one premium will be awarded; that to be first, or otherwise, as the merits of the animal may be adjudged. A premium will not be awarded when the animal is not worthy, though there be no competition.

Reports.—The judges (especially those on animals) will be expected to give the reasons of their decisions, embracing the valuable and desirable qualities of the animals or articles to which premiums are awarded.

Discretionary Premiums.—No viewing committee, with the exception of the miscellaneous, shall award any discretionary premiums, without the previous permission of the board, expressed through the president. Whenever, however, articles of merit, superior in their character, are presented, and which are entitled to special commendation, the judges are desired to notice them particularly, and refer them to the consideration of the board.

Reports of Judges.—The reports of the judges will be read immediately after the address, and the premiums will be paid next day, at the office room of the board.

It has been found impracticable to appoint the awarding committees before the commencement of the fair. They will, therefore, be appointed on the first day of the fair.

The press throughout the territory and the west, are respectfully invited to notice the time of holding the territorial fair, and give such additional territory notice as will call the attention of their readers to the subject.

The first annual territorial fair was held at Nebraska City on the 21st, 22d and 23d days of September, 1859. The premium list provided for exhibitions of some peculiar features, as viewed from a modern premium list standpoint, and were classified under the following heads:

Cattle: Short-Horns, Devons, Native and cross between Native and Improved Cattle, Working Oxen and Steers, Fat Cattle of any

breed, Grass Fed Fat Cattle (for beef), Grass Fed Fat Cows, Milch Cows and Foreign Cattle.

Horses: Blood Horses, Horses for all Work, Draft Horses, Matched Horses and Geldings, Geldings and Mares, Jacks and Mules and Foreign Horses.

Sheep: Of any breed except mixed class. Merinos and Saxons, Fat Sheep, Foreign Sheep, Middle Woolled, Merinos and their Grades; Saxons and their Grades; Shepherd's Dog.

On Tuesday, January 3, 1860, R. W. Furnas, as president, made the following report:

To the Council and House of Representatives of the Territory of Nebraska:

In obedience to the requirements of the law creating the territorial board of agriculture, I hereby present the first annual report of the board.

When the infancy of the territory, and everything connected therewith is taken into consideration, together with the fact that there is yet no means by which agricultural statistics can be obtained, it will not be surprising that the first report prove quite meager indeed.

Agreeable to the provisions of the law above named, the board organized in the city of Omaha, on the 30th of October, 1858. The detailed proceedings of that and subsequent meetings are herewith submitted.

The board held the first territorial fair at Nebraska City, September 21, 22 and 23, 1859. The list of premiums offered and awarded, together with the annual address, delivered by Hon. J. Sterling Morton, are also herewith submitted as a part of this report.

In the first territorial exhibition the board had many difficulties to encounter, owing principally to the excessive hard times prevalent throughout the west. The result, however, was far from discouraging to the friends of agriculture and mechanism in the territory. The display in the various departments of agriculture, manufactures, arts, stock, etc., was highly creditable; and although limited in number were unsurpassed in quality, especially as to horses, cattle, swine, grain and vegetables. That the utility of such exhibitions is not overrated even in this new country was fully manifested from the interest and general satisfaction expressed by the very respectable concourse of citizens in attendance from the various portions of the territory, and in fact from abroad. The board feel flattered that with the experience now obtained and the spirit aroused,

they will be able another year to bring forward such an exhibition of our agricultural productions as will infuse into our people a spirit of emulation and improvement that cannot fail to result beneficially to an incalculable extent.

The treasurer's accounts show a deficiency in the finances of the board, arising from the fact that the receipts of the fair were not sufficient to pay premiums awarded. Nebraska, agriculturally, is a heaven-favored country, and must look principally to her agricultural developments for her future wealth, position and importance. I earnestly suggest that your honorable body could do much for the territory by appropriating sufficient funds from the treasury to relieve the board from its present embarrassment, and also annually appropriate a few hundred dollars to assist in offering more liberal premiums, and thus increasing an agricultural zeal, which can but result in the greatest good.

It is further suggested that a law requiring the annual collection and publication of agricultural statistics would result most beneficially to the territory.

There are now county societies organized in the counties of Nemaha, Otoe, Cass, Douglas, Washington and Dakota, and which have held from one to three annual fairs, and I am informed are in a prosperous condition. I regret to say, however, but one — Nemaha — has reported to the territorial board, which report is herewith found.

As intelligent farmers everywhere now understand that there exists an intimate connection between chemistry, geology and agriculture, the time is near if not quite at hand when a scientific agricultural survey of the territory is demanded, with reference to the character and improvement of the soil, and the products best suited to the different varieties of soil found in Nebraska.

As the pursuit of agriculture already engages the attention of four-fifths of our population, and is intimately interwoven with the interests of all classes, its prosperity giving life and energy to all other pursuits, the true basis of wealth and upon which commerce, art and manufactures depend for existence, to give it aid and encouragement, is most certainly sound policy, dictated by common sense and perfectly obvious to every intelligent mind.

Respectfully submitted,

R. W. FURNAS,

President Ter. Board of Agriculture.

A part of this report included the following:
The committee on discretionary premiums

and awards report: That they have examined, with as much care as possible, a number of articles not included in the regular premium list and find several worthy of notice and reward.

Mrs. Elizabeth Coleman exhibited "one worsted embroidered picture," a very fine specimen of skillful "handwork." Mr. Peleg Redfield, different products of his garden, including apple pie melons, California citrons, rutabagas, sweet corn and pumpkins, common and neplus ultra cucumbers. These products furnish satisfactory proof of skillful and well directed industry, and afford additional evidence of the already established fact that the invincible soil of Nebraska is as various in capacity as it is prolific and rich in production.

Mr. James Anderson exhibited an excellent quality of butter, made from apple pie melons. It bears some resemblance to peach butter, and is delicious in flavor.

One solid limestone gatepost, cut and furnished by Mr. George Clinton, is entitled to special notice, and commendation. The material was procured from his excellent and inexhaustible quarry, within six miles of Nebraska City.

A fine saddle mare of small size, but possessing great powers of endurance, was placed on exhibition by McCall Rasin. It attracted general and favorable notice.

Messrs. Davis & Teese's bay gelding, Ben Bolt, was the fastest trotting nag exhibited.

The committee had the pleasure of taking reliable testimony on the claim of Judge H. C. Wolph, of Cass county, to the "best cultivated farm of 40 acres." The evidence was very satisfactory, and fully justifies a favorable report. We do not pretend to enumerate the good points of this excellent farm, but we cannot neglect to mention that fine fencing and plowing and "constant attention to keeping out of all weeds" were some few of the evidences furnished by Judge Wolph in favor of his claim to the "best cultivated farm."

To each one of the persons named, we recommend that a suitable diploma should be awarded.

In closing their report, your committee beg leave to say that the first territorial fair of Nebraska, though not a complete success, is far from a failure. Taking all things into consideration, it is a marvel that we have done half so well. The territory is but little more than five years old. During the first half of her existence, she was exposed to the prevailing epidemic of wild and insane speculation, and for the last two years she has suffered under the prostration consequent upon a long

run of financial dissipation and folly. But, instead of yielding to the almost fatal effects of low times after high times, the people of Nebraska betook themselves to their fields, and, forsaking all the delusive schemes of speedy fortune by speculation, followed that never failing friend, the plow, to prosperity and independence.

This territorial fair is part of the first fruits. Energy, perseverance, and the awaiting courage that never sinks, begin to reap their great reward. In every element of prosperity, the present exceeds our utmost anticipations. The future is filled with encouragement and promise.

S. W. BLACK, Chairman,
R. W. FURNAS, President,
H. H. HARDING, Sec'y Pro. tem.

On account of the financial reverses met in the holding of the first fair, the officers and members of the territorial board of agriculture seemed to have lost their enthusiasm and after a period of more than eight years an effort was made to again organize the state board of agriculture. Notices were sent out for a meeting of the directors in the city of Omaha on the 17th day of January, 1868, for purposes of organization. No quorum being present the meeting was adjourned until January 30th, when the following organization was perfected:

Directors for one year: John Patrick, B. Bates, W. D. Scott, S. M. Kirkpatrick, John Richie, John Cadman, Amos Gates, George A. Hall, J. Sterling Morton, H. M. Reynolds, J. B. Stout, Anderson Miller, S. M. Kennedy, William Imlay, and A. L. Childs.

Directors for two years: George Crow, J. G. Miller, Samuel Maxwell, Elam Clark, Isaac Albertson, C. H. Walker, L. A. Walker, E. A. Allen, John B. Bennett, O. P. Mason, G. P. Thomas, J. W. Hollingshead, Henry Sprick and A. S. Holliday.

The following officers were selected for the ensuing year: John Patrick, president; E. A. Allen and Samuel Maxwell, vice presidents; C. H. Walker, secretary, and L. A. Walker, treasurer.

Members of the executive committee: R. W. Furnas, Samuel Maxwell, O. P. Mason, B. E. B. Kennedy, and Elam Clark.

Nebraska City was successful over Brownville in securing the location of the fair and it was held there on October 7, 8, and 9, 1868. This fair was handled with conservatism and paid out in full. The first financial report preserved in the records is that of this fair and shows that the total receipts were \$512.00 from gates, etc., and \$300.00 from state appropriation, while the expenditures amounted to \$739.25, leaving a surplus of \$82.75.

LAWS OF THE STATE OF NEBRASKA RELATING TO AGRICULTURAL SOCIETIES, FOR 1868

Section 1. Whenever twenty or more persons, residents of any county of the state shall organize themselves into a society for the improvement of agriculture within said county, and shall have adopted a constitution and by-laws agreeable to the rules and regulations furnished by the state board of agriculture, and shall have appointed the usual and proper officers, and when the said society shall have raised and paid into the treasury, by voluntary subscription or by fees imposed upon its members any sum of money in each year, not less than fifty dollars, and whenever the president of said society shall certify to the county clerk the amount thus paid, it shall be the duty of said county clerk to draw an order on the county treasurer of said county, in favor of said president of said society, for a sum equal to three cents on each inhabitant of said county, upon a basis of the last vote thus cast; and it shall be the duty of the treasurer of said county to pay the same.

Feb. 15th, 1869. Approved.

THE PRESIDENTS OF THE NEBRASKA STATE BOARD OF AGRICULTURE

1859—Robert W. Furnas, Brownville.
1868—John Patrick, Omaha.
1869—Robert W. Furnas, Brownville.
1870—Robert W. Furnas, Brownville.
1871—Robert W. Furnas, Brownville.
1872—Robert W. Furnas, Brownville.
1873—Robert W. Furnas, Brownville.
1874—James Sterling Morton, Nebraska City.
1875—James Sterling Morton, Nebraska City.
1876—Moses Stocking, Wahoo.
1877—Martin Dunham, Omaha.
1878—Martin Dunham, Omaha.

1879—Martin Dunham, Omaha.
 1880—Martin Dunham, Omaha.
 1881—J. T. Clarkson, Schuyler.
 1882—Edmund McIntyre, Seward.
 1883—Edmund McIntyre, Seward.
 1884—J. B. Dinsmore, Sutton.
 1885—J. B. Dinsmore, Sutton.
 1886—S. M. Barker, Silver Creek.
 1887—S. M. Barker, Silver Creek.
 1888—S. M. Barker, Silver Creek.
 1889—R. R. Greer, Kearney.
 1890—R. R. Greer, Kearney.
 1891—J. Jensen, Geneva.
 1892—J. Jensen, Geneva.
 1893—R. H. Henry, Columbus.
 1894—R. H. Henry, Columbus.
 1895—Eli A. Barnes, Grand Island.
 1896—Eli A. Barnes, Grand Island.
 1897—M. Doolittle, North Platte.
 1898—M. Doolittle, North Platte.
 1899—S. C. Bassett, Gibbon.
 1900—S. C. Bassett, Gibbon.
 1901—E. L. Vance, Pawnee City.
 1902—J. B. Dinsmore, Sutton.
 1903—J. B. Dinsmore, Sutton.
 1904—W. R. Mellor, Loup City.
 1905—W. R. Mellor, Loup City.
 1906—Peter Youngers, Jr., Geneva.
 1907—Peter Youngers, Jr., Geneva.
 1908—C. H. Rudge, Lincoln.
 1909—C. H. Rudge, Lincoln.
 1910—O. P. Hendershot, Hebron.
 1911—O. P. Hendershot, Hebron.

SECRETARIES OF THE NEBRASKA STATE BOARD
OF AGRICULTURE

1859—A. D. Jones, Omaha.
 1868—C. H. Walker, Omaha.
 1869—C. H. Walker, Omaha.
 1870 to 1880, inclusive—Dan H. Wheeler,
Plattsmouth.
 1881—J. C. McBride, Lincoln.
 1882 and 1883—Dan H. Wheeler, Plattsmouth.
 1884 to 1905, inclusive—Robert W. Furnas,
Brownville.
 1905. Unexpired term—S. C. Bassett,
Gibbon. Office, Lincoln.

1906-1912—W. R. Mellor, Loup City. Of-
fice, Lincoln.

OMAHA'S STREET RAILWAY SYSTEM

The extensive system of street rail-
ways in the city of Omaha is not the creation
of a few years; in fact, while the growth of
the system has been rapid in a way, it is the
culmination of more than thirty-five years of
work. The earliest effort toward a street car
line in the city was in 1867, when the terri-
torial legislature passed an act incorporating
the "Omaha Horse Railway Company." This
company had as its incorporators a number of
the then prominent citizens, including Alfred
Burley, Ezra Millard, David Butler, A. J.
Hanscom, J. Frank Coffman, William Ruth,
Augustus Kountze, John McCormick, E. B.
Chandler, R. A. Bird, Champion S. Chase,
George M. O'Brien, J. R. Meredith, J. W.
Paddock, George W. Frost, and Joel T. Grif-
fin. Its charter from the state provided that
within two years one mile of track be laid,
and that the company be privileged to build,
maintain, and operate a single or double track
railway "in, on, over, and along such street
or streets, highway or highways, bridge or
bridges, river or rivers, within the present or
future limits of Omaha, or within five miles ad-
jacent thereto, as said company may order
or direct, for the uses herein specified; but
said company shall not build a track through
or occupy, except for crossing purposes, Four-
teenth street, or any other street through which
any other railroad company has already ob-
tained the right-of-way." The capital stock of
the organization was \$100,000, and the use of
steam power was prohibited.

The city council of Omaha passed an ordi-
nance granting a franchise to the company in
October, 1868. The same year the track was
completed from Ninth and Farnam streets to
Eighteenth and Cass streets.

The first car used was an improvised affair,
made by placing the body of an old-style "bus"
on car wheels. There were no regular sched-
ules for the trips made. The car was run
mainly to suit the whims of the driver, who

started from one terminal to the other whenever he considered that he had sufficient passengers. The fare was ten cents each way. The best patrons of the line were the stockholders who rode free. As the population of the city increased, more cars were secured, and trips were more frequent.

In 1873 A. J. Hanscom became the sole owner of the road by purchase from the other stockholders. Later in the same year Mr. Hanscom sold the road to the late Capt. W. W. Marsh, who made many improvements in the equipment of the line and added to the system several miles of track on St. Mary's avenue and Eighteenth street.

In 1883 S. H. H. Clark, Guy C. Barton, and Frank Murphy became interested in the lines with Mr. Marsh. A new company was organized, though retaining the original name by which the charter given in 1867 designated the company. The new organization built additional lines covering Twenty-fourth, Thirtieth, Cumings, and Leavenworth streets.

In 1884 Samuel R. Johnson and others organized the Cable Tramway Company of Omaha, which was granted a charter, and constructed a line from the Union Pacific depot to Twentieth and Cass through Tenth, Dodge, and Twentieth streets, and also a line through Harney to Twentieth street, and north on Twentieth to Dodge, and west on Dodge to Twenty-fifth street. After the completion of these lines, in May, 1888, the company was awarded a new franchise. After the granting of this franchise, the Cable Tramway Company was consolidated with the Omaha Horse Railway Company, which road ultimately became the nucleus of the Omaha Street Railway Company's system, the latter company dating its existence from April 1, 1889.

In the spring of 1887, Dr. Samuel D. Mercer organized a company under the name of the Omaha Motor Railway Company. This company completed and put into operation a number of miles of electric road with ample power equipment and the necessary appurtenances.

At a later date the Omaha Street Railway

Company entered into negotiations with the owners of the Omaha Motor Railway Company, which resulted in the purchasing of the property of the latter company by the old company, and the consequent consolidation of all the street railway properties in Omaha and South Omaha into one comprehensive and strong organization.

In 1901 all the street railway interests of Omaha, South Omaha, Florence, Dundee, Benson, and other street railway properties in Douglas county, together with the Omaha & Council Bluffs Railway and Bridge Company, and all the street railway lines in Council Bluffs, Iowa, including the fine bridge across the Missouri river, were united in one company, known as the Omaha & Council Bluffs Street Railway Company, and that is the operating company in these cities today. This company has been very progressive in its policy. It has largely re-laid all its tracks, has built a magnificent power house (said to be the best in the west); has built large car houses and greatly extended its lines.

In 1911 the consolidated company has in use more than 150 miles of track. There are more than 400 passenger cars in its service, and over 1,000 men on its pay rolls.

In 1868 a ride of one mile maximum (or less), cost ten cents; today a ride of twelve miles or less) is purchased for five cents, and with the universal transfer system now in vogue a ride from any point in the city to any other point can be obtained for five cents.

McKEEN MOTOR CAR COMPANY

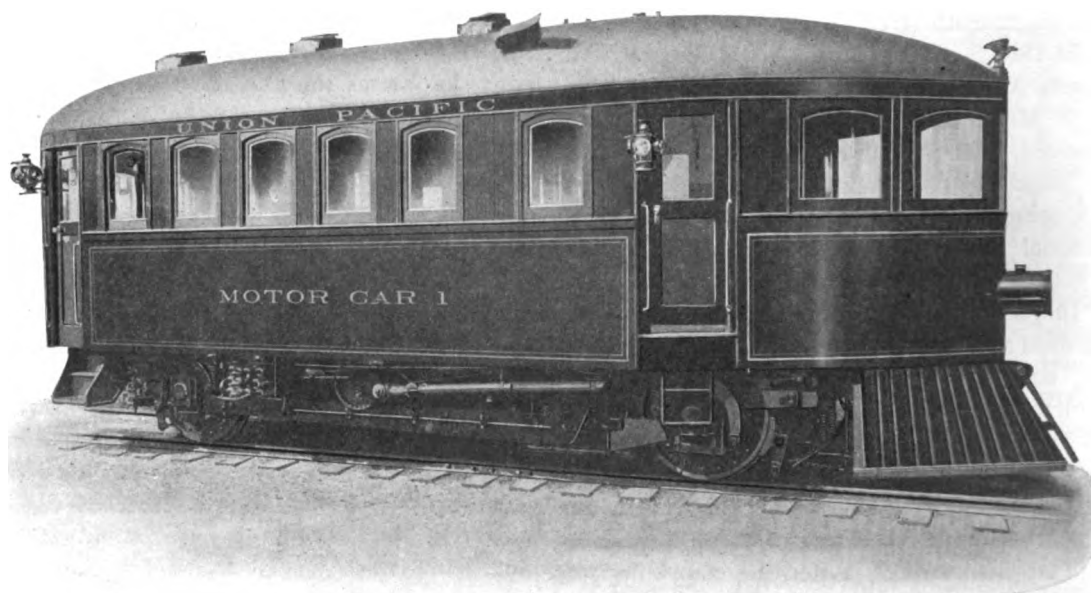
The extensive introduction of the gasoline engine as a means of power in automobiles, water plants, electric power plants, and its particular adaptability to sea-going vessels, torpedo boats and marine work in general, suggested to the mind of that great railroad developer and genius, E. H. Harriman, the idea of utilizing this wonderfully economical generator of power in propelling a motor car to run on rails. The competition

of electric traction lines in successfully absorbing from well established steam roads the very lucrative and valuable local passenger traffic had already originated a very strong desire for a self-propelled passenger vehicle that could run in connection with steam train service and furnish a frequency of service and other attractive features, such as electric lines are capable of providing. The idea was transmitted through Mr. Julius Kruttschnitt, director of maintenance and operation of what is known as the great Harriman system, to William R. McKeen, Jr., then general superintendent,

and it is capable of a speed of 75 to 78 miles per hour.

The cars have been in practical daily operative service since the spring of 1905. At the close of the year 1911 there are 130 cars in practical revenue service that are operating in 24 states on 48 different railroads in the United States, Mexico, Canada and Australia.

In designing the gasoline propelled motor car, the success of the car was known to be directly dependent upon the weight: the lighter the weight, the more economical, and the quicker the success of developing the car was



MC KEEN MOTOR CAR

ent of motive power and machinery of the Union Pacific Railroad at Omaha, Nebraska, who was delegated to invent, design, develop, and build a motor car, propelled by a gasoline engine, with a carrying capacity of 60 people, at a speed of 60 miles per hour. The problem of applying an internal combustion engine principle to the purpose of starting and putting in motion a heavy steam road passenger car, and propelling it at 60 miles per hour, at that time was considered colossal, yet today it seems a simple matter. The car has been developed with a carrying capacity of 105 pas-

engers, and yet to put a lightly constructed car structure, such as a street car, in service on a steam railroad would in case of wreck be excessively hazardous to the lives and safety of the passengers. Therefore, even though steel in the construction of passenger equipment had not been developed in steam or electric car service, the car frame of this gasoline motor car was designed and constructed entirely of steel. A great many innovations in car structure, made possible by the substitution of steel for wood forms and shapes, were incorporated in the design, and a wonderfully strong and power-

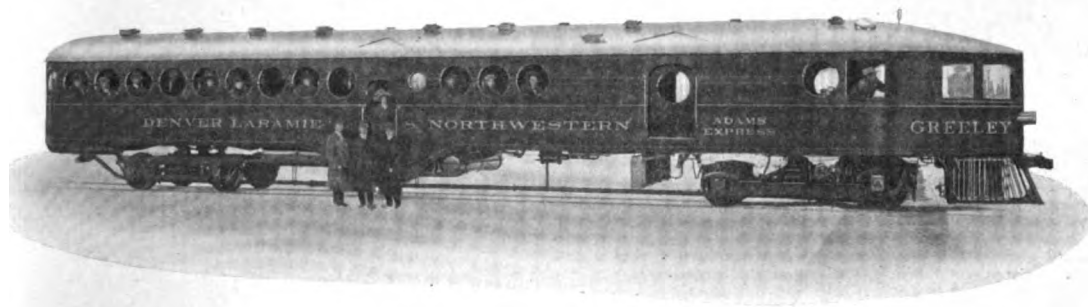
ful car structure was developed, with a weight at the same time less than that of an ordinary wooden car. Such a radical innovation and ingenious method of transportation in its development naturally necessitated much inventive genius, and there have been awarded or are still pending over 2,000 claims in the United States Patent Office. These claims of novel and new principles are features of the car trucks, the gasoline engine, its transmission and application of the power to the driving wheels, its car structure, its new and modern ventilating facilities., etc., etc.

The shape of the car body is one of not only attractive appearance, but of remarkable utility and service to the traveling public. The front end of the car is wedge-shaped: the

assurance of the comfort and protection of the lives of the passengers is therefore obtained.

One of the new and novel features of this car structure is the carrying of the load of this car on the sides of the same, and the car, being fitted with a side middle entrance, the side sills are depressed so that a plate and truss girder effect is obtained with a depth of eight and one-half feet between the top and bottom chord, which, as readily can be seen, furnishes a structure of enormous strength as compared with the ordinary car.

The application of the gasoline engine power to the driving wheels is so simple that when the car is once in motion all the moving parts revolve with the axle as a unit, and the principle of application is thereby simply the prime



SEVENTY-FOOT BAGGAGE, MAIL, EXPRESS, AND PASSENGER MOTOR CAR

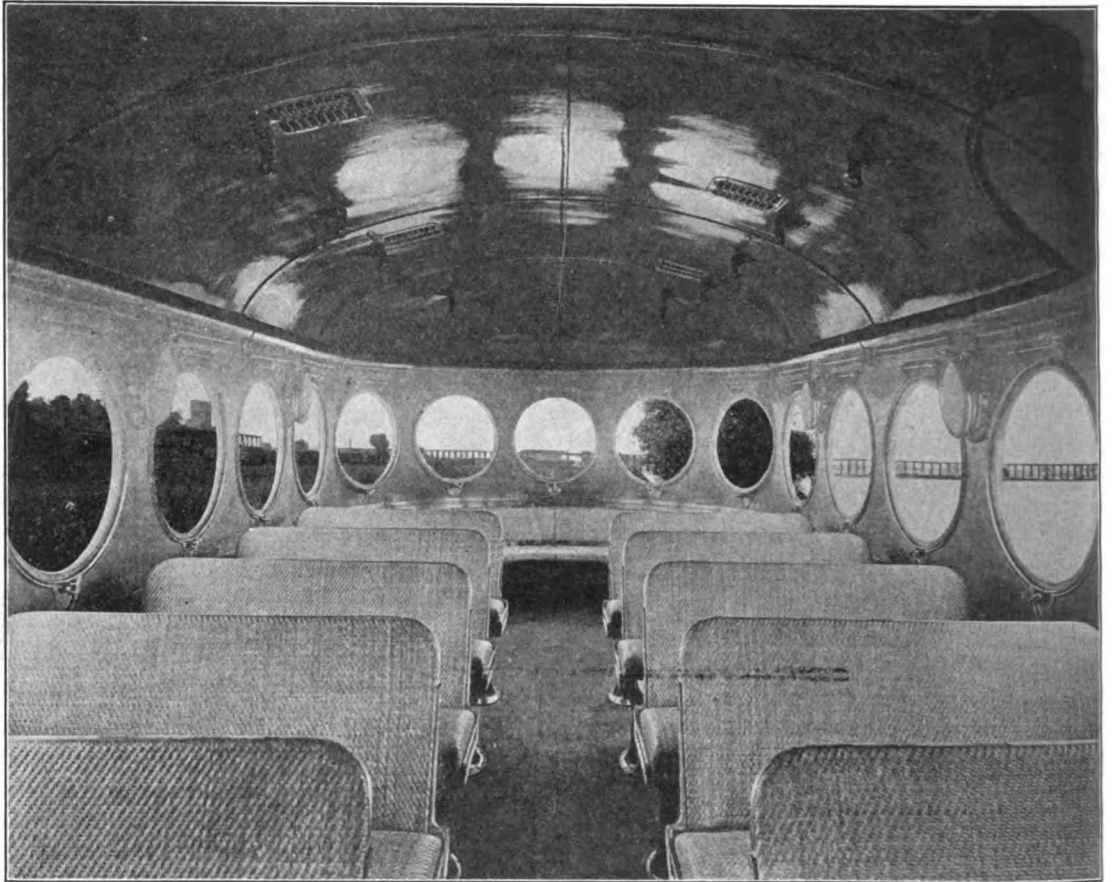
roof is round; the rear end is semi-circular, and the whole car structure itself is a steel structure not dissimilar from the principles of a steel bridge, and in addition this steel trussed car frame is reinforced by a solid metallically connected steel sheet extending around the entire car, over the roof, and under the car in the form of a steel floor, making, as it were, a combination plate and truss girder of the sides of the car and the whole structure as built up, having many strengthening and characteristic features of a steel tube. Notwithstanding the remarkably light weight attained in the use of steel in the car structure, it is claimed by the inventor that whether in collision with a locomotive or any other possible shock, due to accident or wreck, it is a physical impossibility to disrupt this car structure, and it is impossible of telescoping, and the perfect

mover, the gasoline engine, with a sprocket on its crank shaft transferring the power through a Morse silent frictionless chain into a second sprocket located on and transmitting the power direct to the driving wheels through the driving axle. Thus the only possible loss in the transformation of the energy of the gasoline engine into the propelling or driving wheels is in the friction of the driving chain, which can be proven by test to be between three and four per cent: in other words, 96 per cent of the horse power developed is obtained and utilized by the driving wheels in propelling the motor car. This remarkable efficiency in the transformation of gasoline generative energy has established beyond question the efficacy, permanency, and advantages of the mechanical transmission.

The remarkable practical success of the Mc-

Keen motor car is best illustrated from the fact that car No. 1 and every car built by this company and organization is at this date in daily practical service. Car No. 1, however, was simply a four-wheel car, 31 feet in length, built more as a demonstrating car. It was propelled by a 100 horse-power, six-cylinder gasoline engine, make and break spark, and in practical operation its popularity with

cars since that date have been equipped with that specially constructed and specially adapted to the exigencies of railway service, gasoline engine. This engine has demonstrated itself as what is known as a variable speed engine, notwithstanding the fact that engineers and scientists as a rule claim the internal combustion engine is primarily a constant speed engine, but the McKeen motor car, 70 feet in length,



MC KEEN MOTOR CAR — INTERIOR VIEW

the public always developed such an increased patronage that its limited seating capacity was inadequate. Car No. 1 was designed in the early part of 1904 and completed in the winter of 1905; its demonstration was so satisfactory that six steel 55 ft. cars were immediately put into process of construction. In 1906 Mr. McKeen and his corps of able assistants designed and constructed at Omaha a remarkably reliable 200 horse-power engine, and all

carrying 105 passengers, varies its speed from 2 to 70 miles per hour, simply by means of varying the speed of the engine: in other words, the speed of the car is controlled by opening and shutting the throttle, and establishes the principle of the variable speed gasoline engine. The establishment of this new principle in gasoline engine construction is one of the prime features of the success of this type of motor car.

At the end of 1911, there are over 400 expert skilled mechanics on the pay rolls of the McKean Motor Car Company. Its plant is located at the foot of Webster street, adjacent to the Union Pacific shops, and is capable of turning out six or seven cars per month; with the increase in facilities constantly being made, its output is being enlarged every few months.

The accompanying photographs illustrate the exterior view of motor car No. 1 and the interior and exterior views of a 70 foot motor car. The 70 foot standard McKean gasoline motor car has facilities for baggage, mail, express, a smoking compartment for men, and a large commodious and luxurious compartment for ladies. This one car furnishes the same facilities ordinarily provided by a steam locomotive and three cars.

This gasoline motor car makes possible the advantageous frequency of service, which is so instrumental in the development of, and such a convenience to people in, territories and localities where steam and electric service could not be operated without much financial loss.

JAMES HENRY COOK

BY ERWIN H. BARBOUR

James Henry Cook was born in Kalamazoo, Michigan, August 26, 1857. His father, Henry Cook, a sea captain, was the descendant of a long line of sea-faring men who traced their lineage to Captain James Cook, the English navigator.

Captain Henry Cook, whose life at sea necessitated absence from home, found it expedient to place his child, on the death of his wife, with a most estimable family named Titus, in Kalamazoo. Here the child enjoyed the advantage of a model home, and much of the strength of character and fixity of purpose shown in his youth and maturity may be attributed to his excellent early environment.

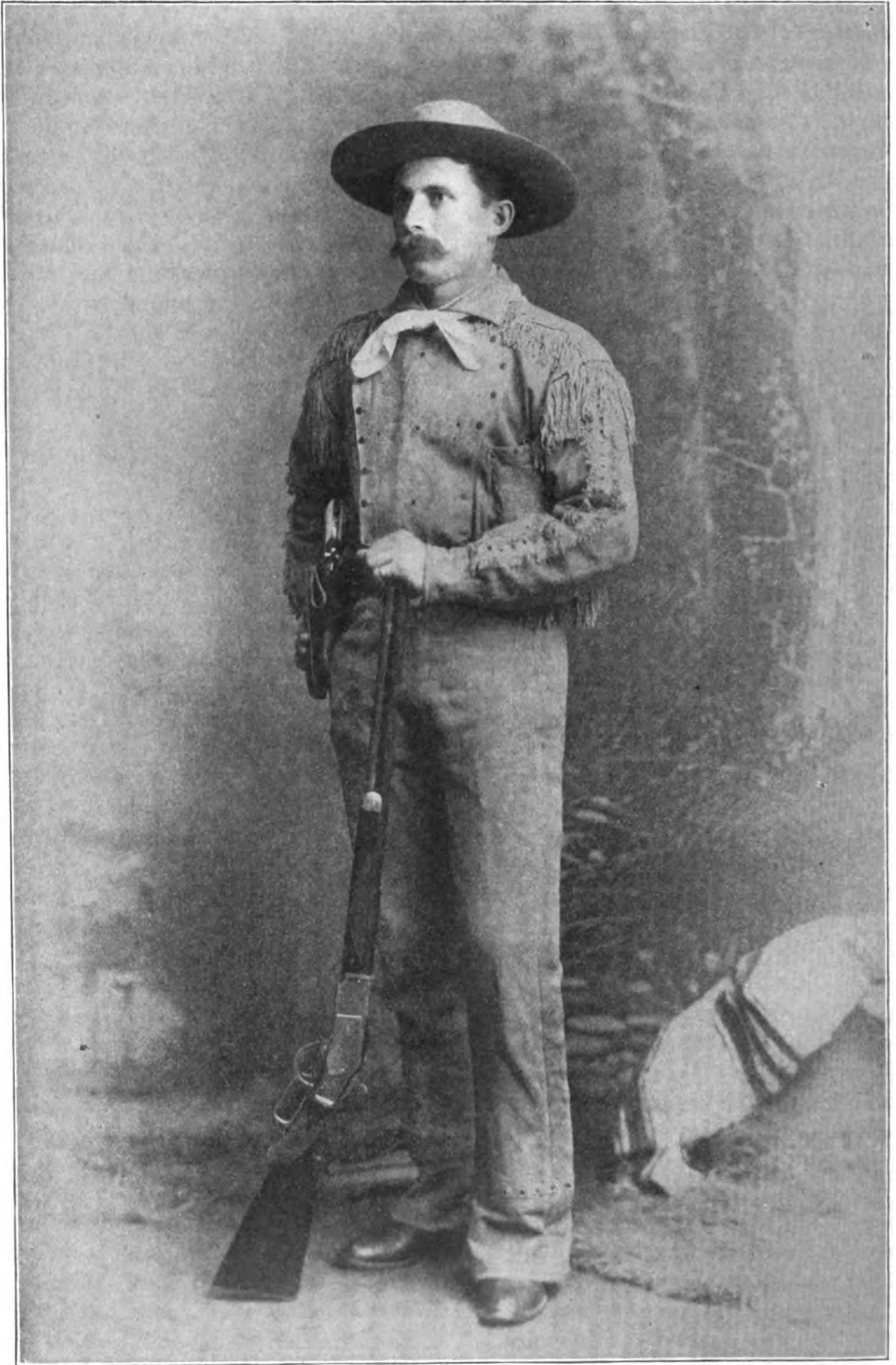
His unemployed moments as a boy were spent with the wild creatures of the fields and woods, and when old enough to be trusted

with a gun he laid the foundation for that remarkable marksmanship and precise judgment of range which made him known throughout hunting and military circles. At the age of twelve, after finishing his public school education, he sought and obtained employment in a machine shop at Comstock, near his adopted home, where he gained and held the confidence of his employers. At the end of two years' service he was moved by an irrepresible desire to follow family tradition, and, notwithstanding his youth, he shipped as a sailor on the Great Lakes. After many hard experiences crowded into a brief period, he was led to leave his vessel and to attempt to reach the gulf ports by way of the Missouri and Mississippi rivers.

While stopping at a hotel in a frontier town, young Cook fell in with some cattlemen by whom he was persuaded to abandon the sea and to turn his attention to the cattle business, which was then beginning to assume great proportions.

On the advice of this company, he immediately outfitted as a cowboy, and accompanied these cattlemen to southwestern Texas, where he remained for a number of years. From the outset he was associated with the largest companies only, such as Slaughters and the Ellison and Dewees, and having mastered the details of the cattle business during his early apprenticeship, and having shown himself to be responsible, he received rapid and substantial promotion and eventually became prominent as a cattleman.

In 1871 the great cattle drives from Texas to the north had begun to assume financial importance, and he at once identified himself actively with this work. These large undertakings were interrupted during several years while he accompanied Captain McNally of the Texas Rangers in pursuit of outlaws, Indians, and renegade whites. He assisted in laying out all of the famous cattle trails, excepting the Chisholm trail, which for the first time connected Nebraska with the great cattle ranges of the southwest. He helped to drive the first big herd of cattle through the



James H. Cook

state of Nebraska in the year 1876. Among the important trails which he thus assisted in laying out and establishing were the Ogalala, the White Swan Agency, the Plum Creek, and Red Cloud trails.

In the early days of the Texas trail he had many daring adventures with Indians and outlaws. He had four horses killed under him in various engagements with Comanche and Lipan Indians while herding cattle in the "brush country" of southwestern Texas, and altogether had many narrow escapes from death. On one occasion, while riding in the lead of a great herd of cattle, he fell into an ambush and was shot in the calf of the leg with a poisoned arrow. He was compelled to ride a hundred and twenty miles unattended to get surgical treatment. These great cattle drives, which started in the southwest and continued from one thousand to eighteen hundred miles northward, have passed out of experience into history, and to the present inhabitants of the Great Plains the records and accounts of conditions, hardships, and dangers of the old Texas trails is like fiction.

In 1876, though but nineteen years of age, Captain Cook received acknowledgments for his efficient services as military guide in the campaign against the hostile Sioux. He also engaged in scouting service with the Fourth and Fifth cavalry. He was hunting on the Little Big Horn river, near where the Custer massacre took place, when the campaign of 1876 started, and being thoroughly familiar with the ground, his services as a scout were much in demand by the troops. He was associated principally with General Crook at this time, and while carrying dispatches passed the great camps of Sioux Indians which wiped out Custer's command, and was with the first troops on the field after the massacre.

However, young Cook was not destined to be diverted from the occupation of his choice, either by military allurements or by the excitement of the chase. Accordingly he returned to Texas and took part in the great cattle drive of 1877. In 1878 he was hunting buffalo near the head of the Republican river in Kansas,

and again happened to be in the center of the field of action, when Wild Hog's band of northern Cheyennes made their great break for liberty from the Indian territory, where they were held as prisoners of war, and again he acted as courier and scout, this time with Thornburg's command.

At the close of this campaign Mr. Cook decided to devote some time to hunting as a profession, and this pursuit he followed most of the time for the next four years.

In 1879 he spent several months with a force of experienced cowboys conducting a great herd of cattle belonging to an early employer, Mr. Ross, from southern Nevada to Idaho. In those days this was an undertaking fraught with difficulties and was counted a hazardous feat, and that a youth of his years should have carried the plan to fruition is remarkable.

Captain Cook's fame for marksmanship preceded him everywhere, and his company was sought by every large party. Although he has competed with many of the best shots in the world, he has never been beaten in his favorite style of shooting—that is, shooting at unknown ranges. As a game shot he is reputed to have met no equal. These trips to the north were naturally supplemented by protracted hunting and trapping expeditions, which gave him an intimate and exact knowledge of the Great Plains and mountain regions, so useful afterward in the military service which he rendered.

Though keeping in close touch with cattle interests, he made a business of hunting, and took large contracts to supply Cheyenne dealers with such game as elk, deer, and antelope. While in the business of hunting he kept one hundred pack horses constantly on hand, and generally in use, and his hunting outfits were reputed to be the most complete and elaborate ever fitted out in America. He had the best and most experienced packers obtainable, his chief packer being Mr. Arthur Sparehawk, now chief of detectives in Denver. When taking out large parties of hunters (generally English gentlemen) every camp comfort

was provided. He provided chefs, first and second cooks, stewards, "boot-blacks," "gun-swipes," etc., in fact introduced into the camp many of the comforts and luxuries of the city. Their larder was always supplied with everything palatable, put up in glass and tin, obtainable in the markets from New York to San Francisco.

When hunting for the market, to avoid waste, he established smoke houses to cure all meat that could not be marketed fresh. He did the hunting and shooting, having men to do the skinning and dressing, and his partner, "Billy" Marten, had charge of the transportation and marketing. This meat was forwarded to points as remote as New York and San Francisco, and to intermediate cities. His greatest record was shooting about five hundred antelope, besides other game, in one month. This was at the time when game was very plentiful, and he, like most of his contemporaries, did not foresee the extermination of big game in America. Later, he became one of the strongest advocates for game protection.

During this time he outfitted, managed, and conducted several large American and English hunting parties, notably that of Lord Fairbairn and Paul Du Chaillu. During these years he also conducted and guided several famous scientific and exploring expeditions, including those of Marsh, Hayden, Cope, and King. It was through him that Professor Marsh obtained permission from the Indians to collect the first fossil bones that he secured in the "Bad Lands" of South Dakota in 1877.

In 1882 he went to New Mexico to establish and to become superintendent of the W S ranch, which was the first and which became the largest of the great ranches of southern New Mexico. This ranch ran about sixty thousand cattle and branded annually about ten thousand calves. Because of the magnitude of his undertakings and his activity in furthering the cattlemen's interests, it is generally believed that Mr. Cook was largely instrumental in opening the southwestern section of that great territory. He became the

organizer and promoter of the first stock growers' association of New Mexico, and introduced and directed the first general "roundups" in that region.

In the midst of these undertakings Mr. Cook became prominent for his active participation in quelling the lawlessness which was then rampant. The region was infested by hostile Indians and by the most daring desperadoes, and was wrought up by the racial antagonism of Americans and Mexicans. In the varied troubles arising from these early frontier conditions, Mr. Cook was always active in repressing lawlessness and in establishing and maintaining peace. The first blood shed by Geronimo's bands of Apaches was on the W S ranch, and Mr. Cook immediately took a leading part in suppressing the outbreak. He served in the field as chief scout of the Eighth cavalry, under Major (now General) S. S. Summer, and other troops.

Probably the most difficult and dangerous commission during the Geronimo campaign, was to carry the dispatches for Captain Allen Smith, of the Fourth United States cavalry, and Lieutenant Gatewood, of the Sixth United States cavalry, from "Devil's Park" in the Mogollon Mountains, to Fort Bayard, N. M., a distance of about a hundred and twenty miles. This was by a route which he had to travel between six o'clock in the evening and nine the next morning, and it was necessary to deliver and return dispatches before daylight the following morning. He had the use of the stage relay horses in making these trips. This was over the roughest mountain roads, through a region known to be infested by hostile Indians and outlaws.

His intimate knowledge of the geography and topography of the entire region, his unusual trailing ability, coupled with courage and military experience acquired under Generals Crook and MacKenzie, made him an officer of especial value in this, as well as other campaigns, and his conduct and prowess secured for him the friendship and praise of citizens and officers alike. Letters of commendation from various officers show that no troops un-

der his guidance were ever ambushed. Neither money nor love of adventure induced him to engage in this work. He was actuated wholly by a desire to aid the government in ridding the country of the lawless and the dangerous elements and, as he once expressed it, "It is better to hunt than to be hunted."

In 1886 Mr. Cook was married to Miss Kate Graham, the daughter of Dr. E. B. Graham, a physician of Cheyenne, Wyoming (see sketch in this volume). Dr. Graham was the founder of the O4 ranch on the Niobrara river in Sioux county, Nebraska. Mr. Cook has two sons, Harold James Cook, born 1887, and John Graham Cook, born 1898.

In 1887 Mr. Cook purchased the O4 ranch which consisted of a small land holding, a few buildings, a large herd, and an immense free range. At that time but little land had passed into private ownership. As title to land was acquired, he purchased and added slowly to his holdings, until he now controls one of the largest and best equipped ranches in Nebraska. It should be remembered that the O4 was the first ranch established on the Niobrara in Sioux county.

This ranch, which is now known as the Agate Springs ranch, extends some ten miles along the Niobrara river, and when purchased, as well as when first visited by the writer in 1891, was practically without grass, due to over-grazing and trampling by the great western herds. Today the ranch is properly fenced, is planted with thousands of trees and shrubs, is superbly grassed throughout, and is stocked with large herds of cattle and horses of uniform breeding.

This is spoken of as a model ranch, and those who have seen it develop from its early crudity to its present perfect condition, must draw a lesson as to the possibilities open in this state to those who exercise judgment and good business sense.

From the outset Mr. Cook has taken pride in stocking his ranch with the choicest breeds of horses and cattle, and to that end was a pioneer in importing high grade stock.

Mr. Cook controls some 15,000 acres and

has one thousand acres under ditch, and by persistent experimentation has demonstrated that a wide range of field products can be successfully grown under irrigation in his region. In the midst of the activities incident to financing and managing so extensive a ranch, he has never been unmindful of the value of environment, as is evidenced in his ranch houses and surroundings, into which he has introduced many of the luxuries and refinements of the city home.

In his many military engagements with hostile tribes he acquired none of that animosity so common to those who engage in mortal combat, but instead was moved with compassion and fellow feeling for the tribesmen, and has come to be viewed by them as their fiercest foe yet their firmest friend, and the Indians of several states still counsel with him. His close personal acquaintance with their chiefs and his command of their language has repeatedly brought him into prominence in the settlement of tribal difficulties.

When the famous Wounded Knee troubles grew serious in 1890 and 1891, the people of Nebraska, Wyoming, and South Dakota united with their respective state and county officials in petitioning Mr. Cook to hasten to the seat of trouble in the interests of their lives and property. At the same time, under the cover of night, delegations from the disaffected Indians visited and implored him to come at once to aid in settling differences. Yielding to these demands, and to requests from the war department, he went at once into their midst to counsel with the disaffected Indians, he being the only white man allowed to pass their outposts. This was on the eve of the sanguinary Wounded Knee battle.

During 1910 and 1911 Mr. Cook served on the executive committee of the Stock Growers' Association of western Nebraska and has striven to transform the industry by introducing orderly and settled business methods.

During the two decades just passed, the Cook ranch has become famous the world over because of the fossil bone beds which occur at Agate Springs. This is probably the

greatest bone bed known, and it has attracted paleontologists from all the great institutions of the world. In a spirit characteristic of the man, Mr. Cook has generously dedicated these famous fossils to science, and all of the great American institutions, notably Yale, Amherst, Columbia, the University of Nebraska, the Carnegie Museum, the American Museum of Natural History, and Field Museum of Natural History, have enjoyed all the privileges of the place and the right to collect extensively at these famous bone quarries.

"58th Congress,
3d Session

H. J. Res. 197

"IN THE HOUSE OF REPRESENTATIVES

"January 17, 1905

"Mr. Kinkaid introduced the following joint resolution, which was referred to the Committee on Military Affairs and ordered to be printed.

"JOINT RESOLUTION

"To award to James H. Cook, of Agate, Nebraska, a bronze medal for valiant services in the Geronimo campaign.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to cause to be struck a bronze

medal, of appropriate design, and to award the same to James H. Cook, of Agate, Nebraska, in recognition of valiant services by him rendered as guide, trailer, and scout in assisting the United States Army in campaigns against the hostile Indians, especially in the noted Geronimo campaign; and so much money as may be reasonably necessary, not otherwise appropriated, is hereby appropriated out of the Treasury to enable the Secretary of War to carry out the provisions of this Act."

"Bedford Springs, Penn'a, Aug. 14, 1905.

"Dear 'Captain Jim'

"Until I met and knew you during the Geronimo campaign of '85 & '86 in New Mexico and Arizona, I had always considered Kit Carson's remark, 'That an Indian did not know as much as a white man but what he did know he knew better than a white man,' to be without question or doubt. After seeing you compete with the noble redman at his own games, whether it was hide or seek, I became convinced that Kit was wrong, that in fact the white man would master the Indian in the latter's line of thought or action. At any rate the white man J. H. Cook did. In those trying days I saw the Navajo Scouts 'Simon' and 'Benow' lose the hostile trail, but once your eye or nose, I never knew which, got the trail it was never lost. With you it seemed to me that the intelligence and the training of the white man united with the instinct of the Indian had mastered him in his own pursuits.

"Your services to us in those days were invaluable. I should be very glad if your friends in Congress see fit to give you some testimonial for duty well done.

"Yours cordially

"S. W. FOUNTAINE
Brig. Gen'l U. S. Army, Ret.

BIOGRAPHICAL SECTION

PREFACE

When the undersigned assumed the management of the history, April 17, 1911, with a determination to push rapidly the publication of this volume, he was confronted with some discouraging conditions. Finances were at a low ebb, and the volume was to be confined to about 800 pages, while there had accumulated over 1,200 personal sketches, about one-half of which were intended for the earlier volumes, and also a number of special articles. The personal sketches have been revised until immaterial statements, repetitions and exaggerations have been to a great extent eliminated. Several lengthy biographies have been included because each represented some phase of local life of interest to many readers, such as pioneer experiences common to all, and ancestry traced from a colonial pioneer through various settlements and states, to Nebraska. The latter will be an incentive to those careless as to family history, and of interest to collateral families. Those who ridicule family pride and records have no interest in the past or the future. Far nobler the Ohio teacher who said, after a little thought as to a local history, "Yes, I am glad to mention my parents in such a work. They came from Germany to Crawford county, poor but honest and industrious. They homesteaded 160 acres, and from the timber and swamp lands developed as good a farm as there is in the locality; and, better still, they educated their children and started them with right purposes, and I am proud to so record them in this history." The men and women who wrest from rock, timber, swamp, and plain a farm home and rear and educate their children are the heroes of a new country and the foundation of every enduring society. A limited amount of family pride is an incentive to right living and feeds a reasonable ambition to succeed and to hand the name down to worthy descendants. Florid diction has been avoided in these biographies, the obituary style being out of place in local histories, which have commonly fallen into disrepute owing to their exaggerated and fulsome phraseology. It was impracticable to verify many historic and traditional statements contained in the biographies and special articles owing to the slight esteem in which original sources of information have, until recently, been held, and the fact that, in most cases, they rest upon verbal information handed down from generation to generation. With thanks for helpful acts on the part of Nebraskans,

Sincerely,

D. W. CLENDENAN.

Lincoln, Nebraska, October 1, 1912.

BIOGRAPHICAL

[The biographical sketches in this section are alphabetically arranged and are not included in the general index.]

ABBOTT, LUTHER JEWETT, deceased, was born in Blue Hill, Deer Isle, Me., September 15, 1831, and died in South Omaha, Neb., February 22, 1900. He was a son of Dr. Nicholas and Mary (Jewett) Abbott, both natives of Vermont, and of English ancestry, the former a graduate of Dartmouth College. When Luther J. Abbott was two years of age, his parents removed from Maine to Ohio, and settled at Troy. Here the father practiced medicine, and the son acquired a common school education. He entered the Cincinnati Medical College, and afterward the Jefferson Medical College at Philadelphia, Pa., graduating in 1854. He began the practice of medicine with his father at Troy, O. Later he went to Sidney and continued to practice there until 1861. In that year he came to Nebraska, from California, having gone there by way of the Isthmus. He took up sheep-raising near Omaha, at what is now Irvington, being a pioneer in this industry. He resided there for some time, then moved to a ranch near Fontanelle, and finally opened an office at Fontanelle, where he continued to practice until 1868, when he opened an office at Fremont, and until 1895 devoted himself entirely to his profession. In 1895, having been appointed superintendent of the Insane Hospital at Lincoln, he removed to that city, and at the expiration of his second term, moved to South Omaha, in 1899, and continued in general practice until his death, in February, 1900. Dr. Abbott was a member of the state and Dodge county medical associations, and was president of the state association for one term. He was also a member of the Nebraska Historical Society. Dr. Abbott was for some years the professor of "Practice" in the Omaha Medical College. He was a forceful speaker and writer and took a lively interest in affairs outside of his profession. He was married at Troy, O., September 12, 1854, to Miss Clara Frances Culbertson. Eleven children were born to them, six of whom are living: Osie M., supervisor of drawing in the public schools at Fremont; John W. C., a captain in the U. S. A., in the coast artillery, and now in 1912 in the quartermaster's department; Jane H., librarian at the Northwestern State Normal, Alva, Okla.; Luther J., editor and proprietor of *Progress*, a monthly educational journal, Edmond, Okla. (see *Who's Who in America*, 1912-13); Edward Culbertson, superintendent of the Nebraska School for the Blind at

Nebraska City, serving his second term, and L. Keene, dramatic editor of the *World-Herald*, Omaha, Neb. (see *Who's Who in America*, 1912-13).

BEEBE, HENRY P., late of Fremont, Neb., was born in Rochester, N. Y., February 22, 1831, son of Prentice and Wealthy (Pierce) Beebe. The latter was a second cousin of President Franklin Pierce. The Beebe family came from England, one of Mr. Beebe's ancestors being a ship owner and captain. In 1835 the family moved to Detroit, Mich., and later to Green Bay, Wis., where Mr. Henry P. Beebe was reared and educated. He later attended college at Rochester, N. Y., and was educated to be a Methodist Episcopal minister. His preference, however, was for farm life and to this work he devoted his energies. Mr. Beebe came to Nebraska in 1856 and the same year pre-empted land three miles northwest of the present site of Fremont, on which he built one of the first houses west of the Elkhorn river. From time to time he acquired additional property and among his holdings was some land at Ames. Mr. Beebe came with his family overland to Nebraska with a team. They were seven weeks on the way. Accompanying him were his wife and children and his wife's family. They reached Nebraska September 20, 1856. Mr. Beebe had been preceded by his mother and four brothers, John, Martin, Charles, and Chauncey, and a sister, Phoebe McNeil, who started earlier and arrived in Fremont in May of the same year. Mrs. Beebe is claimed by some to have been the first white woman to establish a residence in Fremont. Mr. Beebe gave liberally of his time and energies to the public service and for many years filled responsible offices in Dodge county. In addition to his other qualifications he read and practiced law; for several terms was probate judge of Dodge county, and justice of the peace for many years. He was the first treasurer of Dodge county and was elected to the lower house for the third and fourth sessions of the Nebraska state legislature, serving in the years 1867 and 1868. He was county supervisor for several years and was active until his death, November 9, 1901. In 1851 he married Miss Lavinia Hager, daughter of Steadman and Sylvia (Davis) Hager, who also came from Fredonia, Wis., in 1856. She was a native of Vermont. Her father, Steadman Hager, was frozen to death soon after his arrival in Nebraska, December

1, 1856, in an attempt to get home from Columbus, there being at that time only a ranch upon the present site of that city. There were born to Mr. and Mrs. Beebe seven children: Wealthy Sylvia, who married B. F. French, deceased, of Fremont, and who had been previously married, in 1871, to J. W. Carter, of Fremont; Steadman P. Beebe, a farmer of North Bend, who married Miss Elis Hager; Frances, deceased, who married Absalom Wallingford, of Fremont; Henry L., who lives on the home farm and who married Miss Jennie Thompson; Sarah, formerly a teacher in Dodge and Stanton counties and a graduate of Peru Normal School, wife of Fred Howe, a farmer of North Bend, and a former member of the legislature; Curtis, of Cedar Bluffs, with the Nye Schneider Elevator Company, who married Miss Amy Canfield, daughter of Samuel Canfield, of Stanton, Neb.; and Rosa, wife of Charles Bowers of Fremont, a farmer, who are the parents of one son, Paul Bowers. Mrs. Bowers was also a teacher in Dodge county for a number of years and was a graduate of the Peru Normal School. The children of Mrs. French by her first husband are: Althia, wife of I. F. Dimick, of Omaha; Maude, wife of E. E. Daugherty, chief of police of the city of Fremont for a number of years, now living in Chicago; and J. W. Carter, of Omaha. Mr. and Mrs. Steadman P. Beebe are the parents of two sons, Prentice and Henry, both of whom are graduates of the Nebraska State Agricultural College. Mr. and Mrs. Henry L. Beebe are the parents of one child, Henry. Mr. and Mrs. Howe, of North Bend, are the parents of two children, Myra and William.

BURDICK, CHARLES H., of Omaha, Neb., came to Council Bluffs in the fall of 1854 and shortly afterwards entered a claim of 160 acres just west and north of Florence, at the head of Florence creek. In 1856 he went onto this claim and broke ten acres and built a cabin. In 1859 he went to Rockport, Washington county, and engaged in the manufacture of shingles and lime for seven years and then bought of Judge Wakely 160 acres at DeSoto and cut timber and rafted logs and wood to Omaha. In 1866 he homesteaded near Herman in Washington county and remained on this farm and in the village until 1907, when he removed to Omaha. Judge Wakely held district court in Mr. Burdick's house at DeSoto, it being the house which Mr. Burdick moved to Herman. He is now (1912) ninety years old and is able to do considerable work, being particularly keen as respects his intellectual powers. Mr. Burdick filled local offices and served on the school board. He was born November 11, 1822, in Vermont, on a farm near Battleboro, son of Jared and Lurency (Franklin) Burdick. In 1835 the fam-

ily located in Steuben county in northern Indiana and cleared a 400 acre farm and made their home there for some years. Mr. Burdick came from Steuben county to Nebraska in 1854. One brother, Frederick F. Burdick, came with him and located at Herman where his son, Eugene Burdick, is cashier of the bank. Mr. Burdick is a democrat in politics, although not particularly active in public affairs. He was married in Michigan to Miss Angeline Parmater. Her father, Thomas Parmater, located in Burt county, Neb., about 1868. He was a veteran of the War of 1812, enlisting as a drummer boy at the age of twelve years. His father was also in the War of 1812. Their children are: William Burdick, of South Omaha, in the real estate business; Edson Lee, of Decatur, a farmer in Burt county; Ella, wife of John Cameron, of Washington county, a prominent stock man and rancher, doing business on a large scale, who served as a member of the Nebraska state legislature; and Emma. After the death of his first wife, Mr. Burdick married Miss Susan Amelia Pashley, widow of Mr. McIntosh, of Herman, Neb. She is the daughter of a pioneer of Omaha who came to Nebraska from Wisconsin. Mr. William Burdick, of South Omaha, married Miss Carrie Tyson, of Blair, daughter of Watson and Elizabeth (Anderson) Tyson. Mr. Tyson came first to Nebraska in 1859 on his way across the plains to Pike's Peak. Returning, he went back to Mineral Point, Wis., and again went overland to California and in 1864 returned to Nebraska and located permanently in Washington county. Mr. Tyson was county commissioner of Washington county for several years and served in the lower house of the Nebraska state legislature, representing Washington county in the session of 1887. He was born in Lancastershire, England, November 30, 1831, and came to the United States when seventeen years of age. He still resides (1912) at Blair.

BRYAN, WILLIAM JENNINGS, of Lincoln, Nebraska, was born at Salem, Marion county, Ill., March 19, 1860, son of Silas Lillard and Elizabeth (Jennings) Bryan. He was educated at the public schools and Whipple Academy and graduated from the Illinois College, Jacksonville, in 1881 with the highest honors and as valedictorian, receiving his A. M. in 1884, and from the Union College of Law at Chicago, Ill., in 1883. He practiced law at Jacksonville from 1883 to 1887, when he settled at Lincoln and practiced with A. R. Talbot, as Talbot & Bryan. He was elected to Congress in 1890 from the 1st district of Nebraska, and was at once honored with a place on the committee on ways and means. He took a prominent part in the preparation of the Wilson tariff bill and was the author of the income tax bill. His maiden speech was on the free wool



N. J. Bryan



Mary Baird Bryan.

bill. He was reelected in 1892. From 1894 to 1896 he was editor of the *World-Herald* (Omaha). In 1896 he received the democratic and people's party nomination for president on platforms demanding the free and unlimited coinage of silver by the United States at the ratio of 16 to 1. Mr. Bryan had advocated this money plank with great eloquence and he made a most active and vigorous campaign, but was defeated by William McKinley. During the Spanish War he was commissioned colonel of the 3d Nebraska regiment, but saw no field service. In 1900 he was presidential candidate, nominated by the democrats and populists and the silver republicans upon platforms favoring regulation of the trusts, and making anti-imperialism the paramount issue, and was a second time defeated by William McKinley. He was nominated a third time at Denver in 1908 by the democratic party and was defeated by William H. Taft. Mr. Bryan, soon after his first presidential campaign, established the *Commoner*, which he still publishes at Lincoln. October 1, 1884, he married Mary Elizabeth Baird, of Perry, Ill. They are the parents of three children: Ruth Baird, who married Lieutenant Reginald Owen of the British army; William Jennings Bryan, Jr., who married Miss Helen Berger, daughter of Alexander Berger of Fredericksburg, Va., and who have two children; and Grace Dexter, who married Richard Hargreaves of Lincoln. Mrs. Owen has two children by a previous marriage.

BURNETT, ARTHUR H., of Omaha, Neb., attorney at law, is general attorney for the Woodmen of the World and the Woodmen Circle, which positions he has filled for the past seventeen years. He is a member of the Knights Templar and Shriners and of the Elks, and is a member of the Omaha Bar Association. Mr. Burnett was born April 27, 1857, at Galway, N. Y. In 1862 his parents, Caleb H. Burnett and Caroline (Wilkie) Burnett, located on a farm near El Paso, Ill. Mr. Burnett was educated at the public schools and after teaching in these schools for six years he entered the Illinois Wesleyan University at Bloomington and graduated from the law department in 1882. In 1883 he located at Minden, Neb., and engaged in the general practice of law there for two years. In 1893 he came to Omaha and formed a partnership with H. C. Brome, which continued until 1907. Mr. Burnett married Miss Lydia Wilkinson of El Paso, Ill. They are the parents of three sons and one daughter.

Mr. Burnett's portrait appears in the group of the national officers of the Woodmen of the World, page 431 of this volume. In February, 1911, he was elected president of the International Fraternal Society Law Association.

CARROLL, MATTHEW W., deceased, Omaha, Neb., came to Omaha in 1857 and resided there until his death, March 4, 1863, on the day he was elected to the office of town marshal. He came from Queens county, Ireland, and had served in the Queens Royal Guard regiment for twelve years. In Omaha he was superintendent of the John McCormack wholesale outfitting store. He entered a preëmption on 160 acres of land bounded by Twenty-fourth street, Lake street, and Patrick avenue, now one of the most thickly settled districts of Omaha and known as Patrick's addition. He was a charter member of St. Mary's Roman Catholic parish church, afterwards St. Philomen's church. He was survived by his widow, Mary Carroll, who married Patrick O'Gorman (see sketch in this work) and by two sons: Daniel Carroll and Matthew Carroll, both of Omaha, retired. Another son, Thomas Carroll, died in Omaha in 1893, aged about fifty-one years.

CHURCH, JUDGE ALONZO H., lawyer and editor, was born in Greene county, Ill., June 16, 1844, and was reared at Springfield in the same state. In 1862 he enlisted in Company G, 14th Illinois infantry, and was made orderly sergeant. He participated in the siege of Vicksburg and in the battles of Jackson, Gun Town, College Hill, La Grange, Mechanicsville, and Black River, and was captured at Gun Town and taken to Andersonville prison. He was exchanged February 26, 1865, and mustered out in June of the same year. He then entered the printing office of the *Journal* in Springfield, Ill., as mail and advertising clerk, and remained there until 1872, when he moved to Omaha, where he entered the Union Pacific shops as bookkeeper and time-keeper. In October, 1872, he took charge of the eastern and mountain divisions of the Union Pacific railroad as bookkeeper and time-keeper at North Platte. In 1873 he was admitted to the bar and immediately after was elected county judge of Lincoln county, and held this office until January, 1880. He served as moderator of the village school board for three years and was police judge from 1877 to 1879. Mr. Church was the first judge of the district court for the 13th district. He was a republican in politics and served as chairman of the 5th judicial district republican central committee and was a member of the state central committee. He was a candidate for member of the constitutional convention and a candidate for the legislature in 1880. Judge Church was married in Springfield, Ill., in 1866, to Miss Annie McConnell of New York. She died September 3, 1873, leaving one child, Maud C., wife of Charles R. Sherman of Omaha. He was again married, October 23, 1877, to Miss Annie F. Ferguson of Johnstown, Pa. Judge Church was a member of the Stephen A. Douglas post No. 69, G. A. R., and state

grand commander of G. A. R., and also a member of the Knights of Pythias.

CLARKE, HENRY TEFT, JR., railroad commissioner of Nebraska, of Lincoln, Neb., formerly of Omaha, was born at Bellevue, Neb., August 4, 1875, son of Henry T. and Martha A. (Fielding) Clarke (see Vol. I, pp. 614-617, and see portrait of H. T. Clark in this work, with J. A. Williams and Dr. Winnett). Henry T. Clarke, Jr., received his early education in the district school at Bellevue, where he attended until 1882. From 1882 to 1892 he attended the public schools of Omaha, graduating from the Omaha high school in the latter year, as valedictorian of his class. He then matriculated at Williams College, September, 1892, completing the sophomore year in June, 1894. He was a member of the varsity baseball team and of the Sigma Phi Society. In October, 1894, he entered the junior class of the University of Chicago, and was graduated from that institution in June, 1896. He remained one year in post-graduate work, in political science and public law. He was prominent in athletics, and played on the football teams of 1895 and 1896 and the baseball teams of 1895 and 1896, and was captain of the latter in 1897. During the summer of 1897 he played with the Cleveland National baseball club. He was president of his class, and of the glee club, university marshal, member of the Lion's Head and the O. & S., the senior honorary society. In the fall of 1897 Mr. Clarke entered the second year class of the University of Michigan law school, and was graduated in June, 1899. There he was coach of the varsity baseball teams during the seasons of 1898-99. In the fall of 1899 he passed the bar examinations at Springfield, Ill., and began the practice of law in the office of Church, McMurdy & Sherman, of Chicago. Returning to Omaha in 1900, he formed a partnership under the firm name of Crawford & Clarke, which was dissolved in the spring of 1905. Mr. Clarke has always been a republican in national and state politics. He was elected a member of the house of representatives of the state legislature in 1904 and 1906. During the session of 1907 Mr. Clarke introduced the child labor bill, which passed the house and senate with but slight amendment, and was approved by the governor. He was chairman of the committee on enrolled and engrossed bills. Mr. Clarke was a supporter of the anti-graft bill, introduced in the senate by Senator Saunders and in the house by himself, and of the anti-lobby and the bulk sales bill. He planned and collaborated with H. W. Pennock and W. G. Ure in drafting the terminal tax bill, which he introduced in the house. This bill was subsequently introduced in the senate by Senator Thomas and passed. He was also a member of the confer-

ence committee on the pure food bill, which became a law during this session. In March, 1907, he was appointed by Governor George L. Sheldon as railroad commissioner for Nebraska, to fill a vacancy. In the fall of 1907 he was elected to fill the balance of the term, and in 1910 was reelected for a full term of six years. Mr. Clarke has been prominent in fraternal societies since his college days, when he became a member of the Sigma Phi fraternity, and the O. and S. senior society of the University of Chicago. He is a Mason, St. John's lodge, Omaha, Neb., a member of Mt. Calvary commandery of the Knights Templar, and also of Sesostri's shrine. He is a member of the Benevolent and Protective Order of Elks, the Royal Arcanum, the Omaha Club, the Omaha Field Club, the Fontanelle Club, the Omaha Commercial Club, the Lincoln Commercial Club, and the Lincoln Country Club. He is a member of the Episcopal church. Mr. Clarke was married September 25, 1901, at Omaha, to Miss Grace Louise Allen, daughter of William F. Allen, formerly director of the First National Bank of Omaha and general agent for the Mutual Life Insurance Company of New York. They are the parents of three children: Allen Gordon Clarke, William Cleveland Clarke, and Henry Teft Clarke, Jr.

DIELS, JOHN M., now of Los Angeles, Cal., located in Dodge county, Neb., in 1866 on a farm at Timberville, afterward Ames. In 1867 he moved to Fremont and worked for one year. In 1868 he engaged in the live stock and meat business. In 1874 he moved to Scribner, Neb., and engaged in the lumber and grain business and in 1883 he built the Scribner flouring mills, which he operated until 1900, when he retired and moved with his family to California. For many years he served on the village school board at Scribner and was extremely active in advancing the general interests of the town. He was a director and vice president of the Merchants and Farmers Bank, now the Scribner State Bank. He was also director and vice president of the Fremont Brewing Company and is still a stockholder in this concern. Mr. Diels came to the United States in 1857 and resided for a time in Brooklyn, N. Y. He is a native of Amsterdam, Holland, where he was born October 24, 1830. He married, in Brooklyn, in July, 1859, Miss Annie E. Kuehn, a native of Amsterdam, born July 29, 1839. There were born to Mr. and Mrs. Diels the following children: G. A. Diels, of Fremont, a director and treasurer of the Fremont Brewing Company, a Scottish Rite Mason and a member of the I. O. O. F.; John A. Diels, of Los Angeles, Cal.; A. F. Diels, of Scribner, Neb., successor to his father in the milling, lumber, and grain business; Rickie, wife of J. P. Haun, of Plaza de Rey, Cal.; Frank, deceased;

Henry, of Kansas City, Mo.; Annie, deceased; and Eva, at home with her parents in Los Angeles.

DORSEY, GEORGE W. E., deceased, member of Congress from Nebraska, 1885-91, late of Fremont, Dodge county, Neb., was born in Waterford, Loudoun county, Va., son of Hamilton N. and Sarah C. (Polton) Dorsey. The name was originally Darcy, and the first representative of the family in America settled in Maryland, where he received a grant of land in 1658. Six years later his three sons, Colonel Edward, Joshua, and John Dorsey, were granted a large tract of land in Arundel county, Md. Ely Dorsey, the great-grandfather of our subject, was a captain in the Second Maryland during the Revolutionary War. His grandfather, Edward Dorsey, removed from Maryland to Virginia in 1798. His father, Hamilton M. Dorsey, was a merchant, manufacturer, and farmer. Mr. Dorsey's maternal grandmother was Nancy Dorsey, daughter of Hon. John Dorsey, a lieutenant colonel of the Elkridge battalion in the War of the Revolution. She was born at the old Dorsey homestead at Elkridge Landing, Md., one of the historic homes of the state. George W. E. Dorsey was educated in a private school and at Oak Ridge Academy, under the control of the Friends. He enlisted in the Federal army in July, 1861, became first lieutenant in the 6th West Virginia infantry, and in 1862 was detached and served as a staff officer. In 1864 he was appointed by President Lincoln as captain in the general staff of the army and served on the staffs of Colonel Wilkinson, Generals Mulligan, Kelley, Sigel, Averill, Powell, Custer, Sheridan, Brooke, and Torbert. In the summer of 1865 he was ordered to the staff of General Weitzel, commanding the 25th army corps, with headquarters at Brownville, Tex., but as the war was over he asked to be mustered out. He was offered a commission in the regular army, but declined the appointment. During the war he participated in the engagements of the Army of West Virginia and Army of the Shenandoah, as lieutenant, captain, and major. He was a member of the Grand Army of the Republic and the Loyal Legion. In January, 1867, Mr. Dorsey settled at Fremont, Neb. He read law with E. H. Rogers and in 1869 formed a partnership with him. He subsequently engaged in banking, organizing the Farmers and Merchants National Bank of Fremont. He was connected with most of the manufacturing enterprises started in Fremont, either as an officer or director. Mr. Dorsey was a republican in politics. He was appointed by Governor Garber as trustee of the Hospital for the Insane at Lincoln, in 1874, and served two years; was chairman of the republican state central committee, 1882-83-84; representative in Congress, elected in 1884-86-

88 and 1890. During the 51st Congress he was chairman of the committee on banking and currency, and was in charge of the financial legislation passed by that Congress. He secured the appropriation for rebuilding Forts Niobrara and Robinson, for the Indian school at Genoa, Neb., and for the Federal building at Fremont. He also aided in securing the appropriation for the new government building in Omaha, and the building of Fort Crook. He introduced the bill for the admission of the territory of Idaho to statehood, and reported the same from the committee on territories. The bill passed the house of representatives without amendment, after a debate lasting two days. Mr. Dorsey was a member of the Independent Order of Odd Fellows, of the Elks, and of the Congregational church. He was married, in 1869, to Emma E. Benton. After her death he was married again in 1905, to Miss Laura Hodge, who survives him.

EVANS, ISAIAH DAVID, of Kenesaw, Neb., was born on Christmas day, 1844, in Tioga county, Pa. His parents, Evan Evans and Margaret (Williams) Evans, were natives of Caermarthenshire, South Wales. The family moved from Pennsylvania to Sauk county, Wis., in 1849, being among the pioneers of that part of the badger state. The father of our subject was a prominent man in his community until his death in 1863.

Mr. Evans was educated in the public schools and at the Silsby Academy, Spring Green, Wis., and later took a commercial college course. However, by reading and study after leaving school he added largely to his stock of knowledge and his ability to think.

Mr. Evans enlisted in Company E, 49th regiment, Wisconsin volunteer infantry, and served until the close of the war, being first sergeant of his company at the time of his discharge.

In 1866, in company with his brother, John E. Evans, of North Platte, Neb., he crossed the plains, driving a four mule team from Nebraska City to Salt Lake City, thence to Virginia City, Mont. He remained in that territory four years, prospecting and mining in summer and teaching school in winter. When he went west it took him two months to go from Nebraska City to Salt Lake City. When he returned the N. P. railroad was completed, so that the trip which formerly occupied two months was made in less than two days.

Mr. Evans has lived in Nebraska since 1871, when he taught a country school in Pawnee county, and in 1873 settled at Lowell, following the location of the U. S. land office at that place. He was deputy county clerk of Kearney county, postmaster at Lowell, and editor of the *Lowell Register* for three years.

The important event in the life of Mr. Evans was

his marriage, April 25, 1878, to Miss Emma Williams, eldest daughter of the late Prof. and Mrs. A. D. Williams (see sketch of him in this work), at the farm home of her parents near Kenesaw. Miss Williams was a graduate of the West Virginia Female College, Wheeling, W. Va., and later for a time a student at the Nebraska University. She had taught successfully at Tecumseh, Pawnee City, and Lincoln. After Mr. Evans had established the *Sutton Register* Mrs. Evans had charge of the paper for about three years, during Mr. Evans's absence in the employ of the government. Mr. and Mrs. Evans have three children: Grace Alice, now Mrs. F. J. Schaufelberger, of Los Angeles, Cal., both she and her husband being graduates of the Nebraska State University; Fred Williams Evans, living at home and running the farm; Esther Evilian Evans, just ready (1911) to enter the State University of Nebraska.

In 1887 Mr. Evans established the town of Stockham, in Hamilton county, having previously secured a contract from the Northwestern railroad, then building from Fremont to Hastings, to put a station at that point. He organized the Bank of Stockham and was its cashier and manager for seven years. In 1896 Mr. Evans moved onto a farm near Kenesaw and has lived there ever since.

Mr. Evans has held the following public positions; cashier of the U. S. internal revenue office at Omaha; supervisor of the census in 1900, for fifth congressional district of Nebraska; two terms a representative in the Nebraska legislature and fourteen years a member of the Kenesaw school board. His newspaper work covered three years as editor of the *Lowell Register*, one year associated with A. D. Williams in the publication of the *Hastings Nebraskan*, and seven years as editor and publisher of the *Sutton Register*.

During this latter period, from 1881 to 1887, the anti-monopoly movement was at its height, and the *Register* was a staunch anti-monopolist. In those days politics in Nebraska consisted of contests between the railroad faction and the anti-monopoly faction of the republican party. There were not enough democrats to pay for counting. Then as now, Mr. Evans was against the domination of special interests in politics and in favor of the rule of the people, and the *Register* said so in no uncertain terms.

His two terms in the legislature were highly creditable to Mr. Evans. His first term was in 1899, the 26th session. During the memorable senatorial contest of that session Mr. Evans voted every time for about two months, and until his election on the 8th of March, for Judge M. L. Hayward, whose untimely death a few months later—before

he had taken his seat—is still a matter of deep regret, followed as it was, by a chapter in Nebraska politics anything but creditable to the state. Among the bills championed by Mr. Evans at that session was a series of banking bills—a bank guarantee bill, the first ever introduced in the Nebraska legislature; a bill increasing the legal reserve of banks; and a bill to prohibit the loaning of the funds of the bank to its officers. An inheritance tax bill and a traveling library bill were also pioneers on these subjects. Although none of these bills passed, they were forerunners on these subjects, paving the way for successful efforts along similar lines at later sessions. Mr. Evans's second term was in 1911, which was preceded by the celebrated Dahlgren-Aldrich campaign for governor, with the whiskey forces behind the democratic candidate and the temperance elements of all parties supporting Mr. Aldrich. The particular question at issue was county option—whether the farmer as well as the town man should be allowed to vote on the saloon question. Mr. Evans was, as always, a republican. As a candidate he was pledged to county option—the right of the whole people to have a voice in the control of the liquor traffic. One of the campaign documents that Mr. Evans wrote was printed in three languages and circulated in every county in the state. He was the only "dry" candidate elected in his county.

At the convening of the legislature it was found that the democrats were in the majority—all wet but eleven—although all the state officers were republican. The "dry" republicans, with the assistance of the "dry" democrats were responsible for most of the creditable legislation of the session, in which Mr. Evans was conspicuous. Among the notable bills of the session was one providing for the election of delegates to national conventions, and the election of national committeemen and for an expression of preference by the voters at the primaries for president and vice president. This bill, introduced by Mr. Evans, became a law, and placed Nebraska in the front rank of progressive states by giving to the people direct participation in national politics, without the intervention of so-called leaders or bosses who had been in the habit of managing such matters regardless of the popular will in many cases. Mr. Evans has received inquiries in regard to this law from widely different sections of the country. It is freely predicted that this plan of making the popular will felt in the nomination of presidential candidates will finally be adopted by all the states.

County option, the pivotal question of the campaign, having failed to pass in both senate and house by one vote, Mr. Evans introduced an anti-treat bill which many practical men believed would, if

enacted into law, be a strong influence in curtailing the evils of the saloon. It proposed to hold the saloon keeper liable for the violation of the law — a second offense working a forfeiture of his license. When this bill came up on third reading a number of its friends were absent. Mr. Evans asked that consideration of the bill be deferred. The "wets" refused to grant the request — the only time such request was refused during the entire session. In consequence Mr. Evans took the floor and held it during the rest of the legislative day, without any recess for lunch. Mr. Evans held the floor during the entire time, his friends rallying to his support with dilatory motions, which occasioned, all told, thirty-one roll calls. No similar filibuster ever occurred in the thirty-two sessions of the Nebraska legislature. A bill by Mr. Evans passed creating an advisory board of pardons, to hear evidence and report their findings to the governor. This law is expected to do away with the scandals so frequently occurring in the past in relation to pardons by giving the governor, the necessary information on which to act.

Mr. Evans was an earnest supporter of the initiative and referendum — proposed amendment to the constitution. The bill passed after a long and hard struggle, the "wet" element trying its utmost to make its provisions unworkable — in which they almost, if not quite, succeeded. An employers' liability and workmen's compensation bill was introduced by Mr. Evans. This bill having been reported adversely from the committee, a resolution was introduced by Mr. Evans, which passed, authorizing the governor to appoint a commission to study the question and report a bill for introduction at the next session of the legislature. Mr. Evans has been appointed a member of this commission by Governor Aldrich. One of the hottest fights of the session occurred during the closing days over a bill to provide for a merger of telephone companies — in effect authorizing a gigantic telephone monopoly controlled by the Bell Company with J. P. Morgan at its head. It was first defeated in the house, the merger features of the bill being stricken out. These the senate restored and when the bill as thus amended came back to the house, the senate amendments were concurred in, after a hot fight led by Evans of Adams — the telephone lobby having in the meantime converted a number of members. Mr. Evans rallied the opposition and carried the fight before the governor in a hearing which lasted most of the day, the friends of the bill also participating in the discussion. Governor Aldrich vetoed the bill. The Ollis stock yards bill and the Katoue insurance bill, the latter requiring insurance companies to deposit their securities with the state auditor, were warmly

supported by Mr. Evans. At this session Mr. Evans was chairman of the republican organization, the candidate of his party for speaker of the house and was floor leader of the minority during the session. He was no less useful in measures that he opposed than in those he advocated. Mr. Evans is a natural and aggressive progressive. He was a consistent and persistent advocate of the direct primary, the abolition of the free pass, the reduction of passenger and freight rates, and all the progressive legislation accomplished in the session of 1907. One article which he wrote early in the campaign of 1906 was widely copied by the press of the state and aided materially in pledging candidates for the legislature to the things that were actually done at the following session.

Mr. Evans is a member of the G. A. R., the Odd Fellows, and the Masons.

FITZGERALD, JOHN, railroad builder, banker, capitalist, and prominent as a leader in the Irish movement in America, and president of the Irish National Land League, was born in Ireland, and died at Lincoln, Neb. Mr. Fitzgerald, young, ambitious, and with a robust constitution as his chief capital, secured work on the Erie canal. He attracted the attention of the engineers in charge, and later when railroad construction became active, he was recommended by them for the position of foreman. He in time became a sub-contractor and was employed on the construction of a number of railways, and later became a contractor on his own account and joined with Mr. Mallory, as the Fitzgerald-Mallory Construction Company. In 1869 Mr. Fitzgerald removed to Nebraska and made his headquarters at Plattsmouth until 1879, when he removed to Lincoln. Among the various railroads he constructed are the lines now part of the Burlington system, the Humiston & Shenandoah, the main line of the Chicago, Burlington & Quincy into Plattsmouth, the Burlington & Missouri River in Nebraska, the Lincoln & Northwestern, the Brownville & Fort Kearny, the Atchison & Nebraska, and numerous lines which are now part of the Burlington, the Missouri Pacific, and other systems. Over the construction of one of the latter named roads, he had long litigation with Jay Gould and secured a judgment of nearly \$800,000, reduced to \$225,000 by the supreme court after the death of Mr. Fitzgerald, Mr. T. M. Marquett serving as his attorney. Mr. Fitzgerald became interested in the wholesale grocery business of Plummer, Perry & Company, and was president and director of the Merchants Bank. When he learned that depositors could not be paid in full, he paid from his own resources every cent due, and in justification of his act, claimed that he was to a measure

responsible on account of his lack of attention to the office of president of the institution. He then consolidated the Merchants Bank with the First National Bank and became president of the latter on condition that John R. Clark should be cashier. He continually had in his employ several thousand men, and not one of them ever lost a cent in wages, though the keen integrity of Mr. Fitzgerald cost him many thousands of dollars. In other states he was a large land owner, and carried on extensive farming and stock growing operations. He took an active interest in the Irish cause, and contributed liberally to the support of the Irish National Land League and other projects intended for the betterment of conditions in Ireland. In 1886 he was unanimously chosen president of the Irish National League, and served for two terms. His philanthropy was without limit. He held out a welcome hand to those in distress regardless of nationality or previous conditions. He was a tireless worker; his industry shortening his years. Mr. Fitzgerald was a member of the Catholic church. He was married in 1871 to Miss Mary Kelly of Council Bluffs, Ia., daughter of William Kelly (see sketch in this volume). He died December 30, 1894, leaving four children: Edward Fitzgerald, of San Francisco, with the Independent Telephone Company; John Fitzgerald, Jr., of Manila, in U. S. army; Paul Fitzgerald, of Denver, Colo., railroad contractor, following the footsteps of his father; and Lillian, wife of Chauncy Abbott, Jr., vice president of the Wells, Abbott, Neiman Milling Co., of Schuyler. Mrs. Fitzgerald resides on her farm at Greenwood, Cass county, Neb.

HALDERMAN, WILLIAM J., of Pawnee City, Neb., banker, was born in Butler county, Pa., son of Samuel and Margaret (Kohlmeyer) Halderman. He enlisted in 1861 in Company C, 11th regiment, Pennsylvania reserves, and was mustered out in September, 1864, with a commission as second lieutenant. He was in the Army of the Potomac and at the seven days' fight in front of Richmond; also at South Mountain, Antietam, the Wilderness, Gettysburg, and other engagements. Mr. Halderman was twice wounded and was in Libby Prison for sixty days. He came to Mission creek, Pawnee county, Neb., in 1870. In 1876 he was elected to the lower house of the state legislature and to the state senate in 1898. In 1881 and 1883 he was elected county treasurer. In 1886 he went to Burchard as cashier of a bank there and about 1889 became president. In 1910 he located in Pawnee City. He is a republican and a member of the G. A. R. In 1873 Mr. Halderman married Miss Ida Fulton, daughter of Jacob and Eliza (McAllister) Fulton, who located in Pawnee county, Neb., in 1870, coming from Iowa

and originally from Lima, O. One son, Charles W. Fulton, was U. S. senator from Oregon and another, Elmer Lincoln, went to Congress from Oklahoma. Mr. and Mrs. Halderman are the parents of five children: J. F., of Iowa, Kan.; Wm. F., of Portland, Ore.; Charles W., of Astoria, Ore.; Frank R., a student at Bellevue College, Bellevue, Neb., and Margaret, deceased.

HANSCOM, A. J., see portrait, p. 22.

HARGREAVES, ALFRED ERNEST, deceased, late president and founder of the Hargreaves Mercantile Company, wholesale grocers, Lincoln, Neb., was born in London, England, August 3, 1853, son of Abraham and Elizabeth (Illingsworth) Hargreaves, the former a contractor and builder. He came to Lincoln, Neb., in 1872 and in 1875 engaged in the retail fruit and confectionery business for himself. This business grew rapidly and in 1879 he disposed of it and engaged in the wholesale grocery, and later in the wholesale fruit and confectionery business. In this he was joined by his brother, Walter B. Hargreaves, and January 1, 1882, the firm of Hargreaves Brothers was formed. This firm has become one of the largest and most substantial wholesale houses west of the Missouri river. In 1887 he, with other business men, saw that the jobbing trade of Lincoln and the interior Nebraska points would not survive the effects of the freight rates given to Missouri river points adjusted at the expense of the rest of Nebraska without regard to the length of the haul. This condition of unfair discrimination would have soon stopped the commercial growth of Lincoln. Mr. Hargreaves was a leader in this fight for fair rates. The agitation led to the reorganizing of the then dormant board of trade and to the organization of a freight bureau to study the problem of railway freight charges and to devise plans for relief. Mr. Hargreaves became the first chairman of this new board of trade.

Mr. Hargreaves was married in Lincoln, January 16, 1878, to Miss Jennie W. Blair, a native of Manchester, England, and a daughter of J. H. Blair and Charlotte (Hill) Blair. Four children were born to Mr. and Mrs. Hargreaves: Martha Blanche, wife of Dr. Harry H. Everett, Lincoln; Clara Louise, wife of W. H. Stein, of Lincoln; Gladys, wife of Homer Southwick, of Friend, Neb.; and Richard L. Hargreaves of Lincoln, who married Miss Grace Bryan, daughter of William Jennings Bryan. In conjunction with Mr. J. C. Harpham and Mr. M. J. Waugh, Mr. A. E. Hargreaves organized the Lincoln Commercial Club and was for many years treasurer and on the executive board. Mr. Hargreaves was a member and director of the Y. M. C. A. for years



Alfred E. Harkness

and helped greatly in the erection and completion of the new building.

HARN, ELLEN DORCAS, Kenesaw, Neb., came to this state in 1881 from Barton, Allegheny county, Md., where she was teaching her eleventh year in the public schools. She taught a term in 1881 and again in 1885-86 and was principal of the Kenesaw schools for four years. She was a member of the Kenesaw school board for three years and has taught about forty years. She was educated in Cedar Hill Seminary, Mount Joy, Pa., a graduate in the class of 1852. She began her teaching career in Cedar Hill Seminary. She was very active in Good Templar work in Minnesota, where she was one of the first teachers when the schools were organized in 1858, having previously taught in Pawtucket, R. I., and Lawrence, Mass. She taught here for seven years. She also taught in the Cheshire (O.) Academy, and the West Virginia State Normal at Huntington, W. Va. She was sent as delegate to the convention of Good Templars of North America at Nashville, Tenn., in 1860, at which convention there were only three lady delegates. Her grandfather, John Harn, Jr., was in the War of 1812, being a member of a Maryland regiment. The Harn family are English, of Norman descent. Her brothers were all in the Civil War. Miss Harn has been president of the Kenesaw local suffrage club since its organization, April 23, 1902. In 1908 she celebrated her eightieth birthday. Her brother, Reverend George W. Harn, of Wooster, O., was one of the organizers of the republican party, when his life was more than once in jeopardy, a candidate for Congress, within two votes of nomination, and a captain in the Civil War in the Union army. Miss Harn is in her eighty-fifth year (1912) and is active, and interested in all the topics of the day and in all good works. She attends to ten acres of fruit and a garden and cares for a horse and a cow and also finds time for reading and social activities.

IIAMS, SAMUEL BENTON, attorney at law, Lincoln, Neb., was born in Shelby county, O., October 12, 1865. His father is Richard Iiams, now of Philomath, Ore., who came to Otoe county, Neb., in 1867. In 1869 he took a homestead near Alvo, Cass county, and resided there till about 1890, then went onto a ranch in Custer county, and in 1906 removed to Benton county, Ore. He was born August 23, 1839, in Ohio, and married Miss Martha Ann Hardnock, who was born February 6, 1844, at Hagerstown, Md. She came with her parents in 1854 to Shelby county, O. Her father, Conrad Hardnock, a musician, was born in Hesse Cassel, Germany.

Mr. Iiams came to Nebraska with his parents

March 1, 1867, worked on the farm till 1885, then entered a law office, studied law two years, and was admitted to practice at Lincoln, Neb., November 22, 1888, but did not begin active practice till 1901. He was engaged in the pension business for many years, and is a member of the Knights of Pythias, having passed all the chairs, and being a member of the grand lodge since 1903. He is also a member of the Royal Highlanders, the Tribe of Ben Hur, and the Knights of the Maccabees, and is unmarried.

KELLY, WILLIAM D., deceased, late of Lancaster county, Neb., was born in Johnstown, County Kilkenny, Ireland, son of Keron Kelly, and died January 31, 1896, aged sixty-five years. Mr. Kelly came to New York in 1850 and in 1852 was married at Boontown, N. Y., to Miss Mary Casey. They went to Elgin, Ill., where Mr. Kelly engaged on the Northwestern railroad and then went to St. Paul and Minneapolis, where he freighted over most of the state when J. J. Hill was also engaged in freighting. In 1872 he went over the plains from St. Paul to Walla Walla, then to Idaho and mined for two years, and then returned and took his family on the Captain Fisk expedition for the gold fields in Idaho. They met the Indians about where Deadwood now stands, and for safety the party came down the Missouri river to Omaha, where Mr. Kelly located and freighted to Denver and back until the Union Pacific began construction work, on which he was a contractor, and after its completion he went to Council Bluffs to reside, still contracting in Texas and other states until he retired and located on a farm in Lancaster county, Neb. Mr. and Mrs. Kelly were the parents of eight children: Mrs. John Fitzgerald (see sketch of John Fitzgerald in this volume); M. C. Kelly, of Greenwood, Cass county, Neb., stockman and farmer; Dan Kelly of Greenwood, Cass county, stockman; Mrs. Margaret Langdon, of Kansas City, widow of M. J. Langdon, formerly of Sarpy county; William D., Jr., deceased; Tom E. Kelley, of Kansas City, with the Morris Packing Company; John Kelly, of Carney, Okla., farmer; and Nellie, wife of O. E. Rector, of Lincoln, Neb., druggist.

KENNEDY, JOHN LAUDERDALE, lawyer and ex-member of Congress, son of John Kennedy and Mary (Barbour) Kennedy, was born on a farm in Ayrshire, Scotland, October 27, 1854. His early education was received in the public schools of Scotland. In his nineteenth year he came to the United States and settled in La Salle county, Ill. After farming there for several years he entered Knox College, Galesburg, Ill., but did not graduate. In 1898 he received from that institution the honorary degree of Master of Arts. After leaving Knox he



John F. Kennedy

studied law for a time in Galesburg in the office of Willoughby & Daugherty, and then entered the law department of the State University of Iowa, from which he was graduated in 1882 with the degree of Bachelor of Laws. December 6, 1882, he came to Nebraska and engaged in the practice of law at Omaha, with William J. Martin, under the firm name of Kennedy & Martin. In 1888 Mr. Martin retired, and Myron L. Learned took his place. Kennedy & Learned continued in partnership for nineteen years, and at the time of the dissolution of the firm in 1907 it was one of the oldest and best known law firms in the state, enjoying a large and lucrative practice in the state and federal courts. Since 1907 Mr. Kennedy has continued in the practice of the law, giving particular attention to the large mercantile and building interests of J. L. Brandeis & Sons. He is a republican and has always taken an active part in republican campaigns. He was one of the presidential electors in 1900, voting for McKinley and Roosevelt. He represented the 2d congressional district of Nebraska in the 59th Congress (1905-1907). While a member of Congress he was active and influential in advocating the establishment of postal savings banks, and it was on his motion that the proposed literary test for citizenship under the new naturalization law was stricken out, and the ability to speak the English language substituted. In 1907 he was appointed a member of the board of fire and police commissioners of the city of Omaha, by Governor Sheldon, and served until the end of Governor Sheldon's term. He is a member of the First Presbyterian church of Omaha, and a trustee of Bellevue College. On September 4, 1911, he was elected chairman of the republican state committee.

November 29, 1905, Mr. Kennedy married Marguerite Pritchett, daughter of George E. Pritchett and Harriet G. (Hanscom) Pritchett. They have two children: John Hanscom, born October 12, 1906, and Edward Lauderdale, born May 3, 1908.

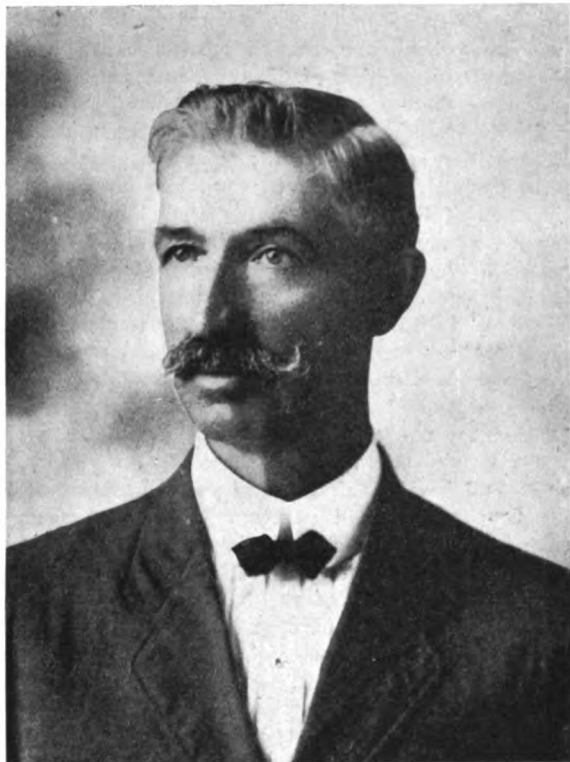
LEARNED, MYRON LESLIE, of Omaha, Neb., attorney at law, is a son of John Barr Learned, a physician and a member of all the prominent medical associations, who died January 24, 1910, and for many years prior to his death was greatly interested in insomnia, and wrote many articles and delivered many addresses before the more prominent medical associations on this subject, and of Lucy Louisa (Davis) Learned, who died in March, 1866.

His ancestors, both on his father's and mother's side, were among the very early settlers in New England. M. L. Learned was born February 19, 1866, at South Vernon, Vt. He studied at home un-

til he was eleven years old, and then attended the public schools of Northampton, Mass., for two years. He entered the law offices of Hon. Daniel W. Bond, in Northampton, Mass., as a student, in April, 1884, and remained there until the fall of 1886, when he went to Boston University school of law, taking a three year's course in one, and graduated well toward the head of the class. He came to Omaha from Northampton, Mass., July 14, 1888, and ever since has been engaged in the active practice of law in the city of Omaha, in partnership with John L. Kennedy, from July, 1888, to April, 1907, since which time he has been without a partner. During the course of his professional career he has been engaged in many cases of importance. He has always been a member of the republican party, and was a member of the Nebraska delegation to the national convention which nominated President Taft. He has been a member of the republican state central committee for several years, and served as chairman of the Douglas county republican central committee, and a member of the executive committee of the state central committee, of which he has been vice chairman and acting chairman. In the winter of 1910-11 he received the endorsements of the Douglas County Bar Association and the Nebraska State Bar Association as a candidate for appointment as circuit judge of the United States to fill the vacancy occasioned by the promotion of Judge Vandervanter. He is a member of various clubs, and has been for several years president of the Omaha Club and governor of the Nebraska chapter of the Society of Colonial Wars. Mr. Learned married April 18, 1893, Mary D. Poppleton, of Omaha, daughter of the late Hon. Andrew J. Poppleton (see sketch on page 291, first edition, and page 324, second edition, Vol. I). Mr. and Mrs. Learned have no children.

LEONARD, WILLIAM M., of Lincoln, Neb., financial correspondent of the Union Central Life Insurance Company, Cincinnati, O., was born at Beardstown, Ill., June 7, 1858, son of James C. and Sarah M. Leonard. He came to Lincoln, Neb., in 1874 with his father and for a few years was with the Lancaster County Bank of Lincoln, and later with the First National Bank. In 1884 he engaged in the loan business and the following year organized the Clark & Leonard Investment Company. In 1892 he sold out his interests in this company and in 1894 assumed his duties with the Union Central Life Insurance Company. In this time the Union Central has loaned about \$17,500,000 on Nebraska farms and has more money loaned in Nebraska than in any other state in the union, and, it is said, more on farms than any other life insurance company.

MCCABE, DR. NICHOLAS, was born in Louth county, Ireland, on Christmas day, 1854, son of John McCabe, a farmer and stock-grower, and Margaret (Murphy) McCabe, both descended from well known families inhabiting the north of Ireland for several centuries. Young McCabe acquired his early education in the national schools of his native country. He came to the United States in 1870 and entered the medical department of the University of Buffalo in 1883, and in the spring of 1886, graduated therefrom with the degree of M. D. He had



DR. NICHOLAS MCCABE

previously attended St. Joseph's College at Buffalo. In the summer of 1886 he came to Nebraska, settling in North Platte, where the same year he was appointed county physician of Lincoln county, and held this office continuously for twelve years. He has been surgeon at North Platte for the Union Pacific Railway Company since 1887. In 1899 he invested in a well-stocked cattle ranch in Lincoln county, stock-raising being the leading industry in that part of the state. Dr. McCabe has always been a democrat and in 1887 was elected coroner of Lincoln county, holding the office for one term. In 1906

he was elected mayor of North Platte and reelected in 1907 and 1908, serving three terms in a republican stronghold. During this time sewers were put in and other local improvements; almost the entire city was laid out with cement walks. He is a member of the Nebraska State Medical Society and is prominent in its affairs. He belongs to the Roman Catholic church. October 23, 1888, he was married to Mollie, third daughter of Thomas O'Connor, of Omaha, deceased. Mr. O'Connor was the first recorder of deeds for Douglas county, Neb., and was a brother of General Luke O'Connor of the British army. Dr. and Mrs. McCabe are the parents of four children: Arthur, Marie, Clarence J., and Nicholas J., all at home.

MCCUNE, CALMAR, of Stromsburg, Neb., retired, came to Polk county, Neb., in 1872 and homesteaded on land near Osceola and farmed and taught school for several years. In 1876 he edited the *Homesteader*, the first newspaper in Polk county, now called the *Osceola Record*. In 1877 he moved to David City and established the *David City Republican*. In 1881 he returned to Osceola and bought and edited the *Osceola Record* until 1882, when he sold out to the late D. M. Butler, of Lincoln, Neb., publisher of the *Legal News*. In 1883 he bought the *Stromsburg Republican*, which he published until 1885, at which time he engaged in the grain business at Stromsburg, in which business he still remains. From 1890 to 1893 he was mayor of Stromsburg. He has served twenty-one years on the board of education. In politics he is independent. He is a member of the Masonic order. He spent his early life in Pittsburg, Pa., and is the son of John D. and Margaret (Oglebay) McCune. His father was born in Pittsburg and his grandfather was a native of Ireland. Mr. McCune was educated in the schools of Pennsylvania and at Cornell College, Ia. In 1873 he married Miss Julia Bell, who was born in County Cavan, Ireland, a sister of James Bell of David City, Neb. Their children are: Margaret, wife of John Wesley Wilson of Stromsburg (see sketch in this volume); Calmar C. McCune, cashier of the First National Bank of Polk, Neb.; Eva, wife of Oliver T. Reedy, a civil engineer in the U. S. Reclamation service; and Julia, wife of Rev. R. A. Harrison, a Congregational minister of Chicago, Ill. The latter are graduates of the University of Nebraska, and Mr. Harrison is also a graduate of the University of Chicago.

MCDONALD, JOHN W., financier, deceased, of Lincoln, Neb., was born in Beardstown, Ill., in 1853, son of John and Sarah Magdalene (Miller) Mc-



J. Meddaway

Donald. The father was born in Belead, Scotland, September 11, 1819, the fourth child and second son of Alexander McDonald, born April 12, 1789, and Helen Sterten, born August 12, 1792, who resided on a large estate known as Pitkur, located about two miles from the town of Cooper Angus.

In the year 1834 the father of Mr. John W. McDonald came to the United States and located at Jacksonville, Ill. The location determined upon was one of the best in the state of Illinois and the pioneers entered one thousand acres of prairie land in a body; four hundred additional acres of fine timber were also entered.

Sarah Magdalene Miller was a daughter of Major Miller, of an old Kentucky family, whose father had left Kentucky because of conscientious scruples against the rearing of his children in a commonwealth that recognized the institution of slavery, and had taken up his residence at Jacksonville, Ill., where he met and cemented a warm friendship with Abraham Lincoln. After marriage, John McDonald removed to Beardstown, Ill., and opened a mercantile establishment in connection with a produce and shipping business and was very prosperous. In 1854 he bought a steambot, loaded it with produce, and started for St. Louis. He was taken sick and died soon after reaching St. Louis.

John W. McDonald received his education at Wash College, Ill. His first business training was with the Rogers Shoe Manufacturing Company in Cincinnati, O. Subsequently he engaged in fruit farming in California. In 1886 he became a resident of Lincoln, Neb., and began the business career that brought him honor and wealth. In conjunction with his brother he founded the firm of The Clark & Leonard Investment Company. Later he became the junior member of The Clark & McDonald Investment Company. He was also a member of the insurance firm of Holmes & McDonald, and during the last fifteen years of his life he was a special partner of Paul H. Holm, real estate investments.

As the organizer and active manager of the investment companies, Mr. McDonald acted as the confidential agent of a number of large eastern financial institutions in the placing of loans on western farm lands and property in Nebraska. He acquired a knowledge of western investments and conditions and became an authority on those subjects whose word was final in the financial circles for which he acted. When the panic of 1893 swept the country, it found the west in the grip of misfortune. Several successive crop failures had wiped out the small surplus of the farmers and left them without means, not only for repaying the money they had borrowed on their land, but of keeping up the in-

terest thereon. In this maelstrom, Mr. McDonald, by reason of the fact that his investment companies had guaranteed the principal and interest of these loans, found himself engulfed. A study of his ledger showed him that he was backing the integrity of \$3,000,000 in loans upon farm lands and city blocks in the state of Nebraska.

The sterling worth of the man, his capacity to rise to meet a succession of crises and his ability to bring order out of chaos that appalled many stout hearts, was shown in this emergency. He might have saved himself, but he preferred to save others first. In following this policy, he not only saved the others, but he saved himself. The interest of those who had trusted him in the management of their investment money was his first concern. He brought to bear upon the solution of his problem constructive ability of a high order, a loyalty, and honesty, and a business keenness that not only secured the return to his clients of the money that once seemed lost, but which bred in them a confidence in his power that led him directly within the last sixteen years to financial success of unusual magnitude in a city the size of Lincoln. Not only did it bring him wealth, but it brought him what he esteemed higher, the admiration and love of his fellow-citizens.

Coupled with his business ability was a strong faith in the future of the west. With keen foresight he saw the broad acres desolated by drouth in the early nineties resuming their fruitfulness; and his home city rising again from the wreckage of the panic. He justified his faith in the future of his city and state by investing heavily in her lands and city blocks, and they justified his loyalty to them by each year adding to their value, until his lap was heaped with riches. When others doubted and feared, he stepped forward to sound the note of optimism, and always it was as a bugle call to the faltering.

Men are quick to recognize in others that rare quality, leadership. Time and again he was urged by his fellow-citizens to accept high public office, but the modesty of his nature bade him refuse. He felt that he could better serve the interests of the community by devoting his talents to shaping the larger business affairs, and helping in the ranks. In this he was wise, as the narrow limits of office-holding and the opportunities that arise for misunderstandings and misjudgment of public men would have taken from him the capacity for service that was so marked during his business life in Lincoln.

Few men had a wider acquaintance than Mr. McDonald in Lincoln, and every man he knew claimed him as a friend. This was because class conscious-

ness was entirely absent from his mental makeup, and because of his vivid interest in the life of his fellows. His horizon of life was not bounded by the rim of a dollar, but by a spirit of generosity and helpfulness that reached out wide and gave to tired and discouraged men renewed hope. Always and always he taught hope, the touchstone of human existence. He had a breadth of sympathy that gathered within the radius of his circle of friends a host of loyal men. He took strong personal pride in the fact that he lived in Lincoln and in Nebraska, and his voice was equally as ready to praise them as to defend them.

The dominant note in his personality was his buoyant optimism. He had drunk at life's fountain, and he found life good. He believed in the democracy of men, and he had a steadfast love for the west, where men have freedom to and dare give voice to their thoughts and free rein to the development of their individuality. He was essentially a western man, with all that that term encompasses of free thought and free speech. He believed that in the vitalizing air of her prairies were being born the future rulers of the land; men who from communion with nature in her calmer moods are drawing the inspiration and the courage to solve the great problems that crowd upon the nation's attention; men who, reared in an environment where the narrowness of prejudice has not entered and where worth and not birth are the sign manuals of manhood, would be found later in the seats of authority in business, politics, and government. In himself, he typified this big man of the west. He had a constructive ability that marked his activity in every line of business to which he put his hand. He had a broad minded, instant grasp of vital problems that sealed his opinion with the weight that comes from a complete grip of the subject. He possessed that exceptional power of initiative and organization which stamps men as leaders of their fellows and that in every walk of life is rewarded by success.

Mr. McDonald was a big man, big of heart and brain. These qualities were strikingly shown in his relations with his fellows. His many-sided business, social, and philanthropic activities may be better understood by recalling some of them. For a number of years he was a stockholder and director of one of the city's leading financial institutions, the First National Bank. Later he assisted in the reorganization and strengthening of the City National Bank of Lincoln, being its vice president at the time of his death. He was for several years president of the Lincoln Traction Company, which operates the city and interurban street car lines. He was called to take charge of this company at a time when a strong

hand was needed to straighten out difficulties into which it had been plunged with the city government and the people, differences that had led to the formation of a rival transportation company. When he had finished this task and consolidated and reorganized the two companies he resigned. He was president of the Lincoln Commercial Club, a member of the Union League Club of Chicago, of the Phi Delta Theta fraternity, and of Capital City lodge, A. O. U. W., of Lincoln. He was closely identified with every movement and undertaking for the betterment of the city and state, giving freely of his time and money to advance every worthy cause.

It was not in a local way only that his influence was felt. Charles G. Dawes, former comptroller of the currency, in a tribute to the memory of his lifelong friend, told of how he had left upon the financial system of the nation the impress of his capacity to deal with large affairs. Mr. Dawes wrote:

"Upon entering the office of the Comptroller of the Currency, I felt that the department method of handling assets of the insolvent national banks should be reorganized. The assets of these banks at that time which were being administered through the office by receivers amounted to more than \$50,000,000.00. I asked Mr. McDonald as a personal kindness to give me the benefit of his business experience and he spent several months in Washington on this work. The saving to the creditors of the insolvent national banks, due to the change in the method of administering the assets which he inaugurated was estimated at that time to be about \$1,500,000 per annum. I appointed him receiver of the German National Bank of Pittsburgh, Pa., where he remained until I could find time to appoint a permanent receiver."

In this latter institution Mr. McDonald's genius evolved a plan of reorganization which saved that institution and made it one of the most prosperous banks in the country.

"John W. McDonald," said the memorial resolution of the Lincoln Commercial Club, "was a man amongst men, and to know him was to respect him. He was one of the main builders of the city of Lincoln, and his wise council and advice were often sought by many business men of our city. He was a man who always had time to assist in any public or private enterprise that would be of benefit to the city or to any of his many friends. In the loss of John W. McDonald, the city of Lincoln will sadly miss one of its most influential and worthy citizens."

In 1887 Mr. McDonald married Annie L. Rogers, born in Fayette county, Ky., daughter of John B. and Mary (Preston) Rogers, a woman of intellectual power, manifested in her accomplishments in liter-

ature and art; gifted with qualities of companionship and helpfulness, she exercised a most potent influence upon his life. Her great-grandfather, John Rogers, emigrated from Ireland in 1760 and settled in Kentucky, and with Daniel Boone helped settle that state, which for many generations has been famed for the beauty of its women, the speed of its horses, and the fine quality of its whiskey. The Rogers lineage traces alliance with the ancient kings of Ireland. There were born two children to Mr. and Mrs. McDonald, John Donald in 1895, and Ann Bell in 1909.

John W. McDonald died in New York City May 27, 1912.

OBERST, JOHN, Tekamah, Neb., was born in Huron county, O., January 18, 1849. His father was a native of Germany, coming to the United States in 1831 or 1832. In 1867 the family moved to Steuben county, Ind., and the same year the father died, the mother having died in 1855. Bereft of father and mother, Mr. Oberst set forth on life's journey alone. In 1871 he married Miss Eleanor Cope, and four children were born to them: Fidelia, Lavinia, John, and Burt Oberst. In February, 1871, he came to Nebraska. Pioneer hardships are past, and today Mr. and Mrs.

Oberst are housed in a splendid home of their own making. Past trials are forgotten in the thought that their days may be spent in rest and quiet. Mr. Oberst is a democrat in politics, a member of the Methodist church, and a leader in church work.

O'BRIEN, PETER, of Kearney, Neb., was born in Sweetland Center, Muscatine county, Ia., June 1, 1856, son of Owen and Jane (Mulligan) O'Brien. Owen O'Brien emigrated from County Cavan, Ireland, in 1836, when twenty years of age, and settled in Muscatine county, Ia., in 1851. Jane O'Brien was born May 24, 1819, in County Leitrim, Ireland.

Peter O'Brien came to Nebraska in 1878 and took

up a homestead in Buffalo county. He farmed until 1891, when he was elected clerk of the district court of Buffalo county, which position he held for eight years. Mr. O'Brien affiliated with the democratic party until 1889 and since that time he has belonged to the independent party and he is a member of the Methodist Episcopal church. On October 1, 1879, he married Sylvia McCutchen. They are the parents of three children: Estella, Jesse, and Serena.

O'CONNOR, THOMAS, deceased, late a resident of Omaha, Neb., was born near Elphin, County

Roscommon, Ireland, about 1828. He was the son of James O'Connor and Margaret (Gannon) O'Connor. His parents both died when he was a child and his sisters, Margaret (O'Connor) Bell, and Katherine (O'Connor) Hute, reared him and brought him to Wisconsin. He was married at Lockfort, near Joliet, Ill., to Miss Ann Kearns, daughter of James and Margaret (Ducross) Kearns, who were from County Fermanagh, Ireland. They removed to Keokuk, Ia., where for some time Mr. O'Connor was engaged in the business of contracting and building. In 1854 they located at Omaha, where he worked at different occupations and was a member of



THOMAS O'CONNOR

the first Omaha City Club. He served as the first recorder of deeds for Douglas county and was re-elected for two succeeding terms. He was always an active democrat. He and Vincent Burkely were sponsors for the bells of St. Philomenus cathedral. Thos. O'Connor bought out and operated the first Catholic book store at Omaha, the same being located on Twelfth street, between Farnum and Harney. During the early life of Mr. O'Connor the Catholic church in Omaha was in its pioneer stages, and always found an active supporter in him. He kept the priest at his house, giving him the use of his horse and buggy, and was a charter member of the first church (St. Mary's), also in after years of St. Phil-

emenus cathedral. Our subject has two sisters (mentioned above) and three brothers: Major-General Luke O'Connor, retired, of London, England, for years a distinguished officer in the British army; Major Daniel O'Connor, of Wilmington, N. C., a wealthy real estate owner, and a veteran of the Civil War; Patrick O'Connor resided at Joliet, Ill., where he was prominent as a real estate man. The O'Connor family was one of the most prominent in County Roscommon for hundreds of years. Thomas O'Connor enlisted in the Mexican War and was made lieutenant of his Company, which only got well started when peace was declared. Major-General Luke O'Connor received his commission for valued services, when he planted the queen's colors on the Russian ramparts, though sorely wounded in the breast. Nine of his officers were killed in crossing a river at an assault on September 8, 1855, when he volunteered and successfully led the assault, though in doing so he was shot through both thighs. He was one of the relieving party at Lucknow. He also distinguished himself in the War of 1853, receiving in June, 1857, the victory cross from the hands of Queen Victoria. To Mr. and Mrs. O'Connor were born eleven children: Charlotte, wife of William Grady, formerly county treasurer of Lincoln county, now residing at St. Joseph, Mo., and whose son, Edward Carey Grady, is in the government service in the Philippines; John, deceased, resident of Omaha, died in 1874; Margaret, wife of P. M. Glynn; Charles, in the west; Frank, of Spokane, Wash, contractor; Evelyn, of Omaha; Ella, of Omaha; Molly, wife of Dr. N. McCabe, of North Platte, Neb. (see sketch on page 498); Catherine, of Omaha; Therese, of Omaha; and Edmund Thomas, who died September 11, 1907, aged thirty-six years, unmarried. He was a graduate of the St. Mary's College, Kan., and St. Casel, Toronto. He was on the St. Paul (Minn.) *Despatch* at one time and on the Omaha *World-Herald* at another. Mrs. Thomas O'Connor died August 9, 1895, aged sixty-three years. Thomas O'Connor, the subject of this sketch, after a long, useful, and active life, died March 15, 1899, aged about seventy-two years.

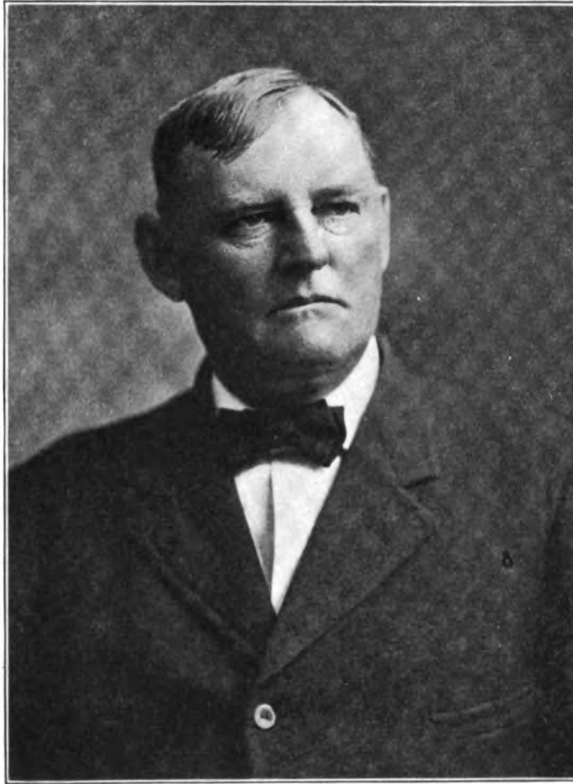
O'GORMAN, PATRICK, deceased, Omaha, came to Omaha in 1858 from the town of Malbay, County Clare, Ireland. He resided in Omaha up to the time of his death, January 23, 1901, at the age of sixty-five years. He had faith in the future of Omaha, and in the pioneer days made investments in real estate that proved his wisdom, so that he was able to live a retired life for many years prior to his death. In 1867 he married in Omaha, Mrs. Matthew Carroll, *nee* Mary McMahan, who came from near Ennis, County Clare, Ireland, to Cincinnati,

where she married Matthew Carroll. They came to Omaha in 1857 (see sketch of Matthew Carroll in this book). Mr. Carroll's death took place March 4, 1863. Mrs. Mary O'Gorman was known to pioneer residents of Omaha as a forceful, capable and active wife, mother, and business woman. She took great delight in ancient Irish history and literature and spoke the Gaelic language fluently. Mr. and Mrs. O'Gorman were charter members of St. Mary's parish church of Omaha, afterwards known as St. Philomena church. The children of Mrs. O'Gorman by her first marriage, to Mr. Carroll, are: Daniel Carroll, now of Omaha, retired; Matthew Carroll, of Omaha, retired. Her children by her second marriage, to Mr. O'Gorman, are: John, who died in 1880, aged twenty-two years; Mary, wife of James Welch, of Omaha, son of Patrick and Mary Welch, Omaha pioneers; Margaret, widow of George Benn, of Fort Dodge, Ia., who died in 1900, aged fifty-three years; and Patrick, who died in infancy.

O'KEEFE, JOHN, Alliance, Neb., pioneer and first county treasurer of Box Butte county, was born in County Limerick, Ireland. At the age of fifteen years he came to Boston, Mass. After a few years he moved to Fulton, Ill., and in February, 1886, settled on a homestead in Box Butte county, Neb. He was elected the first county treasurer of Box Butte county, and reelected. He was also postmaster at Hemingford for four years. Politically he was a democrat. He died at his home in Alliance, November 14, 1909. His wife, who endured all the hardships and privations of pioneer life in western Nebraska, died in February, 1905. They are survived by three sons: D. J. O'Keefe, a ranchman; John O'Keefe, who served as deputy county treasurer under his father, and also served one term as treasurer, and is now engaged in the real estate and loan business at Alliance; and T. J. O'Keefe, who published the *Alliance Herald* for fourteen years, and is now associated in business with his brother John at Alliance.

OLDHAM, JUDGE WILLIS D., attorney at law, Kearney, Neb., settled at Kearney in 1890, coming from Kirksville, Mo., where he had been engaged in the practice of law for ten years. He was educated at the State Normal School, Kirksville, Mo., graduating with the class of 1877. He served as assistant state superintendent of public schools for Missouri two years. Judge Oldham is a native of Ohio county, W. Va., son of John M. and Isabella A. (Armstrong) Oldham. The Oldham family were among the settlers of Virginia, emigrating from Scotland in 1657, on account of their adherence to the cause of the Stuarts. The Armstrongs were also a Scottish family, and settled at West Alexandria,

Pa. James Armstrong, the grandfather of Judge Oldham, was a soldier in the Revolutionary War. Judge Oldham has been engaged continuously in practice of his profession at Kearney, when not serving in an official capacity. He was deputy attorney general of Nebraska under C. J. Smyth for two years, when he was appointed as supreme court commissioner, serving in this office six years. In 1900 he was the democratic candidate for attorney general. At the Kansas City convention, in 1900, Judge Oldham made the speech placing Bryan in nomination. He was also a delegate at large to the Chicago convention which nominated Bryan in 1896. He has served as a member of the state democratic committee and was chairman of the democratic state convention in 1894, from which the gold democrats bolted. Judge Oldham has been a leader in democratic politics from the date of his first settlement in the state, and has stumped the state in every campaign for the regular democratic nominees. At the primaries, August 15, 1911, he was nominated as one of the three candidates on the democratic ticket for judge of the supreme court of Nebraska. As an orator Judge Oldham takes front rank among the many talented platform men of the state. Judge Oldham married Miss Belle Fentem, daughter of Dr. J. B. and Sarah (Graham) Fentem. The latter was reared by her uncle, Ed. Graham, now (1909) mayor of Mexico, Mo. Judge and Mrs. Oldham are the parents of four children: Isabella A., Helen F., Junius G., and Bruce D.



JUDGE WILLIS D. OLDHAM

graduated from the high school in 1885. In 1889 he became a clerk to James R. Sutherland, then a state senator. In January, 1890, Mr. Oleson entered the university law school at Madison, Wis., and in June, 1891, was graduated and admitted to the Wisconsin bar, and in December of the same year to the Nebraska bar; since then he has been in active practice. In 1894 he was elected prosecuting attorney for Cuming county. In 1897 he went to Fremont and formed a partnership with Clark C. McNish, under the firm name of McNish & Oleson, which was continued until January, 1900. Mr. Oleson was the republican candidate for judge of the 6th judicial district in 1899, but failed to overcome the large democratic majority in the district. Since 1900 he has resided at Wisner. In the latter year he was elected state senator from the 7th district, and during the subsequent sessions of the legislature was chairman of the committee on claims and miscellaneous subjects. In 1900 he was chairman of the Cuming county republican committee and of the senatorial republican committee. Mr. Oleson is president of the Wisner school board and has been a member of the board for several years, and is a past master of Wisner lodge No. 114, A. F. and A. M. Mr. Oleson was married May 10, 1900, to Helen Carter, daughter of John R. and Alice (Ustick) Mansfield, of Wisner, Neb. Mr. Mansfield is president of the Wisner Live Stock and Agricultural Association. Mr. and Mrs. Oleson are the parents of two children, Norman Robert and Gilbert Mansfield Oleson.

OLESON, ANDREW ROBERT, lawyer, Wisner, Neb., was born in Moro, Sweden, September 26, 1868, son of T. Matts and Anna (Hendrickson) Oleson. When he was one year old his parents came to America, and in 1869 located upon a homestead in Stanton county, Neb., where they remained until the spring of 1878, when they removed to Cuming county, and settled at Wisner. There A. R. Oleson

OLSEN, NILS E., Lexington, Neb., attorney at law and judge of the county court for Dawson county (1909), is a native of Chicago, Ill. His father, Elias Olsen, was born in Bergen, Norway, and emigrated to America in 1857, going direct to Chicago, where he lived until his death in 1871. His wife, Matilda (Barton) Olsen, who also came from

Bergen, Norway, died in Chicago in 1881. Martin Olsen, the father of Elias, emigrated from Bergen, Norway, to Chicago, in 1860. He was prominent in the Lutheran church. Nils E. Olsen was educated at Lake Forest University, in Chicago, from which he was graduated in 1894, with the degree of LL. B. He settled at Plum Creek, Neb., in 1886. In 1889 he returned to Chicago, but in 1906 again settled at Lexington. He was admitted to the bar in Illinois in 1894, and practiced in Chicago until his return to Dawson county in 1906. While a resident of Chicago he served as justice of the peace for twelve years. December 16, 1908, he was appointed judge of the county court for Dawson county by the county commissioners. He is a member of the Masonic order, and a republican in politics. Judge Olsen married Miss Gwendolyn Roberts, daughter of Joseph T. Roberts, of Lexington, Neb. They have one son, Howarth Olsen.

OLSON, HENRY, retired farmer, Wausa, Neb., was born February 28, 1859, near Carlsham, Sweden, son of John Olson, retired farmer, and Elna (Pearson) Olson. Henry Olson came to the United States in 1869, locating in Illinois, and to Nebraska in 1880, and located at Pender in 1888. In 1890 Mr. Olson came to Knox county, Neb., and purchased a farm, where he lived until 1900, when he removed to Wausa and engaged in the implement, live stock, and real estate business, which he conducted until 1906, when he retired, and is at present (1911) living on a well improved forty acre tract inside the corporate limits of Wausa. Mr. Olson was married in Chariton, Ia., February 29, 1888, to Christine Johnson. Nine children were born to them: Minnie, Herman, Leonard, Herbert, Gilbert, Ella, Herchel, Lillie, and Marvin.

OSBORN, JOHN M., Lincoln, Neb., formerly farmer and stockgrower of Pawnee coun-

ty, Neb., was born in Greene county, Ind., near Linton, March 10, 1843. The Osborn family was founded in America by David Osborn, who settled in the eastern part of Virginia, and married Mary Harrah. Their daughter, Elizabeth, grandmother of John M. Osborn, married her cousin, John Osborn, in Fleming county, Ky., in 1816, and a year later moved to Monroe county, Ind., and settled near Bloomington. There John Osborn, grandfather of John M. Osborn, became a man of prominence in public and religious affairs. The second child of John and Elizabeth Osborn was David Milton Osborn, the



ANDREW R. OLESON

For biography, see preceding page

father of John Osborn. He was educated at Asbury University, Greencastle, Ind., and married Mary Wines, daughter of Martin and Elizabeth (Bowlsby) Wines, natives of New Jersey, the former a soldier in the War of 1812, at the defense of Lake Champlain. Both were early settlers of Green county, Ind., where Martin Wines was, in 1823, judge of the county court. Martin Wines was a descendant of Goodman Barnabas Wines, of Watertown, Mass., who was admitted a freeman in the general court May 6, 1635, but sold his lands and removed to Southold, L. I., in 1644. His son Samuel moved from Southold to Morristown, N. J., in 1665, took the oath of allegi-

ance to Charles II, and was assigned 400 acres of land. His son, Samuel, Jr., was born in 1683. Samuel, third son of Samuel, Jr., married Bethia Terrell in 1725, and died in 1782. He had two sons, Barnabas and Thomas. It is recorded that Thomas owned land in Southold in 1777, and that he was a major in the War of the Revolution. Barnabas was the father of Leonard Wines, who was the father of Martin Wines, the latter being the grandfather of John M. Osborn. John M. Osborn enlisted in Company I, 97th Indiana regiment, for the Civil War, and participated in the campaigns and battles in which his regiment was engaged, among which were Mission Ridge, the

Atlanta campaign, and Kenesaw Mountain. In a charge at the latter battle he was wounded, but remained in service until June, 1865, when he was discharged as second lieutenant. He then attended college at Merom, Ind., and in 1867 was elected principal of the schools of Sullivan, Ind. In 1867 he came to Pawnee county, Neb. In 1869 he was elected county superintendent of public schools, and held that office for three continuous terms. In the campaign of 1896 Mr. Osborn was elected to the state senate. He was chairman of the senate committee on railroads, a member of the committee on finance, ways and means, agriculture, military affairs, education, manufactories and commerce, soldiers' home and standing committees. He was married in 1869 to Miss Mary J. Gilkerson, and they have a family of seven children: David W. and Arthur Wines Osborn reside on their farms near Pawnee City; Mary Eleanor is the wife of F. L. Bratton, cashier of the National Bank of Pawnee City; Veronica is a graduate of the University of Nebraska, 1907, and is a teacher in the Kearney high school; Emma Caroline graduated from the University of Nebraska, 1910, and is a teacher in the high school at Blue Hill; Mira Alice is a teacher in the West Branch school, Pawnee county (1911).



JOHN M. OSBORN

OSBORNE, WILLIAM H., JR., Broken Bow, Neb., was born in West Liberty, Ia., and is a son of W. H. and Sadie (Sailor) Osborne, who came to Hall county, Neb., in 1878. W. H. Osborne, Sr., was a soldier in the Civil War. The family removed to Custer county in 1884. Upon the outbreak of the Spanish-American War, Wm. Osborne, Jr., enlisted in the 1st regiment, Company M., and went to the Philippines. He was present at the fall of Manila and took part in all the battles of his regiment. He enlisted as first sergeant of Company M., of Broken Bow, was promoted to be second

lieutenant of Company M, and first lieutenant of Company L, of Omaha, for meritorious conduct in crossing the river the day after the battle of Quingua, where Colonel Stotsenburg was killed. Volunteers were called for to cross the river to drive out sharpshooters behind the intrenchment on the opposite bank. Lieutenant Osborn was in command of Company B, of Fullerton, Neb. He volunteered, and every man in the company volunteered to wade the river. A battery shelled the enemy and Lieutenant Osborn successfully led his men and drove out the Filipinos. Lieutenant Osborn received special mention for this act of bravery. He has always taken an active part in politics and was deputy county clerk for four years and was afterwards elected county clerk. He married Miss Bertha Craig, daughter of James Craig, of Broken Bow, and two children have been born to them: Floy and Howard Osborn.

OWENS, ELBRIDGE D., attorney at law, North Platte, Neb., was born at Bluffton, Ind., November 9, 1859; son of Moses and Hester Ann (Prilliman) Owens, both of whom are natives of Wayne county, O., the former born January 1, 1820, and the latter some years later. They were married in Indiana in 1850, and became the parents of six children, three of whom are living. Elbridge D. Owens was educated in the common schools of his native county and taught school a few terms in Indiana. In April, 1878, he settled in Hastings, Neb., where he remained for about a year, then removed to Cozad, where he engaged in the agricultural implement business. In 1890 he disposed of this business and engaged in the real estate and insurance business, read law, and was admitted to the bar at Lexington, Neb. In 1893 he engaged in ranching and stock-growing in connection with his legal practice, until 1903, when he was appointed receiver of the U. S. land office at North Platte,

where he has since resided. Mr. Owens is a republican, and has for some years been active in local and state politics. He has served in various town offices, and in 1898 was elected to the state senate from the 30th Nebraska district, composed of the counties of Dawson, Lincoln, Keith, Cheyenne, Kimball, Deuel, and Banner. In 1900 he was reelected. On December 29, 1886, Mr. Owens was married to May B. Little, of St. Edward, Neb., and they have seven children: Frank, Ralph, Grace,



ELBRIDGE D. OWENS

May, Beulah, Gertrude, and Edwin H. The parents of Mr. Owens were early settlers at Cozad, where their deaths took place.

PADDOCK, MAJOR JOSEPH W., deceased, came to Omaha, Neb., September 24, 1854. He was chief clerk of the first house of representatives which opened January 16, 1855, and also the first clerk of the first district court, Judge Fenner Ferguson presiding. Mr. Paddock was a member of the Nebraska territorial legislature in the sessions of 1857 and 1866. He was sent by the people of Omaha as a commissioner to Washington to obtain an appropriation for the new capitol building. He was commissioned by Governor Saunders as captain of Company K, 1st Nebraska infantry, and served four months, when in November, 1861, he was detailed on staff duty. In 1862 he was appointed adjutant general on the staff of General Steele. At the close of the war, he became secretary and a member of the Western Transportation Company, engaged in moving freight from the end of the Union Pacific to the mountains. For many years he was claim agent for the Union Pacific railroad. In 1891 he was appointed by President Harrison a director of the Union Pacific railroad, represent-

ing the United States government on the board. He served one term as county commissioner of Douglas county to fill a vacancy in 1891, and was elected for another term.

Major Paddock was born at Massina, St. Lawrence county, N. Y., and was a son of William S. and Wealthy (Porter) Paddock, the latter a daughter of Reverend Mr. Porter of the Presbyterian church. He was a cousin of Senator A. S. Paddock, of Beatrice. Major Paddock married, in 1858, Miss Susie Mack, a sister of Mrs. A. S. Paddock, and a daughter of Daniel Mack, born in Harpursfield, N. Y., and Lucretia Perry, daughter of William Perry, a pioneer of St. Lawrence county, N. Y. Major and Mrs. Paddock were the parents of two children: Benjamin S., of Rocky Ford, Colo., and Emma, widow of W. E. Annin, of Washington, D. C. The Paddock home consisted of a splendid farm of 340 acres just west of Omaha in Douglas county, which was known as Paddock grove. Mr. Paddock died at Omaha, January 17, 1895. Mrs. Paddock survives her husband and resides at Rocky Ford, Colo.

PALMER, DANIEL S., M. D., of Holdrege, Neb., was born in Wiota, Wis., March 22, 1858. His father, Daniel H. Palmer, was a Baptist minister and founder of the First Baptist church at Albert Lea, Minn. His mother, Mary Caroline Buck, was a woman of great force of character. Dr. Palmer attended the public schools of his native state and Minnesota, became a teacher, and served as principal of the schools at Alden, Minn., until he decided to study medicine. He attended the Eclectic Medical Institute, at Cincinnati, O., and graduated with honors in 1889. He came to Holdrege, Neb., in January, 1890, where he has since resided. He has served as insane commissioner of Phelps county, and as city physician of Holdrege almost from the time of his location in that city, and was elected coroner four times as the candidate of the populist party. He was married in 1881 to Ida L. Leighty, who died in 1898, leaving one son, K. Paige Palmer. He married Miss Hattie M. Pitzer on May 5, 1901. They are the parents of one child, Ruth Caroline Palmer. Doctor Palmer is now (1911) county coroner, a member of the county board of health, a member of the commission of insanity, and township physician.

PARK, COLONEL JOSIAH BROWN, deceased, Nebraska pioneer, was born in Chemung county, N. Y., April 23, 1831, and died at North Platte in June, 1873. Colonel Park was descended from one of three brothers who emigrated from Ireland in 1651. He acquired his early education in the district schools of New York state, supplemented by



J. M. Paddock



J. P. Park



W. P. O'Connell

a course in English and civil engineering, at Elmira (N. Y.) Academy. He was married to Miss Ellen M. Jones, daughter of Edwin K. Jones, in 1851, and about the same time migrated to Michigan, where he followed surveying for several years. He was the first settler and founder of the town of Ovid, Mich., and held several local offices during the period of his ten years' residence there. When the Civil War broke out, he raised a company of volunteers, and was mustered into the 1st Michigan cavalry, with the rank of captain. Captain Park participated in the battle of Winchester, Va.; accompanied General Pope on his return across the Rappahannock, and August 20, 1862, was promoted to be major in the 4th Michigan cavalry. In October, 1862, the 4th cavalry was sent to Louisville, Ky., and went through Kentucky to Cumberland Gap in pursuit of General Bragg. December 9, 1862, Major Park was appointed inspector general of cavalry, department of the Cumberland, and took an active part organizing, equipping, and disciplining the army preparatory to the battle of Stone River. In April, 1863, he was promoted to be lieutenant colonel, and assumed command of his regiment at Murfreesboro, Tenn. In the fall and winter following he was stationed at Detroit, where he recruited over 600 men for his regiment. During the summer of 1864 Colonel Park participated in the battles at Cartersville and Dallas, Ga. During the fall of 1864 he had charge of the Tennessee & Alabama railroad, with headquarters at Franklin, Tenn. Colonel Park resigned because of disability from wounds received in battle, November 29, 1864. During his service in the army he participated in the following battles: Winchester, Va., second Bull Run, Perryville, Ky., Stone River, Tenn., Dallas, Ga., McMinnville, Tenn., and many skirmishes. In April, 1864, Governor Blair, of Michigan, appointed him a colonel with permission to raise a regiment of engineers and mechanics, but as the war was about over, this regiment was never mustered. In August, 1866, Mr. Park removed with his family to Nebraska, where he first settled at Omaha, and for the four years following was engaged in government surveying. In June, 1870, in partnership with Guy C. Barton, he purchased the Platte Valley *Independent* at North Platte, and continued its publication under the name of the Lincoln County *Advertiser* until 1872. Colonel Park was a democrat in politics until the beginning of the Civil War, when he joined the republican party. Four children were born to Colonel and Mrs. Park: Edwin Park, died at Ovid, Mich.; Carrie Park, died at Ovid, Mich.; Louie Bell Park, born in Omaha, and died at North Platte, Neb.; and William Lee Park, born at Ovid, Mich., August 6, 1859, late general superintendent Union Pa-

cific railroad, Omaha, Neb., and now 1st vice president and general manager of the Illinois Central system, with offices in Chicago. Colonel Park died at North Platte, Neb., in June, 1873.

PARK, WILLIAM L., of Chicago, Ill., is vice president and general manager of the Illinois Central railroad.

William L. Park was born at Ovid, Mich., August 6, 1859. His father, Colonel Josiah B. Park (a colonel in the Civil War), was the publisher of a well known newspaper in Nebraska; his mother, Ellen M. (Jones) Park. The paternal ancestors were of Irish origin, and on the maternal side they were English. William L. Park obtained his education, first in the public schools of his native city, in Seagraves Academy, of Omaha, Neb., and later at Bailey's Commercial College, Keokuk, Ia. His early occupation was newspaper work, learning the trade of printing in the establishment of his father (who then was publishing the Lincoln County *Advertiser*). He next learned the art of telegraphing, and followed this by entering the train service of the Union Pacific railroad as brakeman. He has practically devoted his life to the railroad business, as he has remained in that line for thirty-five years. His strict attention to detail caused his promotion in the following order: First, brakeman, then conductor, next assistant superintendent of the Nebraska division, then to superintendent of the Wyoming division, from that to general superintendent, with headquarters at Omaha, Neb., and in March of this year, he became vice president and general manager of the Illinois Central Railroad Company. Mr. Park holds the following important offices at present: Vice president and general manager of the Illinois Central railroad, vice president and general manager of the Yazoo & Mississippi Valley railroad, and also of the Indiana Southern railroad. He is a member of the Omaha Club, the Union League Club, Homewood Country Club, and the South Shore Club, of Chicago. Among the fraternal organizations, he is affiliated with the Masonic order, the Mystic Shrine, the Knights Templar, the Elks, Loyal Legion, and Sons of Veterans. Mr. Park was married December 24, 1880, to Laura F. Dill, a daughter of Major A. M. Dill, of North Platte. Mr. and Mrs. Park are the parents of five children: Edward A., Evelyn, Myra, P. Jay, and W. L. Park, Jr.

PARKER, WALTER A., merchant of Wood Lake, Neb., was born in Carlisle, Ia., October 29, 1858. His father, Thomas W. Parker, was a native of Ohio and a pioneer of Iowa. His mother's maiden name was Updegraff, a native of Indiana. He attended the high school at Des Moines, Ia.

and the Baptist College at Des Moines. In 1882 he came to Burt county and located on a farm. In 1884 he entered a homestead in Sheridan county. In 1895

of exposure on one of these trips he died in 1864 at Twinsburg, O. Mrs. Martha Horton Parmelee's parents located in Massachusetts in the colonial period. In 1794 a vessel owned by Mr. Parmelee's great-grandfather Tisdale, was captured by the French. The United States government claims court has just allowed the heirs the value of this vessel and cargo. Mr. Frank Smith Parmelee is the only living child of Samuel N. and Martha (Horton) Parmelee. He has resided during his life in Omaha and at one time was proprietor of the Collins, and then the Parmelee Gun & Ammunition Company. He is an expert with firearms and has carried off many trophies. He married Miss Gertrude Schnebly, daughter of Henry and Gertrude (Bernhard) Schnebly, pioneers of Sheridan, Ia. Henry Schnibley was born in Bedford county, Pa., and enlisted in the 3d Missouri cavalry and served throughout the Civil War. Samuel N. Parmelee was a brother of Daniel S. Parmelee and of Mrs. David S. Belden.

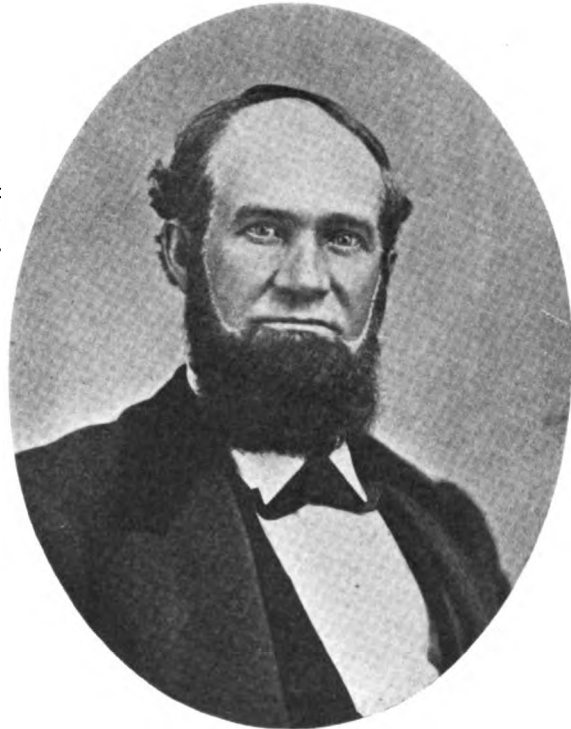
PATRICK, CAPTAIN EDWIN, Nebraska pioneer, was born in Attica, N. Y., December 8, 1825, and died at his home in Omaha, December 12, 1882.



WALTER A. PARKER

he removed to Wood Lake, Cherry county, and bought a half interest in a general store owned by Washington Honey. A year later he bought Mr. Honey's interest in the business and has since conducted it himself. In 1896 he was elected county commissioner and refused a reelection. On December 18, 1889, he was married to Miss Myra Brown, of Rushville, Neb., and one son, Don, has been born to them.

PARMELEE, FRANK SMITH, Omaha, Neb., retired, is a son of Samuel Newell and Martha (Horton) Parmelee, the former a native of Twinsburg, O., and the latter of New Bedford, Mass., daughter of Enoch and Deborah (Tisdale) Horton. Samuel N. Parmelee came to Omaha in 1857 with the Smith brothers—Frank, George, David, and Ben. The firm of Smith & Parmelee established a bank, which they conducted for a time in Omaha. They developed some mining interests in Colorado and bought and sold gold dust and nuggets, and established a supply depot to aid in their operations. In this business, Samuel N. Parmelee crossed the plains in transporting supplies to and from their mines, and from the effects



CAPT. EDWIN PATRICK

He engaged in early life in the seed business at Dunkirk, N. Y. He settled at Omaha in 1856, first living in a cottage on Farnam street, between Thir-

teenth and Fourteenth. He resided for a number of years at Nineteenth and Cass streets, whence he removed to a farm in what was afterwards known as Saratoga precinct, in Douglas county,



MRS. SARAH O. PATRICK

Neb. When Mr. Patrick settled on this land it was a well-known camping ground of the Indians. Mr. Patrick served in the frontier war against the Sioux, under Colonel Robert W. Furnas. He was mustered into service January 22, 1863, and rendered distinguished service in this campaign. After the war Captain Patrick became well known as a farmer and horse fancier. He was among the first in Nebraska to have and own thoroughbred trotters and fine stock. He was very active in politics, both state and county, but never held office except as assessor in 1865. He preferred rather to devote his attention to his farm interests. He was married at Attica, N. Y., March 28, 1853, to Sarah Octa Goodwill, eldest daughter of Taylor G. Goodwill, a Nebraska pioneer, member of the first city council of Omaha, first county treasurer of Douglas county, and a member of the first territorial council. He removed from Attica, N. Y., to Nebraska, with his family in 1855. Mrs. Patrick was noted for her hospitality and interest in young people, whom she especially welcomed at all times to her home. She died June 9, 1908, having resided almost continuously

at the farm home established a half century before, and witnessed its change to a modern residence district of Omaha. The children of Mr. and Mrs. Patrick were: Frank G., born at Batavia, N. Y., January 24, 1854, now living at Reno, Nev.; Edwin L., born in Omaha, July 1, 1857, a prominent stockman of Patrick, Laramie county, Wyo.; Carrie O., born November 22, 1858, married J. J. Smith, of Omaha, and died July 10, 1886; Jennie M., born in Omaha, October 23, 1867, married Frederick B. Lowe, a son of Jesse Lowe, the first mayor of Omaha (see Vol. I, pp. 320-321), and still residing in Omaha. Captain Edwin Patrick's brother, George Patrick, and his parents, Reuben and Betsy (Sprague) Patrick, were also Omaha pioneers (see sketches in this volume).

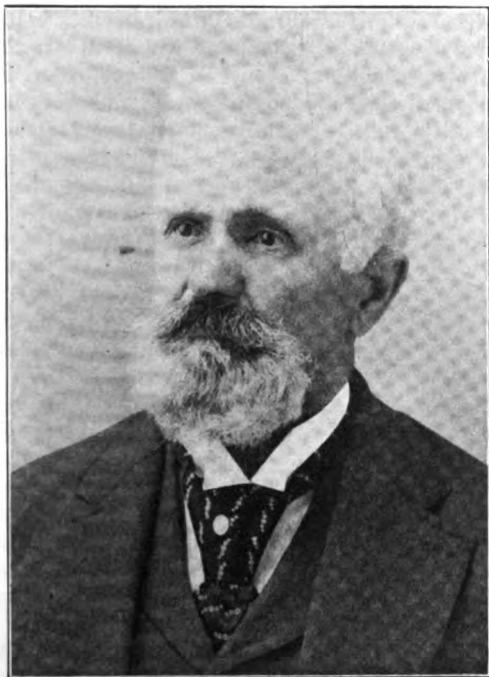
PATRICK, WILLIAM R., of Wabun Lodge, Sarpy county, Neb., attorney at law and ex-state senator, was born in Cook county, Ill., March 17, 1869. He came to Omaha with his parents in 1874 and with them resided first upon a farm near Omaha, and later near Bellevue, until 1880, when they settled upon a homestead in Boone county. He was educated in the public schools in Douglas and Sarpy counties. His first public position was



WILLIAM R. PATRICK

that of justice of the peace at Bellevue, from 1890 to 1894, where by a fearless and somewhat vigorous administration of justice he did much towards

eliminating the lawlessness which for years had given that vicinity much unfavorable notoriety. During this period he read law with Hon. John Q. Goss, of Bellevue, and was admitted to practice in



GEORGE PATRICK

1893. He has been attorney for the village of Bellevue almost continuously since. In 1897 he was appointed county attorney of Sarpy county to fill a vacancy; afterwards he was elected to the same office, serving continuously until 1907. In the fall of 1906 Mr. Patrick was elected to the state senate from Sarpy and Saunders counties and was one of the five minority members of the memorable 30th session. He was a member of the judiciary committee and assisted in the preparation of the direct primary law, employer's liability law, maximum freight rate law, anti-brewery law, pure food law and anti-lobby law. He was also the author of the Fort Crook bill, which prohibited the licensing of saloons within two and one-half miles of military reservations. Mr. Patrick is a democrat, but is independent, and believes that partisan politics are responsible for most of our public ills. He was married December 30, 1908, to Miss Wilhelmine C. Harder, a teacher in the Omaha schools. They are the parents of one child, Donald Whitmore Patrick.

George Patrick, father of William R., was born in Genesee county, N. Y., May 24, 1831; came to Nebraska in 1856, and preëmpted a claim within

the present limits of the city of Omaha. His death occurred at Albion, Neb., on April 26, 1908. Mr. Patrick was in the government service (transporting cavalry and artillery horses) during the Civil War.

Jane M. (Whitmore) Patrick, mother of ex-Senator Patrick, was born at Sandusky, O., February 12, 1830, daughter of Sylvester Whitmore, who came to America with the British army during the War of 1812, and located at Sandusky, and Crown Point, Ind., where he lost his life while swimming the Calumet river to escape from the Indians who had stolen his canoe. Mrs. Patrick lived in Chicago when there was only one brick building in the city. She was married to William Snow, of Arlington Heights, Ill., in 1849, and three children were born to them, only one of whom, Mary F. Morse, of Albion, Neb., is now living. After the death of her first husband she was married to George Patrick, and their only child was William R. Patrick. She was a member of the Presbyterian church. Her death occurred at Wabun Lodge October 21, 1909.

The paternal grandparents of Senator Patrick, Reuben and Betsey (Sprague) Patrick, were also



JANE M. PATRICK

Nebraska pioneers, having emigrated from New York to Omaha in 1857, and preëmpted a claim east of the present site of Fort Omaha. Reuben Patrick was a soldier in the War of 1812, and was severely

wounded at Fort Erie. He died at Adrian, Mich., in 1862. Betsey Patrick died at Albion, Neb., in 1884.

PAUL, NICHOLAS JAY, one of the founders of the city of St. Paul, Howard county, Neb., and president of the St. Paul State Bank of that city, was born in Meigs county, O., July 27, 1841. He is a son of John Paul, of Scotch parentage, who was born in Franklin county, Pa., in 1809, and after learning the blacksmith's trade, in 1840 became a resident of Meigs county, O. He was reared in the strict faith of the Scotch Presbyterian church, married Elizabeth Young, born of German ancestry, near New Lisbon, O., in 1817. Nicholas J. Paul attended the public schools of his native county, three months in the year for about ten years. After leaving the common schools, for two years he attended the Ewington Academy in Gallia county, in his native state. From Horace Greeley's paper, the *New York Tribune*, he imbibed the principles of republicanism, to which he has adhered during his manhood days, and no doubt extracted the advice which caused him to become a pioneer in the west, and the founder of a town. After teaching school for a few terms in his native state, in June, 1867, he came west and settled in Omaha, Neb., where he obtained employment as a deputy United States surveyor through the kind offices of P. W. Hitchcock, then surveyor general of the United States for Nebraska. For fifteen years he was thus employed by the government, and surveyed in both Nebraska and Wyoming, suffering many hardships and privations, at times working many months without seeing other white men than those of his party. In 1871, with his brother, James N. Paul, now a judge of St. Paul, he settled in Howard county, and the two were pioneers there. They had set about industriously to attract settlers to the county, and in 1871 were rewarded by having sufficient population within the county limits to have it organized as a county, and they suggested the name Howard. Nicholas J. Paul was chosen one of the first county commissioners, and later became the first county judge, and the first representative from the county to the lower house of state legislature in 1879.

In the fall of 1870, after looking over the country with his brother, James N., they decided upon the present site of the county seat, naming the new town Athens, afterwards changed to St. Paul by Senator P. W. Hitchcock, and the county, Howard. Mr. Paul was one of the organizers of the St. Paul National Bank, which was the successor of the Howard County Bank, the pioneer financial institution of the Loup River country. Since 1897 it has become known as the St. Paul State Bank of which he is president. He is one of the largest holders of realty in Howard county, and in the city which he

was instrumental in founding he has large financial interests aside from his banking business. He is not a member of any club or society, nor a member of any church, though he has given his support to all worthy causes. He was married February 19, 1876, to Miss Lucile Holman, who died September 8, 1882, leaving him one son, John Jay. In 1893 Mr. Paul was married to Mrs. Abby E. Boswell, who died October 11, 1895, leaving him one daughter, Pauline Paul. His only beloved son, John Jay Paul, died September 17, 1907.

PAULSON, LEWIS C., attorney at law, of Minden, Neb., son of Offer and Mary (Larson) Paulson, was born in Kearney county, Neb., February 26, 1878. His parents were both natives of Denmark, emigrated to America in 1872, and settled in Nebraska in 1876. Lewis C. Paulson acquired his early education in the country schools, followed by three years, 1895-98, in the Minden (Neb.) high school. He then entered the University of Nebraska, and was graduated from the law school in 1901. He represented the state university as one of a team of three in a debate in the interstate series with Colorado Springs, Colo., in 1901. During the summer of 1901 he was employed in the law office of Thomas H. Matters, of Harvard, Neb., and the same year formed a partnership with E. C. Dailey, of Minden, Neb., which was dissolved in April, 1903. Mr. Paulson belongs to the democratic party, and has served two terms as county attorney of Kearney county. He is a member of the Independent Order of Odd Fellows and a Mason. He was married November 20, 1907, to Miss Emma Hanson of Holstein, Adams county. They are the parents of three children: Lewis J., Maxine O'June, and Annabel Marie.

PAXTON, WILLIAM A., JR., deceased, late of Omaha, Neb., only child of the late William A. Paxton (see sketch, Vol. I, p. 731), was born in Omaha, Neb., September 14, 1866. He was educated in the public schools of Omaha and graduated in the class of 1887 with the degree of Bachelor of Science at the Episcopal College at Racine, Wis. He at once entered his father's office and in a short time engaged in the theatrical business as manager of Boyd's theater, with W. J. Burgess, under the title of Paxton & Burgess. This continued for five years, when Mr. Paxton established a racing stable, headed by Conqueror, famous all over the United States as a racer. Mr. Paxton remained in this business up to 1900, and then located at Keystone, Neb., in charge of the Keystone ranch, established in the early days by his father. There he engaged in the cattle business, on a large scale, with a herd of about 3,000 head. He owned about 16,000

acres of freehold land and leased about 84,000 acres, having altogether about 100,000 acres of range. For this business Mr. Paxton was well adapted, and enjoyed it thoroughly. At the time of his father's death, July 18, 1907, they had sold all their land in western Nebraska. Mr. Paxton then moved to Omaha, and was elected in place of his father as president of the Paxton Real Estate Company, the Paxton-Gallagher wholesale grocery company, the Paxton-Vierling Iron works, and a director of the First National Bank of Omaha. Mr. Paxton was an enthusiastic member of the Omaha Elks Club, the Omaha Club, and of the Country and Happy Hollow clubs. In 1900 Mr. Paxton married Miss Georgia Short, at Cleveland, O. Mr. Paxton's death took place January 31, 1910, at his residence, "Fairacres," Omaha, after an illness of only a few days. He is survived by his widow and one daughter, Prairie Paxton.

PAYNE, GEORGE H., president of the Payne Investment Company, Omaha, was born in Galesburg, Ill., October 6, 1864, son of C. H. Payne. George H. Payne received his education at a normal school and a commercial college, and in 1884 came to Omaha. In 1890 he entered into business for himself and later organized The Payne Investment Company, of which he is president. It makes a specialty of selling large tracts of farm and wild lands in blocks to suit the purchaser. Mr. Payne is a member of the St. Mary's Avenue Congregational church. He was married in 1887 to Loris M. Fuller, of Fort Dodge, Ia., and has two sons, Richard and Philip Payne.

PEARSON, JOHN VINCENT. of Spokane, Wash., formerly of Ponca, Neb., attorney at law, son of George Routledge and Rose Hannah Pearson, was born at Niagara Falls, N. Y., where he married in 1865, and lived until 1879. In the latter year the

family came to Nebraska, settling first in Dakota county, and later, in 1882, in Dixon county. The mother of John V. Pearson was, in maidenhood, Rose Hannah Brannan. She was born near Ogdensburg, N. Y., removed to Hamilton, Ontario, and thence to Niagara county, N. Y., where she was married March 18, 1865. The paternal grandfather of John Vincent Pearson was an English landscape gardener. His maternal grandfather, Maurice Brannan, was a native of Kings county, Ireland, and his maternal grandmother, Bridget McGuire, was born in County Tyrone, Ireland. John V. Pearson, in 1879, removed with his parents to Nebraska, attended the university at Vermilion, S. D., and engaged in teaching in Dixon county. He attended the Fremont (Neb.) Normal College, where he won first prize in the annual oratorical contest. He studied law in the office of John J. McCarthy, of Ponca, afterwards member of Congress, and was admitted to the bar in 1893. He entered the law department of the University of Michigan at Ann Arbor, and was graduated in 1894 with the degree of LL. B. In 1895 he began the practice of law at Ponca, Dixon county. In 1893 he was appointed clerk of the district court to fill the unexpired term of James E. Moore, deceased. In

1894 he became identified with the populist movement, and two years later was the fusion nominee for county attorney of Dixon county, and was elected. In 1904 Mr. Pearson supported Theodore Roosevelt for president and identified himself with the progressive movement in the republican party, and in 1906 was nominated and elected county attorney of Dixon county on the republican ticket and reelected in 1908. In May, 1910, he resigned as county attorney and in September located in Spokane, Wash. Mr. Pearson is a member of the Knights of Pythias, the A. F. and A. M., and the I. O. O. F. He was married June 12, 1895, to Nellie Aurelia Palmer,



JOHN V. PEARSON

daughter of Albert S. Palmer, of Dixon county, Neb. They are the parents of five children: Evan Albert, Frances Lucy, Marian, George Dexter, and James Ralph Pearson.

PEISIGER, LOUIS C., farmer, real estate dealer, and merchant, of Blue Hill, Neb., is a son of Ferdinand and Dorothy (Bucholz) Peisiger. Mr. Peisiger came to Nebraska with his parents in 1873, the family settling on a homestead in Webster county. There the mother died in 1891, aged sixty-six years, and the father in 1901, at the age of eighty-two years. The family came from Marshall county, Ill., having settled there in 1867, after their emigration from Wilsneck province, Brandenburg, Germany, where both parents were born. Louis C. Peisiger is a democrat in politics, and in the fall of 1900 was elected a member of the legislature for Webster county, serving on the railroad committee and other important committees of the legislature which convened in January, 1901. In 1909 Mr. Peisiger was elected to the board of county commissioners of Webster county. Mr. Peisiger at present gives his attention to his official duties, the real estate business, and to the superintendency of his farm of 400 acres. He was married to Miss Anna Kick, daughter of Fred and Catharine Kick, who were early settlers of Webster county. They are the parents of three children: Charlotte, Eleanor, and Ferdinand. Mr. Peisiger is a member of the K. of P. and A. O. U. W. lodges and of the Evangelical Lutheran church.

PEITZ, REV. FERDINAND, of Osmond, Neb., son of Frederick and Mary Ann (Imorkl) Peitz, was born in Germany, December 3, 1875. He left Germany with his parents when fourteen years of age; was educated privately and with Rev. Henry Schoof, of St. Helena, and in classics at St. Francis Seminary, Milwaukee, and at the Catholic Theological Seminary at Cincinnati. He was ordained priest March 20, 1899, in Cincinnati, by Archbishop Elder; he came to Nebraska, but was compelled to go to Arizona and Mexico for four years on account of his health, living for one year in a tent. During this absence he learned Spanish. In 1903 the young priest returned to Nebraska and entered the diocese of Omaha and filled the missions at Dixon and Coleridge successfully, where he was a builder, with all that word implies. Father Peitz came to Osmond in 1904, and was still there in 1912. Here he has founded a parochial school and erected a new church.

PERIN, SENATOR W., of Lincoln, Neb., farm superintendent of the state university farm, was appointed September 10, 1889. When he took

charge of the work, there were only two buildings—one stone, and one frame horse barn, machine shed, and corn crib. Now there are a number of brick buildings; agricultural hall, experiment station hall, woman's building, dairy hall, pavilion, and animal life building. This school started in 1890 with twelve to fifteen pupils, and at the present time (1912) there are about 912 students enrolled. Mr. Perin came to Custer county in the spring of 1880, driving from Crawford county, Ia., with two brothers, S. L., postmaster at Sargent, and A. Z. Perin, in the hardware business at Sargent. One brother, George S., is a farmer at Sargent. Mr. Perin succeeded his brother-in-law, Mr. J. D. Courtney, who had charge of this work from 1884 to 1889 under Mr. E. P. Savage. Senator Perin is a son of Samuel Perin, civil engineer, born in Council Bluffs, Ia., in 1859. In the spring of 1860 his father and family went to Pike's Peak. Mrs. Perin and four children went over the trail. Not finding any gold, they returned in 1861 and located on a farm at Davenport, Ia. Senator Perin's mother was Sophia Amelia (Ronbleau) Perin, a native of Louisiana. Mr. Perin married Miss Laura H. Courtney, of Custer county, from Illinois. Their children are: Charles C. Perin, of Detroit, Mich.; Courtney Dale Perin, graduate of University of Nebraska; Edna, graduate of University of Nebraska; and Hazel, attending the University of Nebraska.

PERKINS, CLARK, of Aurora, Neb., formerly editor of the *Republican*, St. Paul, Neb., was born in Hall county, Neb., February 6, 1875. His parents, R. C. and Jeannette (Blythe) Perkins, were natives of Kentucky and located in Hall county in 1872 (see sketch in this volume). The family comes of Virginia ancestors, who have served in every war of this nation. Clark Perkins entered the office of the St. Paul *Phonograph* and later worked on numerous daily papers throughout the west. In November, 1893, he purchased the St. Paul *Republican*, and was its editor and publisher until 1907. April 27, 1898, Mr. Perkins enlisted in Company B, 2d Nebraska volunteers, and spent the summer in camp with his regiment at Chickamauga. He is a republican. In April, 1907, he was appointed secretary of the state railway commission, and removed from St. Paul to Lincoln. January 1, 1912, he resigned this position and is now the editor and proprietor of the *Republican*, Aurora, Neb.

PERKINS, RICHARD COLLINS, of University Place, Neb., retired, formerly postmaster at St. Paul, Howard county, was born at Burlington, Boone county, Ky., February 6, 1842. His paternal ancestors came from England in 1688 and settled in Pennsylvania. His father was James Perkins, and



Eng. by Hans Braun in Chicago

R. C. Peters

his mother, Mildred Calvert, descended from the Calvert family of Maryland. Ancestors on both sides were soldiers in the American army in the Revolution and in the War of 1812. R. C. Perkins enlisted in Company A, 23d regiment, Kentucky infantry, and was in all the battles and skirmishes of the Army of the Cumberland, and for meritorious service was made first lieutenant in Company G, and until he was mustered out in February, 1866, he was never absent from command, as he was never sick and received no wounds. In September, 1872, he came to Nebraska, and settled on a claim near the present village of Cairo, in Hall county. In May, 1889, he moved to St. Paul and taught school. In 1893, with his son, Clark Perkins, he assumed control of the St. Paul *Republican*, a weekly paper. In 1898 Richard C. Perkins was appointed postmaster of St. Paul. He is a republican, and a member of the Grand Army of the Republic. For more than twenty years he has been a member of the Methodist Episcopal church. He was married April 11, 1866, to Miss Jeannette Blythe, to whom were born five children; three of whom are living: Mamie M., wife of J. L. Claffin, of University Place, Neb.; Edith D., wife of A. C. Stouffer, of Canton, Okla., and Clark Perkins (see sketch in this volume). Mrs. Jeannette Blythe Perkins died on February 1, 1910, and shortly after R. C. Perkins removed from St. Paul to University Place, Neb.

PERRY, ASBURY O., of Atkinson, Neb., son of Oliver H. and Marcia (McGarty) Perry, was born in Madison county, Ia., November 12, 1864. When nineteen years old he came to Holt county and for several years engaged in the real estate business. He acquired the ownership of a large ranch near O'Neill, and in 1893 he began operating a stage line from O'Neill to Boyd county. In 1897 he organized the Atkinson & Niobrara River railroad and became vice president and general manager of the corporation. The line was graded to the Niobrara river in 1902. He disposed of his interest in the corporation and resumed the real estate business. Until 1893 he was a democrat, but in 1894 allied himself with the republican party. He is a member of the Knights of Pythias. October 26, 1884, he was married to Miss Irene Gordon, of Bassett, Neb., who died January 11, 1891. Three children were born to them, Bessie E., Asberry C., and Grace E., the latter dying in infancy. He afterwards married Miss Anna Totton, of Omaha.

PETERS, EMANUEL, one of the first settlers of Webster county, Neb., now residing at Guide Rock, son of Henry and Elizabeth (Ansley) Peters, was born at West Point, Lee county, Ia., June 12, 1849. His father was an early settler in Union county, Ia.,

and started a mill at Petersville, a town named in his honor. The present town of Afton was established near by on the Burlington railroad. In 1868-69 he helped to build nearly every bridge on the C. B. & Q. railroad from Afton, Ia., to Platts-mouth, Neb. He went to Omaha in November, 1869, and joined the Rankin expedition into south central Nebraska. This company of about nineteen went by way of Beatrice and the Blue river to the Republican valley, arriving at the present site of Guide Rock, May 16, 1870, after about two weeks' travel. Mr. Peters and Donald McCallom were the only ones who remained permanently. Mr. Peters helped to build the first habitation in Webster county. He took a homestead south of the river on July 11, 1870. For a number of years he engaged in farming and stock raising, until he retired, when he purchased ten acres near Guide Rock for a home. In 1886 he went to southern California, where he helped to organize the town of South Pasadena. As city marshal he drove the liquor business out of South Pasadena. In 1892 he returned to Guide Rock. Mr. Peters was the first sheriff of Webster county, and has served as a county commissioner. As sheriff he made the first arrest in the county, that of Joseph R. Robier, charged with the killing of William Hicks, south of the present site of the town of Lester. Robier surrendered to Justice of the Peace Jos. Garber, and was placed under arrest by Sheriff Peters, who took him to Beatrice, and turned him over to Sheriff Daniel Freeman, who kept him in custody until his trial. Mr. Peters was chairman of the first school district which was organized in Webster county. He was also chairman at the first election, and was instrumental in choosing the name Guide Rock for the city. He is now (1911) deputy game warden for Nebraska and township assessor. Mr. Peters was married May 6, 1874, at Guide Rock, to Miss Dora Dunbar. Three children have been born to them: Mrs. George Parker, of Guide Rock; Ralph Chester, and Roy Leslie, both residing at Joseph, Ida.

PETERS, RICHARD CALVIN, dealer in real estate, bonds, loans, etc., at Omaha, was born at Petersburg, Mich., April 29, 1862, named for his grandfather, Richard Peters, who was a large land owner in the vicinity. Richard Peters was born in Delaware county, N. Y., about 1798. He went to Michigan about 1824, and died there in 1862. Before leaving New York he married Polly Wilcox, who bore him four children. George, one of these children, became a state senator in Michigan, and Charles, the first white child born in Summerfield township, Monroe county, was the father of Richard Calvin Peters. He was born in the year 1825, was

a farmer all his life, and died in 1893. Richard Peters, the grandfather of R. C. Peters, was descended from a Welsh family of Quakers, who came to America during colonial days. R. C. Peters' mother, Julia Ann Burnham, was born near Greenfield, Franklin county, Mass., in 1827, daughter of Calvin Burnham (born in Franklin county, Mass., near the town of Deerfield, in 1775, a school teacher and farmer) and Mary Bruce, who was born in the same locality and at about the same time as her husband, Calvin Burnham. She died in Deerfield, Mich., in 1870. One of the sons of Mary Bruce, an uncle of R. C. Peters, was A. C. Burnham, deceased, of Champaign, Ill. He was a pioneer in the farm loan business, and founded the firms of Burnham, Tulleys & Co., of Council Bluffs, Ia., and Burnham, Trevett & Mattis, of Champaign, Ill., and Beatrice, Neb. During his life he gave the Julia F. Burnham hospital and the public library to the city of Champaign. R. C. Peters in 1882 entered the University of Michigan at Ann Arbor, which he attended for two years. He was managing editor of the *Oracle*, the organ of the sophomore class. He later went to Monticello, Ill., where his brother, H. D. Peters, was engaged in the publication of a newspaper, and spent the winter in aiding his brother (who was a graduate of Ann Arbor and a member of the legislature of Illinois) setting type, writing, and doing general work in the newspaper office. In 1884 he returned to Monticello, and again went to work for his brother, devoting two years to traveling in soliciting for the paper. In 1886 Mr. Peters came to Nebraska, locating first at West Point, Cuming county, where he engaged in the real estate and farm loan business. In 1897 he removed to Omaha and made a specialty of placing investments for eastern patrons in Iowa, Nebraska, Missouri, and South Dakota. October 1, 1902, Mr. M. D. Cameron of Schuyler, Neb., associated himself with Mr. Peters in business under the firm name of R. C. Peters & Co. In 1907 the business was incorporated under the name of the Peters Trust Company with a paid up capital of \$200,000. It now (1912) has a surplus of \$165,000 and about \$20,000 undivided profits. Mr. Peters is president, Mr. Cameron, vice-president and treasurer, W. M. Rainbolt, secretary and trust officer, Edward Gisin, cashier, and C. J. Claassen, assistant secretary. This company has out on farm loans over \$19,800,000, the largest amount of any company doing business. Mr. Peters is president of the University Club of Omaha. On June 9, 1887, he was married to Maggie L. Reed of Monticello, Ill., a daughter of Judge S. R. Reed of that city. They have four children: Charles Reed, a graduate of Amherst College, 1912; Jennie Burnham, a student of Smith College; Richard Bruce, and Katherine Margaret.

PETTYGROVE, NEAL A., pioneer farmer of Furnas county, and for some years a prominent citizen of Oxford, where he was engaged in the mercantile business and was president of the Commercial State Bank, was born in Washington county, Maine, May 19, 1847. His father, Neal M. Pettygrove, born in 1805, was a native of Calais, Me., of Scotch-Irish descent, and was for several years an officer on a revenue cutter. In 1850 he emigrated to Wisconsin, engaged in lead-mining, and then farming, until his death. The wife of Neal M. Pettygrove was Abigail H. Pope, a native of Lubeck, Me., born in 1815. Among the members of the Pettygrove family who gained distinction, was Frank W., a brother of Neal M., a merchant, who went to Oregon in 1841, and was the founder of the city of Portland, named after Portland, Me. Later, he laid out the city of Port Townsend, Wash., where he lived until his death.

Neal A. Pettygrove was the youngest of four sons. At fourteen years of age his schooling was stopped by his two brothers enlisting for the Civil War. In his sixteenth year he enlisted in Company B, 25th regiment, Wisconsin volunteers, and served from 1863 until after the close of hostilities. He saw active service in the battles of Resaca, Big Shanty, Kennesaw Mountain, at Atlanta, and all the engagements in which his regiment participated, and was with Sherman on his march to the sea, and was present at the grand review. Returning from the war, he spent some years as a farmer in Wisconsin, and in 1873 came with his wife and children to Nebraska. They made their way into Furnas county, then the frontier, with few settlers, and they lived in dugouts, and had a little land under cultivation. Game was the chief food, and the river bottoms and creeks and canyons were alive with elk, deer, and wild turkeys, and the uplands were overrun with buffalo and antelope. He was just in time to reap the misfortune of the grasshopper plague. All crops were destroyed, and the settlers found it necessary to become hunters of buffalo and antelope, which they traded in the eastern sections of the state for flour, corn, and vegetables, and thus managed to subsist throughout the winter. In the spring of 1874 Mr. Pettygrove broke forty acres of his homestead and planted it in corn, but his prospects were again blasted by grasshoppers. In November of that year prospects were gloomy. His family were barefooted and without the necessary clothing to keep them warm, and not alone this, but threatened with hunger, for there was nothing to feed them. Determined not to see his family in need, Mr. Pettygrove took his team, his gun, and axe, and started to discover a way out of his distress. He cut a load of wood, dry ash, and started with it to Kearney, sixty-five miles distant. On his way he killed

a number of antelope. These he also carried on his wagon to Kearney, and there sold the carcasses for five cents a pound, and sold his load of wood for \$9. With this money he purchased clothes, shoes, and groceries, and returned to his home. The proceeds of this trip kept himself and family comfortable during the winter. The following spring he, with the other settlers, tried the planting of wheat and small grain, and succeeded in harvesting a fair crop. There was no way to thresh the grain, and Mr. Pettygrove, in company with Jacob Cook, went to Kearney and bought a threshing machine, mortgaging their teams to secure the same. This was the first threshing machine in Furnas county, and with it all the grain grown by the settlers was threshed. Until 1880, when the Burlington & Missouri River railroad was built up the Republican valley, Mr. Pettygrove farmed, ran his threshing machine during the summers and falls, and taught school during the winters, with the exception of the summer of 1877, when he went into the Black Hills and tried his luck at mining, but returned as poor as he went. Upon the laying out of the town of Oxford and the building of the railroad to the place, he sold his farm, quit school teaching, and moved to Oxford, where he erected a small building and commenced in the general mercantile business. In this undertaking he was assisted by his wife during the time she could spare from her household duties. He was also appointed the first postmaster of Oxford and held the office for five years. In 1888 he changed from the general merchandise business to the cattle business, but the latter proving a losing enterprise, two years later he embarked in the hardware and agricultural implement business, in which later he took his son as a partner, and the business, which has been highly successful, was conducted under the style of N. A. Pettygrove & Son. In 1898 a brick building, 43x80 feet, was erected at a cost of \$6,000. In 1891 Mr. Pettygrove, with others, organized the Commercial State Bank of Oxford, of which he was elected president. Mr. Pettygrove also owns a lumber business in Oxford, has several houses, and owns 560 acres of fine farming land, and a ranch at Twin Falls, Ida, under irrigation. He was married March 28, 1869, at Muscoda, Grant county, Wis., to Mary Michel, and six children have been born to them: William T., Abbigal H. (now the wife of E. S. Koller, general superintendent of the Illinois division of the C. B. & Q. railroad, with headquarters at Galesburg, Ill.), Harry M., Alfred E., Pearl B., and Edward N. Pettygrove. Mrs. Pettygrove is a native of Pennsylvania and of German descent. Mr. Pettygrove retired from active business several years ago, turning his business interests over to his sons. Five of Mr. Pettygrove's children are married and have

families. There are fourteen grandchildren. William T. and Pearl B. are engaged in the hardware and implement business under the firm name of Pettygrove Brothers, at Oxford, Neb. Harry M. is engaged in the lumber business, also at Oxford. Alfred E. is engaged in the lumber business, at Stamford, Neb. Edward N. is at home, not having yet finished school.

Mr. Pettygrove is a prominent Mason of Oxford, having been many times master of Rawalt lodge No. 138, high priest of Miriam chapter No. 47, and patron of Oxford chapter No. 50 Order of Eastern Star. He has also been an officer of the grand lodge of Nebraska and for three years has been grand chaplain of the grand chapter of Nebraska. He has been a life long republican and was one of the organizers of the party in Furnas county.

PHELAN, JOHN ROBERT, a former general superintendent of the Burlington & Missouri River railroad lines, Wyoming district, Alliance, Box Butte county, Neb., was born in New London, Conn., July 11, 1852. His father died in 1866, but his mother still lives with one of her daughters at Le-Roy, Minn. John R. Phelan acquired his education in the schools at Decorah, Ia., and while a young man began his railroad career on construction work from Tomah, Wis., to St. Paul, Minn. After being employed with the Chicago, Milwaukee & St. Paul railroad for several years he entered the service of the Burlington and by successive steps won the position of superintendent of the Wyoming division, from which he retired three years ago. Mr. Phelan was a staunch friend of J. Sterling Morton and of the late C. E. Perkins, president of the C. B. & Q. railway. He was a pioneer of western Nebraska and largely influential in the upbuilding of that part of the state. He is now (1911) engaged in stock raising and other business.

PHELPS, GENERAL ERNEST HARMON, adjutant general, state of Nebraska, was born in Watauga, Knox county, Ill., March 3, 1859. He is a son of Aaron Noble and Sarah J. (Adams) Phelps, the former a native of Massachusetts, a pioneer settler in Knox county, Ill., in 1836, and the latter born in Ohio, and a settler in Illinois in her early youth. The ancestors of Mr. Phelps came from Gloucestershire, England, and settled near Boston in 1630. Members of the family in America gained prominence as soldiers in the War of the Revolution and the Indian wars, and while mostly farmers, a number were educators and clergymen, and for a long time were strict adherents to the New England Congregational church. Until seventeen years of age, Mr. Phelps worked on his father's farm, attending school during the winter months. About

this time he learned telegraphy and railroad station work, and in 1881 came to Nebraska and entered the employ of the Burlington & Missouri River railroad, for several years served as station agent at different places, and in 1887 was made agent for the company at Schuyler, remaining in this position until 1895, when he entered the grain and lumber business at that place, which he carried on for six years. Mr. Phelps became a member of the Nebraska National Guard in 1895, as captain of Company K, second regiment, infantry, and served as such in the United States volunteer army in the war with Spain from April 27, to October 24, 1898, when the regiment was



GENERAL E. H. PHELPS

mustered out, having spent the summer in camp at Chickamauga Park, Ga. He reenlisted in the National Guard the same year, was elected captain of the company in 1899, and major in 1903; in February, 1903, was appointed chief clerk in the adjutant general's office, Lincoln, in May, 1905, assistant adjutant general, and in January, 1911, was appointed adjutant general by Governor Chester H. Aldrich, which position he still holds, moving with his family to Lincoln in 1905. He is a member of the First Congregational church at Lincoln. In politics Mr. Phelps has always been a republican, at one time was elected city clerk, and twice a member of the board of education of Schuyler. He is a member of Pallas lodge No. 110, Knights of Pythias, Schuyler, and is an active member of that order. He was

married June 15, 1893, to Mary Armina Butler, of Peoria, Ill., and has four children: Paul Dean, Earle May, Margaret, and Newell Butler.

PHILLEO, WILLIAM WALLACE, of Ayr, Adams county, Neb., was born June 8, 1840, at Port Byron, Ill., son of Addison and Livonia (Cummings) Philleo. In May, 1871, he removed to Ayr, Neb., and located on the land on which he now lives. At the age of fourteen his father put him to work in the office of the first daily paper published in Rock Island, Ill. He remained in this business for two years. Becoming dissatisfied, he began hunting and trapping. In the spring of 1857 he engaged in canvassing for books. During the winter of 1857-58 he attended school at Port Byron, Ill., and worked very hard, as he had begun to learn the value of an education. The war in Utah territory being then in progress he decided to go there. Pursuant to this aim, he joined an expedition for the west and succeeded in getting as far as Fort Leavenworth, Kan. At Fort Leavenworth, Mr. Philleo hired out to the government as a driver, accompanying the last detachment of cavalry which was sent to reinforce General Albert Sidney Johnson at Salt Lake City. After a few days he began to work for Majors, Russel & Waddel in the breaking of Texas steers and getting wagon trains ready for the plains. Later, he went to St. Louis, but shortly after returned to Fort Leavenworth, going from there to Lawrence, Kan., where he engaged to work for Sam Bissel, who had a large hay contract with the government. Later he entered the employ of Nichols & Morton, Atchison, Kan., for whom he hauled and rafted logs until June, 1859, after which he was employed by Jones and Cartwright, freighters to Denver, Colo. In the fall of 1859 he went to work in Flood's Mill, Cass county, Mo., continuing until July 14, 1860, the year of the greatest drouth of the west. He then went back to Illinois, where he rented a part of his father's farm and settled down to agricultural pursuits. The rebellion breaking out at this time, he responded to the first call for troops, starting on April 14, 1861, for Rock Island, where he was mustered into Company D, 12th regiment, Illinois infantry, of which organization he remained a member during the term of his three months' enlistment. He then joined Company A, 37th regiment, Illinois volunteers, and was mustered into service at Chicago, Ill., August 21, 1861, being honorably discharged therefrom December 23, 1863, on account of his promotion to the second lieutenantcy of Company K, 22d regiment, corps D, Afrique, later called the 92d regiment, United States colored infantry. He remained with the regiment until May 16, 1865, at which time he was honorably discharged on account of physical dis-



R. O. Phillips

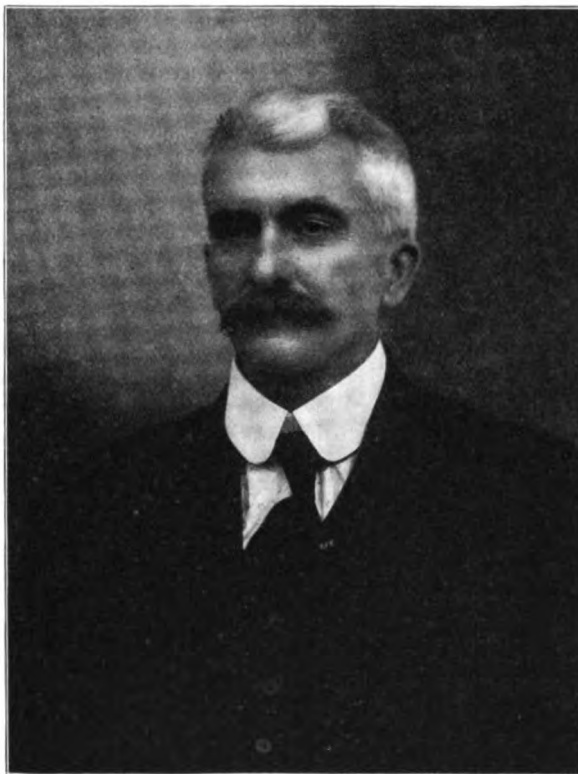
ability. During his army experience he first served in Missouri, and while at Booneville was detailed with eighty other men to break horses and mules for army use. His experience on the plains served him well in this work. At New Orleans he was detailed by General Heron to take charge of a wagon train destined for the Red river campaign and here received his commission. He was in the battles of Pea Ridge, Prairie Grove, siege of Vicksburg, and the Red river campaign. In 1870 he and A. C. Moore became associated in the implement business at Crete, Neb. Mr. Moore

withdrew from the firm two years later and the business was continued by Mr. Philleo until 1874, when, on account of drouth and grasshoppers, he failed. May 16, 1871, he took a homestead claim in Adams county, his wife moving to the place July 22, 1872. On this claim he has remained ever since, making a specialty of fruit raising, of which business he has been a great student. Politically he is a republican. In the fall of 1886 he was a candidate for the legislature, but was defeated. In the winter of 1873 he drew up a petition to Congress asking for a repeal of the preëmption laws and for a timber culture act, which was passed in 1878, but was unsatisfactory and was repealed. Mr. Philleo

was married May 12, 1870, to Miss Maggie Farris of Coatesville, Chester county, Pa. To them four children were born: Livonia M., wife of L. Fleming, of Hot Springs, S. D.; Frank S.; Wallace S., of Hot Springs, S. D.; and Ira D. Mr. Philleo has been justice of the peace for the last eighteen years. He was for many years a member of the State Horticultural Association. He has the largest orchard west of Saline county, including twenty-three acres of apples and grapes, and is very successful with these. He has been a member of the Knights of Pythias lodge No. 13, Crete, Neb., since 1872. Mr. Philleo had three

brothers: R. C., who was killed in the battle of Shiloh; T. A. E., of Spokane, Wash.; and Edgar A., of Ayr, a Civil War veteran.

PHILLIPS, FRANCIS W., of Star, Neb., senator in the 30th session, Nebraska state legislature, 1907, was born in Howard county, Ia., September 19, 1858. His father, Peter Phillips, served three years in Company K, 38th Iowa infantry, during the Civil War. His mother was in maidenhood Elizabeth Hurley. Mr. Phillips's ancestors settled in Vermont and New York, prior to the Revolution, and served in that war. F. W. Phillips taught school and then came to Nebraska, where he homesteaded in Knox county, and now owns a farm of 1,000 acres in Knox and Holt counties. He lived in Canada two years, during which time he found that the country could not compare with Nebraska, and he returned to this good old state. Mr. Phillips is a republican, and has held various local offices. In 1906 he was elected state senator for Holt, Boyd, Wheeler, and Garfield counties. During this session he was a member of several important committees and chairman of the committee on privileges and elections. Mr. Phillips is a Mason, an Odd Fellow, and a member of the Christian (Disciples) church. On March 14, 1887, he was



FRANCIS W. PHILLIPS

married to Miss Minnie L. Lane, a native of Grant county, Wis., and a teacher in the public schools of Holt county, Neb. Nine children have been born to them: Volney L., Ralph P., Elma I., Byron S., Berenice L., Robert F., Walter M., and Lyle. Wayne, a twin brother of Lyle, died in infancy.

PHILLIPS, CAPTAIN ROLLA O., deceased, a pioneer of Lincoln, Neb., was born in Jefferson, Greene county, Pa., April 29, 1841, and died in San Francisco, January 9, 1899. He was a son of Eli and Jemima (Oliver) Phillips, the former a native

of Delaware, and the latter born in Pennsylvania. Captain Phillips, acquired his education at Waynesburg College. After leaving college he went to Washington, Pa., and there learned the printers' trade. In 1861 he enlisted in Company E, 12th regiment of light infantry, and reenlisted in Company D, 85th Pennsylvania infantry, and was elected first lieutenant. The following record of Captain Phillips's service is taken from a letter of his comrade, John Milliken, written just after Captain Phillips's death: "Upon his return home from enlistment at the first call for troops for three months' service, he helped to recruit a part of the 85th Pennsylvania infantry, which, at the organization of the regiment became Company D, of that famous command, of which he was chosen first lieutenant. Our first active service was the siege of Yorktown. Our next engagement was at Williamsburg, a few miles beyond Yorktown, where we followed the enemy in retreat toward Richmond. After numerous skirmishes, we ran up against them at Fair Oaks, a few miles from Richmond, where, on the last day of May, 1862, they attacked us in great numbers. After two days of desperate fighting, we were left in possession of the field. After remaining quiet there for something like a month, they again attacked us, and this was the commencement of that awful seven days' struggle which resulted in General McClellan's change of base, to the banks of the historic James river. Then the bloody battle of Malvern Hill wound up our service on the peninsula of Virginia. About this time Captain Horn resigned, and Roll was commissioned captain of the company, and held that position during the remainder of our service. Our brigade was detached from the Army of the Potomac in August, and sent to Suffolk, Va., where we had several skirmishes while doing outpost duty. In December we were shipped to Newbern, N. C. From there we immediately took our march for Goldsboro, to destroy the railroad. After fighting the battles of Kingston and White Hall, he struck the railroad at, or near, Goldsboro. There we had another fight, but burned the bridge, with a long trestle besides, and returned to Newbern, after eleven days' absence. After remaining here for some time, we shipped by rail to Morehead City, N. C., where we went on board transports, and steamed south to Charleston, S. C. There, dropping anchor outside of the bar, we witnessed a battle between our fleet and the forts in Charleston harbor. We went south a little further, and landed on St. Helena island, where we remained until the first of April, 1863. We then moved back nearer to Charleston, took possession of Holly island, then attacked Morris island, where we laid siege to Fort Wagner, which we captured after sixty days of digging and fight-

ing. During all this time we were exposed to their shell fire from adjacent islands, which caused us great loss of life. In the spring of 1864 we went by transport back to Virginia, again went up the James river to City Point, and were with the first troops to attack Petersburg, Va., so that all that summer we were moving from place to place, fighting and skirmishing almost numberless times, until finally, late in October, we were relieved at the front, and started for home, which we reached after many delays, late in November." Mr. Phillips was mustered out in December, 1864, with the rank of captain. In the month of January following he moved to Illinois and engaged in merchandising for one year. He then read law for two years, and was admitted to the bar at Pontiac, Ill., in 1868. He immediately removed to Marengo, Ia., where he began practice. A year later, in 1869, he moved to Lincoln, Neb. Almost immediately after his arrival he was appointed deputy county clerk and served for three years. He was then elected county clerk, which office he held for two terms. He then resumed his practice of law, and in 1876 was elected to the lower house of the Nebraska state legislature, and served during the 14th session, which convened January 2, 1877. Soon afterward he assisted in the organization of the Lincoln Land Company, of which he became secretary and treasurer. He also took charge of the South Platte Company, and for more than twenty years was an important factor in both organizations. From 1876 until his death, Captain Phillips was the townsite representative of the Burlington & Missouri railroad, in all territory west of the Missouri river, and was engaged in laying out townsites, selling lots, and assisting generally in the upbuilding of towns in Nebraska, Kansas, and Colorado. Captain Phillips was a member of the Loyal Legion, of the Knights Templar, and of the Grand Army of the Republic. He was married in Bureau county, Ill., in 1872, to Miss Mary J. Gudgell of Chicago, Ill., daughter of Thornton and Sarah (Hughes) Gudgell, the former a native of Illinois, and the latter of Pennsylvania. Three children were born to Mr. and Mrs. Phillips, none of whom are living. In the spring of 1898 Captain Phillips was ordered by his physicians to take a vacation. The following summer was spent with Mrs. Phillips on the Atlantic seacoast, and later an ocean voyage across the Pacific was taken. The latter, however, did not prove beneficial, and upon their return to San Francisco Captain Phillips was removed to Waldeck hospital, where he failed rapidly until death came January 9, 1899. His remains were brought to Lincoln, Neb., for burial.

PICKARD, OSCAR J., county commissioner of Douglas county, Omaha, Neb., is a native of Doug-

las county and a son of James W. and Jane (Scott) Pickard. James W. Pickard settled in Omaha in 1856 and in 1863 moved on to a farm in Douglas precinct. His son, Oscar J., now lives on this original homestead. James W. Pickard was born in Onondaga county, N. Y., August 24, 1823, moving to Ohio when a young man, from whence he removed to Omaha. He was a member of the Nebraska territorial legislature for the 10th session, which convened January 5, 1865. He was a democrat in politics and very active in public affairs. He died May 21, 1872, aged forty-eight years. The



JAMES W. PICKARD

children of Mr. and Mrs. James W. Pickard are: Philicia, deceased, married to Ashton Clemens, also deceased; Clara, who married John A. Weaver; Oscar J., and Orrin W., the latter two residents of Douglas county. Oscar J. Pickard, born in Omaha, September 2, 1858, was educated in the public schools of Douglas county, and engaged in farming. Of late years he has been interested in the real estate business. He has been prominently identified with the Douglas County Agricultural Society and has served in that society as president, treasurer, and as a member of the board of managers. He has also been connected with several business enterprises. In 1908 Mr. Pickard was elected as county commissioner for the third district of Douglas county, on the democratic ticket, and is now serving in

this capacity. He married Miss Ellen A. Bower, who was born in Pennsylvania May 14, 1862. They have three children: Byron O., by profession a mining engineer, who graduated from the Michigan College of Mines, at Houghton, Mich., and married Miss Hazel A. Solley; Stella E., wife of L. C. Wohlers (they have one child, Della Dorothy Wohlers); and Nellie L. Pickard.

PIERCE, MAJOR CHARLES W., deceased, late of Forest Hill, Waverly, Neb., son of S. R. and Mary Pierce, was born in Benton, N. Y., October 7, 1823. In 1829 his parents moved to Huron county, O., in the "Western Reserve." In 1855 he went to Havana, Ill., and in 1862 enlisted in the 85th Illinois' infantry and was elected first lieutenant of Company B. In 1863 he was promoted to the captaincy of his company, and during his term of service was with the Army of the Cumberland. In 1864 he was promoted to major and was made assistant quartermaster of Hardin's division at Washington, D. C. Later he was transferred to the veteran reserve corps. At the close of the war Mr. Pierce was sent to Montgomery, Ala., where he rendered valuable services during the reconstruction period. He was mustered out in 1868. In October, 1862, he was severely wounded at Perryville, Ky. While in Alabama he was elected to the 40th Congress from the 4th Alabama district by a majority of 11,000. He declined a renomination and was appointed assessor of internal revenue at Mobile by President Grant, holding the office during Grant's first term. In 1869 he came to Lancaster county, Neb., and in partnership with Judge Amasa Cobb purchased 4,000 acres of land. He then returned to Mobile and remained there until 1872, removing then to Lancaster county, where he resided until his death. He was a member of the Nebraska constitutional convention in 1875. In 1880 he was elected to the state senate. In 1881 he was appointed register of the land office at Lincoln by President Garfield. Mr. Pierce was a member of Lincoln lodge No. 19, A. F. and A. M., and of Mount Moriah commandery, the Loyal Legion and of Mitchell post, Grand Army of the Republic. He married in Ohio, Miss Isabella M. Burton, a native of Vermont, and to them five children were born, three dying in infancy. Charles A. Pierce died May 8, 1902. Florence B., the only surviving child, lives at Waverly. Mrs. Pierce died April 13, 1903, aged seventy-eight years. Mr. Pierce died February 18, 1907, at Federal Point, Fla.

PIGMAN, JOSEPH, Broken Bow, Neb., was born in Greene county, Ind., and is a son of Joseph and Charlotte (McNabb) Pigman. He received his education in the public schools of Bloomfield, Ind.,

and also attended business college there. He came to Nebraska in 1884 and settled at Kearney, where he remained until 1889, engaged in the mercantile business. He then moved to a farm in Custer county, and taught in the Custer and Buffalo county schools. He was elected county clerk for Custer county in 1905 and reelected in 1907, having previously served four years as deputy county clerk. Mr. Pigman has always taken an active part in politics, as a member of the republican party. He resigned his position as county clerk to become supervisor of the 1910 census of the 6th district of Nebraska. He married Miss Hattie A. George, daughter of Truman Q. George, a pioneer of Gibbon, Neb. They have four children: Clyde T., bookkeeper of the State Bank of Broken Bow; G. R., a teacher in the schools of Crete, Neb.; M. C. and E. G., students. Mr. Pigman is a member of the Knights of Pythias and of the Independent Order of Odd Fellows.

PILE, JAMES MADISON, deceased, late president Wayne Normal College, Wayne, Neb., son of Francis Edward and Emily J. (Bruce) Pile, was born in Breckenridge county, Ky., October 30, 1857. James M. was educated in a subscription school, and at the normal school at Valparaiso, Ind., and Indiana University. He afterwards received a Master's degree from the University of Kentucky. Mr. Pile removed to Nebraska, and taught in the Fremont Normal. In 1891 he founded the Wayne Normal College, of which he was president. He was married to Ella J. Meek of Ohio, March 15, 1883, and has three children: Fred M., Helen M., and James H. His wife and children were valued assistants in his work. The Wayne Normal College became, under his management, an institution taking high rank. All the buildings were fully equipped for normal school training. Eighteen teachers were employed, and the average attendance was 540 pupils. The present enrollment (1907) is 867. President Pile was a member of the Methodist church, and a democrat in politics.

PITZER, REV. FLETCHER B., and his wife, Mary (Stringfield) Pitzer, were pioneers in Johnson, Cass, and Burt counties, Neb. They were natives of Kentucky and came to Nebraska from Mills county, Ia., in 1865. Mrs. Pitzer was a daughter of Rev. Loderick H. Stringfield, one of the early Methodist missionaries, or circuit riders in Nebraska. The Rev. Mr. Pitzer's first circuit in Nebraska was the mission at Tecumseh, which extended from the Bassett settlement in Otoe county to the Howard settlement in Johnson county, where Crab Orchard is now located. He next had charge of the Salt Creek mission, residing in Cass county, where Greenwood now is, and his circuit there ex-

tended from Ashland up Salt Creek nearly to Beatrice, and included one appointment at the Mills settlement, where Lincoln now stands. He was engaged in the work at the Decatur mission in 1869 and 1870, and upon failure of his health, in 1871, removed to Colorado. Later, he returned to Mills county, Ia., where he died in 1880, aged forty-four years. Mrs. Pitzer afterward married Isaac M. Phipps, who is also deceased, and she now resides in Nebraska City. The only son of Rev. and Mrs. Pitzer is William H. Pitzer, member of the law firm of Pitzer & Hayward, of Nebraska City.

PLUMLEIGH, CHARLES, Hartington, Neb., son of Doctor Thomas and Eliza Herman Plumleigh, was born in Albany, N. Y., September 15, 1845. The father was born in Bristol, England, and the mother at Frankfort-on-the-Main. The paternal grandmother's name was Knight, whose father went from England to France, and held an office under the French king. Charles enlisted January 24, 1862, in the 15th Illinois infantry, and served until the close of the war, participating in the battles of Shiloh, Hatchie River, Atlanta, Altoona, and the siege of Vicksburg. Charles Plumleigh was taken prisoner October 5, 1864, and held until May 28, 1865, at Andersonville. Mr. Plumleigh settled at Omaha in 1869, where he was married to Ella May Bradford, in 1871. They returned to Illinois the same year, and came to Cedar county, Neb., in 1883. He was one of the founders of Hartington. He was a republican in politics until 1890 when he ran as an independent democrat for county judge and was elected. Judge Plumleigh was a member of the Knights of Labor, and the first populist elected in the county. He was the populist candidate at every county election until 1897, and the fusion candidate then and thereafter till 1901. He was defeated in 1893, 1895, and in 1901, but elected in 1897 and 1899, serving in all as county judge more than seven years. He was also a delegate to every state and congressional convention and nearly every senatorial and representative convention. He is a member of the Grand Army of the Republic and the Masonic order. Judge Plumleigh has made a special study of the military history of the Civil War. Mrs. Plumleigh is a lineal descendant of Governor William Bradford as follows: The first generation, William Bradford of Austerfield, England, lived in the year 1500; second, William Bradford, of Austerfield, England, lived in the year 1500; third Governor William Bradford, of Austerfield, England, afterwards of Leyden, Netherlands, second governor of Plymouth colony, born in 1588; fourth, Major William Bradford, of Plymouth, Mass., born June 18, 1624; fifth, Major John Bradford, of Kingston, Mass., born February 20, 1653; sixth, Lieutenant Lawrence



Ernest M. Pollard

Bradford of Plymouth, Mass., born December 23, 1683; seventh, Captain John Bradford, born April 8, 1717; eighth, Captain John Bradford of Plymouth, Mass., born July, 1748; ninth, Lieutenant John Bradford, of Plymouth, Mass., born February 4, 1785; tenth, Daniel P. Bradford of Springfield, Mass., born March 4, 1811; eleventh, Ella May (Bradford) Plumleigh, born at Voluntown, Windham county, Conn., March 14, 1854. The following children have been born to Judge and Mrs. Plumleigh: Nellie, died September 14, 1873; Charles Henry, Marian Elizabeth, George William (principal of schools at St. Helena), Dorin Colbin, Grace, Louis Grant, Frank Logan, Alfred Bradford, Bessie Beatrice, Philip Sheridan, Ruth Bryan, died October 5, 1899, and Helen Dorris. Judge Plumleigh resides at Hartington.

POLLARD, ERNEST MARK, Nehawka, Neb., ex-congressman, was born in Nehawka, April 15, 1869, son of Isaac and Viola (Welsh) Pollard (see sketch in Vol. II, pp. 750 and 751). He is a graduate of the University of Nebraska, 1893, A. B. degree. In 1896 he was married to Maud Rose, who died in 1903. He was again married in 1905, to Gertrude Waterman. He has been manager of the firm of Isaac Pollard & Sons, fruit growers, since 1899. He was a member of the Nebraska legislature from 1896 to 1900, and was elected to the 59th Congress in 1905, for the unexpired term (1905-07) of E. J. Burkett and was elected to the 60th Congress (1907-09), 1st Nebraska district. He was president of the Nebraska republican league in 1900. Two sons have been born: Ernest Isaac, November 11, 1906, and Frank, October 11, 1909. For the past two years Mr. Pollard has been general manager of the West India Mahogany Co., which has large holdings in the republic of Haiti.

POMERENE, MARGARET ELIZABETH, daughter of Israel and Mary Ann (Brandon) Wade, was born at Shelbyville, Ill., and educated in the public schools of her native city. She came to Lincoln, Neb., in 1881 and was married November 14, 1883, to Louis Walker Pomerene, of Lincoln. They have two sons, Joel D., a student of the law college of the University of Nebraska, and Henry Wade, a cadet at the Kentucky Military Institute. Israel Wade was one of seven men who helped to organize the republican party in the early fifties at Shelbyville, on which occasion Abraham Lincoln was present and spoke. Mr. Wade stumped Illinois for Lincoln and was provost marshal in southern Illinois during the Civil War. Mrs. Pomerene's grandfather, George Brandon, was a soldier of the Revolution. All of the Brandons of that particular family were for the Union, three of the brothers serving on that

side in the Civil War. James, the eldest, also served in the Mexican War.

Mrs. Pomerene's mother was born on a plantation in Rutherford county, Tenn. She removed with her parents to southern Illinois just before the Civil War. Although hedged about by the restricted attitude of southern society towards woman's participation in public affairs, she even at that early date was an ardent suffragist. Following this natural inclination received from both father and mother, Mrs. Pomerene has taken an active interest in public affairs.

C. E. Prevey, secretary of the Charity Organization Society, whose acquaintance with philanthropic workers of the city and state is wide, says of her: "Among the women of Lincoln, there are few who have worked more persistently and efficiently for the improvement of the charities and philanthropies of the city and state than Mrs. L. W. Pomerene. In a state which is still to be classed as 'pioneer' so far as the development of its charitable and correctional institutions are concerned, there are still some phases of the work which are decidedly crude, although, in some particulars, the state is in the front rank.

"Mrs. Pomerene has been successful in this preliminary work. In one enterprise after another that she has undertaken she has succeeded in interesting a large number of men and women by industriously setting forth the merits of the cause and making use of her wide acquaintance in the city and state.

"As a member of the legislative committee from the Lincoln Woman's Club, she appeared before the legislature of 1905 in the interests of the Orthopedic Hospital bill. She interviewed nearly every member of the senate and many members of the house. She attended committee meetings and public hearings and spoke before the house committee. Largely through her efforts the sympathy of the members was aroused for the crippled children of the state and they became convinced of the practicability of the proposed law so that it was passed and has been in successful operation for almost six years, the institution constantly caring for from 100 to 150 children. From the fall of 1905 to July, 1907, Mrs. Pomerene was a member of the board of advisory secretaries of the state board of charities and corrections. One of the most important matters investigated by the board was the charges made against the Tabitha Home near Lincoln. The advisory secretaries visited the home at the request of the governor in October, 1905. Mrs. Pomerene undertook to secure publicity by inviting a number of people to visit the home in company with her. As a result a public meeting was called and largely attended, the outcome of which was the enlargement of the board of managers and the transfer of the institu-

tion to the Lutheran church which now conducts it in a manner acceptable to the general public.

"A constant supporter of the Charity Organization Society of Lincoln and a member of its board of directors for the year 1907, Mrs. Pomerene rendered a service to the organization in putting the society on a sound financial basis. In 1905 the society first tried the plan of raising a large sum of money on one day by general solicitation on the streets and \$1,300 was raised by a committee of about one hundred ladies under the general leadership of Mrs. Sarah Harris Dorris. The plan proved so successful that the board of directors decided to adopt this method of raising money. In the second canvass Mrs. Pomerene was chosen to take charge. Over one hundred ladies were secured to help. They were organized into twelve sub-committees, each under a chairman and each committee assigned to a certain district to canvass, and over \$1,700 was raised. The charity organization day has now become the established method of raising money for the society.

"At the annual meeting of the society in 1906 Mrs. Pomerene was appointed on a committee to assist in securing greater coöperation of the Charity Organization Society and other remedial agencies with the new work of the juvenile court, to make the work of that court better known and appreciated by the public and to consider plans for securing a detention home. The work of that committee was summarized in a report submitted to the Charity Organization Society at its succeeding annual meeting. The committee consisted of Messrs. E. H. Willisford, T. F. A. Williams, W. A. Selleck, W. L. Stephens, and Mrs. L. W. Pomerene. The weekly meetings, for conference, of juvenile court workers have continued to the present time. The Juvenile Court Association has done some very good work, including the establishment of the boys' camp, which has been conducted very successfully two years. The coöperation of the Charity Organization Society with the court has resulted in the furnishing of detention home for the juvenile court by the society, and all of these results have come as a direct outgrowth of the work of this committee."

Mrs. Pomerene served for a number of years as a member of the visiting and advisory board of the home for the friendless, now known as the state public school for delinquent children. She has been appointed by several governors to represent Nebraska at the national conferences of prison reform and associated charities and corrections. She is a charter member of the Lincoln Woman's Club and served for a number of years on its board of directors, and was likewise one of the active members of the Mary Bryan Club, a political organization of women instituted during the campaign of 1896 for

the purpose of aiding the election to the presidency of William J. Bryan. This was a most unique organization and attained, before the close of the campaign, a membership of over fourteen hundred women. Its work gained noteworthy prominence throughout the state and nation. At the close of that campaign it was reorganized under the name of the Woman's Bimetallic League, its purpose being the study of all political and economic subjects and the dissemination of the knowledge of public questions necessary to intelligent citizenship. Mrs. Deborah G. King was the first president of the league, Mrs. Pomerene, her successor.

At the outbreak of the Spanish-American War Mrs. Pomerene did not fail in public energy in behalf of her state and country. In response to a call issued by her a large body of patriotic women drawn from the ranks of the W. R. C., ladies of the G. A. R., Woman's Bimetallic League, and other clubs, formed the Woman's Patriotic League as a soldiers' relief corps.

Having been an ardent believer in equal suffrage since girlhood, Mrs. Pomerene has determined that the greater part of the time and energy remaining to her shall be devoted to the bringing about of that glorious day of justice and equal opportunity predicted by Margaret Fuller when she said, "The Earth waits for her Queen."

PONT, ALFRED, pioneer, Stanton, Neb., was born in Henry county, Ill., July 26, 1866, and is a son of Samuel and Mary Ann (Tredgett) Pont. His parents are of English descent, his father having come to America from England in 1854. They came to Nebraska March 13, 1872, and settled in Dodge county, where they remained until the following year, then moved to Colfax county. In 1894 they moved to Howells, and three years later settled in Stanton. Alfred Pont accompanied his parents to Nebraska and received his early education in the country schools of Dodge county. When sixteen years of age he left school and worked upon his father's farm until he was twenty-three. Later, he became a student in the Fremont Normal College, from which he graduated in 1893. He had no business or professional training except actual work as a farmer, teacher, and editor. He has been successful as editor and manager of newspapers. He was for three years proprietor of the *Howells Journal*, then became manager of the *Stanton Register*, and was also owner and publisher of the *Pilger Herald*. Mr. Pont was a republican in politics until 1890, when he associated himself with the populist party. He has represented his county in nearly every state convention held and has been chairman of the county organization in Stanton county for many years. He is a member of



Margaret C. Pomerene.

K. of K., M. B. A., and M. W. A. Mr. Pont was married October 20, 1895, in Schuyler, Neb., to Kitty J. Mitchell, and two children have been born to them, Franklin Dewey and Edith May.

POOL, CHARLES WESLEY, editor of the Johnson County *Journal-Tribunal*, Tecumseh, Neb, was born near Kewanee, Henry county, Ill., November 20, 1856, son of Benjamin Wells and Dorcas Ann (Shinn) Pool, the former a native of Ohio. In 1865 the Pool family became residents of Grundy county, Ia. A year later they removed to Nebraska, and settled on a farm near Pawnee City. By the death of his father in 1870, the care of the family in part devolved upon him. In 1873 he was a clerk in a general store, and a year later went to Illinois, where he was an apprentice in the office of the Putnam County *Record* at Hennepin for three years and during the following few years worked in newspaper offices in many different states. In 1878 he was the editor of the *Eagle* at Peotone, Will county, Ill., and deputy postmaster. The same year he returned to Nebraska and purchased a half interest in the *News*, at Sterling. In February, 1879, he removed to Tecumseh, and on the 13th of the following month, a paper was issued under the name of the Johnson County *Journal*, and was democratic in politics. It was the fourth democratic paper established in the state. In 1881 Mr. Pool bought the interests of his partner, and was the sole owner and editor of the paper until the summer of 1887, when Mr. H. L. Cooper joined him. In July, 1898, Mr. Pool sold his half interest in the paper to Mr. F. A. Brown, and in November of the same year, in company with Ed M. Tracey, commenced the publication of the Johnson County *Tribunal*, as an independent paper, and as such it has since been published, giving special attention to local news, and

containing little of a political character. In 1888 he was nominated for representative, and was defeated by only a few votes. The same year he was elected a member of the Tecumseh city council. In January, 1897, he was appointed by the governor of Nebraska a delegate to the Nicaraguan canal convention. In 1898 he was appointed a member of the city library board for a term of three years. In 1907 he was defeated by one vote for state representative, and in 1898 was elected state representative. He was elected speaker of the house for the 31st session, being the first democrat elected speaker in Nebraska. In December, 1909, the *Tribunal* was consolidated with the *Journal* as the Johnson County *Journal-Tribunal*.



CHARLES WESLEY POOL

In August, 1910, Mr. Pool was nominated for secretary of state and at the November election was defeated by only 92 votes out of a total of 222,366 cast for that office. He is a Mason, an Elk, and a member of the Episcopal church. April 25, 1883, he married Miss Frank L. Foster, a native of Putnam county, Ind., and a descendant of Abner Chittenden, the first governor of Vermont. She was educated at Asbury College, Greencastle, Ind., and has been a resident of Nebraska since 1881.

POPE, ARTHUR ALVIN, deceased, pioneer, Red Cloud, Neb., was born at Freeport, Pa., August 30, 1849, and died in Red Cloud, Neb., November 14, 1901. In 1853 his parents moved to Wau-paca county, Wis. After completing the high school course, he attended the State University at Madison, Wis. In 1870 he was principal of schools at Pine River, Wis., for one year, and then at Blue Earth, Minn. In 1874 he moved to Webster county, Neb., and preëmpted a farm, upon which he resided until 1877, when he moved to Red Cloud, having been elected county superintendent of schools. In 1879 he again engaged successfully in the implement business. He retired about 1898. He was a member of the Masonic lodge. Mr. Pope was married November 12, 1872, to

Laura J. King, and five children were born to them: Alvin E., Donald, Otto W., Lois, and Paul C. Pope, in business in Red Cloud, Neb.

POPE, CLIFFORD J., hardware merchant, Red Cloud, Neb., was born September 14, 1862, son of Alvin and Margaret Pope, of Wisconsin, prominent in Wisconsin politics. He came to Webster county in 1883 and entered the hardware business with his brother, George F., and his nephew, Paul Pope. His brother, Arthur A., deceased, came to Nebraska in 1874 (see sketch in this book), and another brother, Claire L., now of Oklahoma City, Okla., came in 1879. The latter was educated in the Wisconsin State Normal School, and was engaged in school work in Wisconsin and Red Cloud for a time. He later, for some time successfully engaged in the banking business at Blue Hill, Webster county, until his removal recently to Oklahoma City. Clifford J. Pope was educated at Appleton University, Wis., and for one year taught school. Since then he has given his attention to his large hardware and implement business. He is a democrat in politics. August 20, 1890, he married Miss Alice Probasco, of Blue Hill, daughter of Charles and Mary Probasco, who came to Webster county as pioneers.

POPE, JOHN DUDLEY, attorney at law, Waukegan, Ill., formerly of Friend, Neb., was born in Waukegan, Ill., December 28, 1856, son of John and Mary Ann (Hubbell) Pope. John Pope was born in Aberdeen, Scotland, in 1826, and in 1836 came to America with his parents, who settled in Summit county, O. He was educated in Twinsbury Academy and the Western Reserve College at Hudson, O., and went to Galena, Ill., where he engaged in lead mining, and later purchased a farm on the lakeshore about thirty-five miles north of Chicago, which he improved to a high degree and where he spent the remainder of his life, dying there January 10, 1881. His mother was a first cousin of Sir Walter Scott. She died at Macedonia, O., in 1870. His wife, Mary Ann Hubbell, was born in Glens Falls, N. Y., in 1826, a daughter of Dudley Hubbell and Lavina (Ray) Hubbell; the latter had six brothers, all of whom served in the War of the Revolution. John D. Pope was educated in the common schools, the Waukegan high school, Oberlin College, and Lake Forest University, Ill., where he remained for two years, when he entered the junior year at Dartmouth College, from which he was graduated in the arts course in 1882. He was class president the junior year and took the junior honors in oratory and the freshman honors in Greek. After graduating from Dartmouth, during the years 1882-83 he was instructor in languages and superintendent of city schools of Rochester, Minn., and in 1883-84 was superin-

tendent of schools at Casselton, N. D. He studied law and in April, 1885, was admitted to the bar and commenced practice in Chicago, but on account of failing health in October, 1886, he sought a change of climate, and located at Friend, Neb., where he devoted himself to his profession until August 1, 1904. Mr. Pope has always affiliated with the republican party, and cast his first presidential vote for James A. Garfield. He served as state senator from the 20th Nebraska district in the 1889-1893-1895 sessions of the legislature, during the latter session being the chairman of the judicial committee. In 1900 he was the republican nominee for Congress. In 1889 the district was carried by the populists by 3,300, but Mr. Pope was defeated by only 500. He was before the 4th congressional republican convention at Beatrice in 1902 and was defeated on the 153d ballot by two votes. E. H. Hinshaw receiving the nomination. For more than ten years he served as a member of the school board of the city of Friend, and for five years was chairman of the board. He is a member of the Masonic, Pythian and Red Men orders and has been master of the Masonic lodge and chancellor commander of the Knights of Pythias. May 29, 1889, he was married to Miss Lillian Caroline McDougall, of Friend, the daughter of Matthew McDougall, who represented Saline county in the legislature in the 16th and 17th sessions as a republican. Mrs. Pope was born in Brockville, Canada, and came to Nebraska with her parents, both of whom were of Scottish descent. Her father died in May, 1888. Mr. and Mrs. Pope have two sons, John McDougall Pope and James Dudley Pope. Mr. Pope removed to Waukegan, Ill., in 1904 and engaged in the practice of law there and in Chicago, being a member of the firm of Cooke, Pope & Pope. He has taken part in every campaign since. Was an alternate delegate to the national republican convention at Chicago, in 1908, which placed in nomination President Taft. He is at present (1911) a member of the school board in the city of Waukegan and chairman of the finance and courses of study committees for the high school.

PORTER, JUSTIN EDWIN, attorney at law and mayor of Crawford, Dawes county, Neb., was born in St. Eleanors, Prince Edward Island, Canada, December 25, 1866, son of James and Caroline A. (Brown) Porter, both natives of Prince Edward Island, the former for many years a manufacturer of leather goods at St. Eleanors, now retired, and a resident of Saskatchewan, and the latter a daughter of N. J. Brown, a ship-builder and importer of St. Eleanors. Justin E. Porter was educated at the Episcopal and public schools of his native city, was graduated as an attorney at law at Winnipeg in

1891, and as a barrister at law in 1892. In 1894 he came to Crawford, in Dawes county, was admitted to the bar, and commenced practice. He became interested in irrigation projects and other enterprises, and decided to become a permanent resident. He represented the Crawford Company in its litigation over the water of White river, and the Roller Mill Company over the water of Niobrara river, two cases important as involving the constitutionality of the irrigation laws of Nebraska. Mr. Porter, in 1885, was a volunteer in the campaign to quell the Canadian Northwest rebellion, serving in C Company, 90th battalion, Canadian rifles. He participated in the battles of Fish Creek and Batoche. In the charge at the latter place he was one of the four to discover the pit where the prisoners were held by the rebels, and assisted in their release. As a politician he was a grit or liberal, but since becoming an American citizen he has become a republican, has been active in local politics, was elected county attorney of Dawes county in 1904, and is now (1911) mayor of Crawford. He was married in April, 1893, to Edith M. Bickle, at Winnipeg, Manitoba. She died May 15, 1899, leaving one child, Waldo J. B. Porter. On the 1st of July, 1901, Mr. Porter was married to Genevieve Meredith, a daughter of Dr. G. A. Meredith, of Crawford, Neb., and they are the parents of one daughter, Caroline.

PORTER, WILLIAM F., of Lincoln, Neb., is a son of J—— D. and Mary A. (Hanger) Porter. The Porters came from Massachusetts to southeast Ohio about 1800. The Hangers were Virginians of Hollandish descent. William F. Porter came to Clarks, Neb., April 5, 1879. He engaged with the railway part of the time and farmed in Merrick county up to 1896. In 1890 he was elected to represent Merrick county in the legislature, and again in 1892, serving two terms, on the populist, then independent ticket. He was a delegate to the Omaha convention in 1892, that helped to nominate Weaver and Field for president and vice president of the United States. In 1896 he was elected secretary of the state of Nebraska and reelected in 1898. During the first term in the legislature he introduced the bill authorizing the Australian ballot for Nebraska; was chairman of the railroad committee, and was the author of the maximum rate law. He brought the office of secretary of state to a self-supporting basis. As secretary of state he was an ex-officio member of the railroad commission. In 1910 Mr. Porter was a candidate for railway commissioner for Nebraska on the democratic and peoples independent tickets. Since 1900 he has rented his farm and engaged in the real estate business and resides at Lincoln. Mr. Porter married in Illinois in 1885, Miss Lilly V. Exley. Their children are: Clovis A. Porter, Cather-

ine B. Porter, William V. Porter, and Harold O. Porter.

POST, GEORGE W., president of the First National Bank of York, York county, Neb., and for many years prominent in Nebraska as a lawyer and a jurist, was born in Cumberland, Guernsey county, O., February 20, 1851. His father, Rev. William E. Post, was a minister of the Presbyterian church. A few years prior to the outbreak of the Civil War he removed to Missouri, and then to Bloomfield, Ia., where he resided until his death in 1868. The early education of Judge Post was received in the common school at Bloomfield, and the high school at Troy, Mo. In 1865 he enlisted for 100 days in the 45th Iowa infantry, and notwithstanding his age was accepted and served for the period of his enlistment. He commenced his legal studies under Hon. Henry C. Travers of Bloomfield, and was admitted to the bar in Iowa in 1871. The same year he removed to York, Neb., and formed a co-partnership with T. L. Warrington; this was continued for only a short time. Mr. Post remained alone in practice until 1875, when he was elected judge of the 4th judicial district of Nebraska. At the expiration of his four years' term, by reelection he served another term of four years. Later he was elected to the state legislature and appointed to the office of revenue collector in the southern internal revenue district of Nebraska.

Upon the founding of the town of York, E. D. Einsel, later of Holdrege, Neb., established a private bank. Later this bank was purchased by Lee Love and Judge Post, and under the name of the York National Bank was reorganized and conducted until October 19, 1893, when it was merged into the First National Bank, with Judge Post as its president—a position he filled in the York National—and he continued in this office until 1912. Judge Post has been a lifelong republican and an active worker for his party. He is a member of the Masonic order. Judge Post was married January 1, 1879, at Mt. Pleasant, Pa., to Miss Laura McConaughy, of that place.

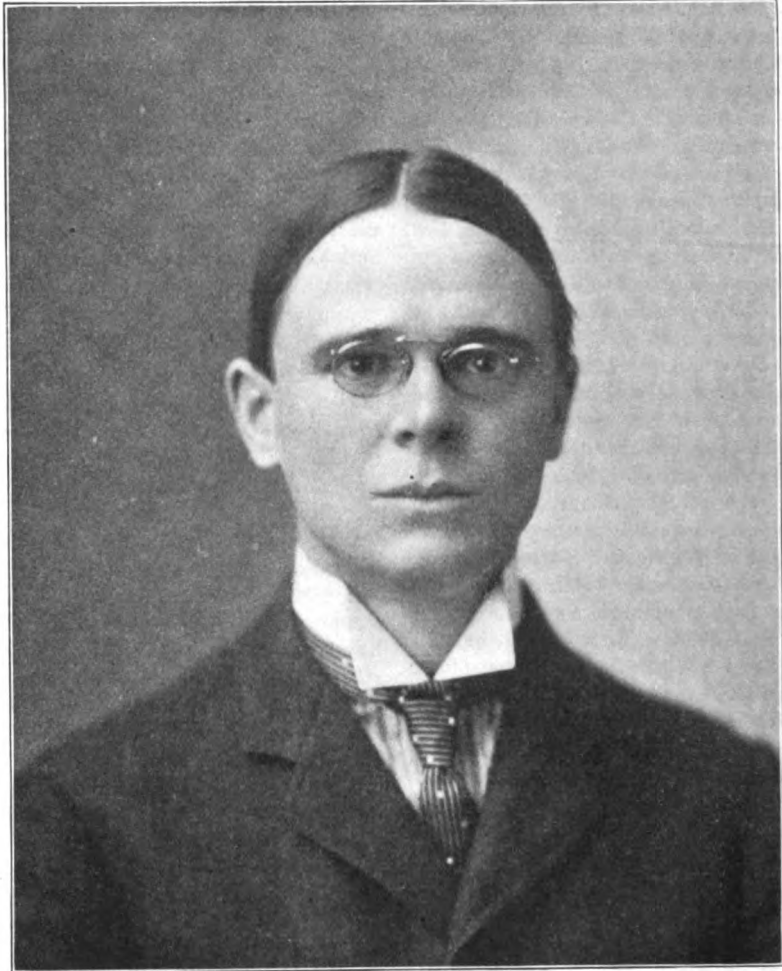
POST, ALFRED MELANCTHON, of Columbus, Neb., ex-justice of the supreme court of Nebraska, and district judge of the territory of Alaska, was born in Greenfield, Washington county, Pa., August 10, 1847, son of William Elliott and Sarah (Wallace) Post. The branch of the Post family to which William Elliott Post belonged became settled in Connecticut early in the colonial days, and were of English birth. The grandfather of William Elliott Post was a soldier in the Revolutionary Army, and was the father of Ephraim Post, born in Connecticut, who was an American soldier in the War of 1812, and was a pioneer in Washington county, Pa., where

he was a farmer until his death. His son, William E. Post, was educated at Washington and Jefferson University, became a minister of the Presbyterian church, removed to Ohio in an early day, lived there twenty years, then became a resident of Bloomfield, Ia., where he died. His wife was Sarah Wallace, of Scotch-Irish parentage, who was left an orphan in childhood, and was reared by distant relatives. She was married in 1845 and became the mother of six children, of which Judge Alfred M. Post was the second. He received his early education in the common schools of Athens, O., and later attended the University of Ohio in the same city, but the death of his father caused him to leave the university in his senior year. Later, the faculty conferred upon him the degree of Master of Arts. For some years he devoted himself to teaching school in Iowa. Later, he read law in the office of General James B. Weaver, then living in Bloomfield, and was admitted to the bar in 1869. He commenced his practice at Leon, Decatur county, Ia., where he remained until 1874, when he was appointed to the United States consular service, and for two years was stationed in Santiago, Cape de Verde island. Upon his return to America, he came to Nebraska and located at Columbus in December, 1876. There he formed a partnership with Whitmayer, & Gerrard, under the firm name of Whitmayer, Gerrard & Post. This partnership was continued until March 7, 1883, when Judge Post was appointed to the district bench as judge, by Governor Dawes. In the fall of the same year he was elected to the same office, and in the fall of 1887 was reelected. In the fall of 1891 he was elected to the supreme bench, where he served for six years. By President McKinley he was appointed one of the district judges of Alaska. As a lawyer, Judge Post acquired a high reputation, and as a judge, his decisions have been marked for their carefully drawn conclusions, and erudite applications of constitutional law and equity. Since retiring from the bench, Judge Post has been following his profession in the city of Columbus. In 1911 he was appointed a member of the commission to revise and consolidate the Nebraska statutes. He is a member of the Masonic order. October 6, 1873, he was married to Ella, the daughter of Edward Munsell of Marion county, Ia. Judge and Mrs. Post are the parents of seven children, viz: Nelly, Georgia, Martha, Alfreda, William Edward, Dorothy, and Alfred, Jr.

POTTS, GEORGE W., of Dubois, Pawnee county, Neb., merchant, was born in Jersey county, Ill., February 4, 1870, son of George W. and Phoebe J. (Anderson) Potts, who came to Nebraska in 1878 and located on a farm near Pawnee City. The father came from North Carolina and the mother

from Tennessee. George W., Jr., farmed up to 1901, when he went into business in Dubois. In 1905 he was elected county treasurer and reelected in 1907. In 1910 he was elected to the lower house of the state legislature and is a candidate on the democratic ticket for reelection in 1912. He was chairman of the committee on roads and bridges and was the author of the bill to provide for reinvestment of state funds, also the bill for the payment of jury fees at the end of the term of court. He married Miss Ella M. Lore, daughter of J. P. Lore and Sarah A. (Liggett) Lore. J. P. Lore and his brother, Judge Lore, came to Nebraska in 1854, the latter being the first county judge for Pawnee county. Mr. Potts is a Mason. Mr. and Mrs. Potts are the parents of seven children: Gladys, Helen, Lois and Nellie (twins), Ruth, and John P.

POUND, ROSCOE, of Cambridge, Mass., Story professor of law, Harvard University, formerly dean of the college of law of the University of Nebraska, son of Stephen B. and Laura (Biddlecombe) Pound (see Vol. I, pp. 738, 739, 548, 549), was born in Lincoln, Neb., October 27, 1870. His early education was received at home under his mother's instruction until he was ready to enter the State University. He graduated from the University of Nebraska, receiving the degree of A. B., 1888; A. M., 1889; Ph. D., 1897; and his scholarship was recognized by election to the societies of Phi Beta Kappa, and Sigma Xi. He attended Harvard law school in 1889 and 1890, and was admitted to the bar of the district court of Lancaster county in 1890. He entered the firm of Pound & Burr, with whom he remained until 1895, when he joined his father until 1901. In 1886 he was one of the founders of the botanical seminar of the University, and in 1892 was one of the promoters and became director of the botanical survey of Nebraska. In 1897, with Dr. F. E. Clements, he published the first volume of *Phytogeography of Nebraska*. He was made assistant professor of jurisprudence in the University of Nebraska in 1899. April 10, 1901, he was appointed commissioner of the supreme court and resigned September 1, 1903, to become dean of the college of law, which position he held until 1907, when he became professor of law at Northwestern University and removed to Chicago. He also served two years on the state commission to examine applicants for admission to the bar. Mr. Pound has written a number of papers and monographs on botanical subjects. He is a member of the American Microscopical Society, an associate of the Botanical Society of America, and Associé libre de l'Académie Internationale de Géographie Botanique. He was one of the founders of the present State Bar Association, of which he has served as secretary,



Arvid Gorn

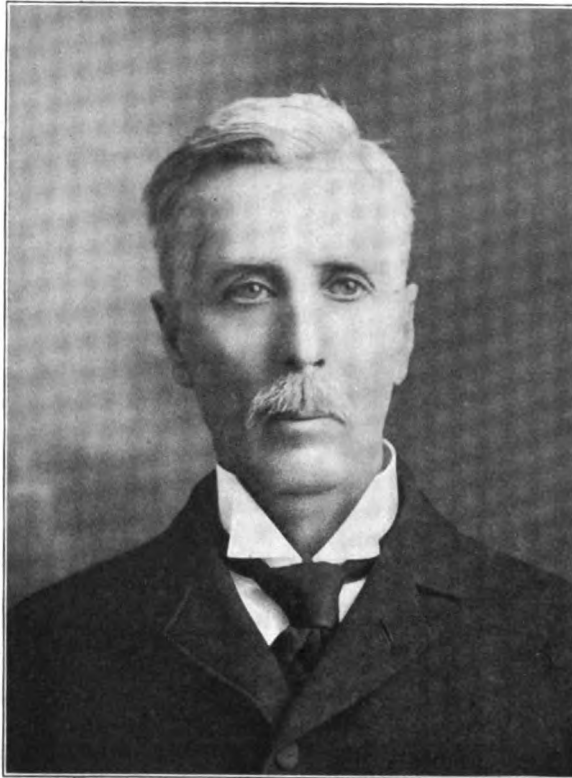
and is a member of the American Bar Association.

Mr. Pound was married June 15, 1899, to Grace Gerrard, daughter of Leander Gerrard, a pioneer banker, of Columbus, Neb. (see sketch, p. 416, Vol. I).

POWELL, ULYSSES GRANT, rate clerk, state railway commission, Lincoln, Neb., was born February 14, 1867, at Newcomerstown, O., son of Richard Francis and Maria Ellen (Everal) Powell. Richard Francis Powell was born in Huddersfield, England, and served as adjutant in the War of the Rebellion, 74th Ohio V. V. I. Maria Ellen (Everal) Powell was born in Newcomerstown, O. Ulysses Grant Powell graduated from the Miami Valley College, Dayton, O. He came to Nebraska in 1873, locating in Nebraska City, removed from there in 1875, and returned in 1882. Mr. Powell was a member of the Lincoln city council, 1902-03, and a member of Holy Trinity church. He was married September 29, 1887, to Miss Essie M. Balance. They are the parents of three children, Robert Everal Powell, and two deceased.

was engaged successfully in the practice of law. His grandfather was a lawyer of prominence in New York state and was also named Isaac Powers. Judge Powers has always been a republican and was a member of the constitutional convention in 1875, as a representative from Dakota county. In 1876 he was elected state senator and at the following session represented Dakota and Burt counties in that body. In 1880 he was again elected state senator and was chairman of the committee on judiciary in the ensuing session. In 1881 he was nominated by the republican state convention for regent of the

State University, was elected and served in that capacity until the fall of 1882, when he was elected to the position of attorney general of the state. He served as attorney general during 1883-84, but declined a re-nomination. In 1887 Governor Thayer appointed him judge of the 7th judicial district, and at the ensuing election, in 1888, he was elected to the office for a term of four years. At the expiration of his term he formed a law partnership with John R. Hays, at Norfolk, and he is now (1911) in practice alone. Mr. Powers, during the latter years of the Civil War was on duty in Missouri and Kansas as acting adjutant of the 9th regiment of the Kansas state militia.



ISAAC POWERS

POWERS, ISAAC, JR., attorney at law of Norfolk, Neb., was born in Lenawee county, Mich., October 10, 1841, son of Isaac Powers, who was born in Jefferson county, N. Y., in 1811, of parents who were natives of Vermont, and died in 1897, and of Alvira Sherwood, who was born in Chautauqua county, N. Y., in 1816. Isaac Powers, Sr., owned and operated a saw mill and a farm in Lenawee county, Mich. The subject of this sketch secured only such schooling as was afforded by the common schools of the country in which he was born and reared. In 1860 the family removed to Doniphan county, Kan., where he read law and was admitted to the bar at Troy in 1866. He came to Nebraska in 1870, locating in Dakota county, where for many years he

In 1865 he was married to Sarah G. Mailler, at Troy, Kan. She was a native of Decatur, Ala., and removed from that city to St. Joseph, Mo. They are the parents of five children: Frank N. Powers, of Omaha; Mrs. H. L. Whitney, of Chicago; William H., a court reporter, Norfolk, Neb.; Isaac, Jr., now located at Jacksonville, Ill., at the head of the packing houses there; and Carroll, who died in 1905.

POYNTER, WILLIAM AMOS, deceased, governor of Nebraska from 1898 to 1900, son of William Chapman and Huldah (Watkins) Poynter, was born at Versailles, near Eureka, Ill., May 29, 1848.

He attended the academy at Eureka, also Eureka College, from which he graduated in the class of 1867, and for two years taught school at Mackinaw, Ill. He then engaged in the grocery and hardware business until 1875. He came to Nebraska November 5, 1879, and settled on a farm near Albion, which continued to be his home until his election as governor. Governor Poynter was one of the organizers, and president of the Boone County Agricultural Society, was a member of the state board of agriculture, and was elected a member of the board of managers in 1895. At the same time he became first vice president of the society and continued to be a member of the board until his election as governor in 1898. He was a member of the Dairymen's Association, the American Order of Protection, of which he was supreme commander in Nebraska until three years prior to his death, and was one of the organizers of the Security Savings & Loan Association of Lincoln, of which he was president until his death. Governor Poynter was one of the organizers of the farmers' alliance and assisted in the organization of the people's independent party. He was a member of the legislature in 1885, being the only independent in the house. In 1891 he was elected to the state senate from Boone county and became president pro tem. In 1894 he was nominated by the populists and democrats of his district for Congress against the republican nominee, G. D. Meikeljohn, but was defeated. In 1898 he was nominated by the populist convention for the office of governor and was elected. The house of representatives and senate at the time were republican. Only one man was pardoned at the hands of Governor Poynter and that was a case where tuberculosis threatened the life of the convict. Governor Poynter was married, October 12, 1869, to Maria Josephine McCorkle, who was a member of the class of 1868 of Eureka College. They were the parents of two children: Dr. Charles W. M. Poynter, and Josephine Mary, wife of R. A. Bickford. Dr. Poynter married Miss Clara Elizabeth Axtell, of Nashville, Tenn. Governor Poynter died April 5, 1909, in the governor's office at the state house, where he had appeared at the hearing before Governor Shallenberger on the then pending 8 o'clock closing bill. Governor Poynter had earnestly advocated the adoption of the law as an advanced step in liquor legislation in the state, and within a short time after his plea suddenly expired.

PRATT, GEORGE HENRY, of Hastings, Neb., is a son of James A. Pratt, merchant, who died at the age of seventy-nine years, and of Jeanette C. Chittenden Pratt, still living at the age of eighty-nine years. His first ancestor in this country was William Pratt, from Hertfordshire, England, who

landed at Boston, Mass., September 4, 1633, and was one of the first settlers of Hartford, Conn. He moved from there to Essex, Conn., in 1645, was made lieutenant and served in the colonial wars. He owned a large tract of land, part of which was left him by Alta-wan-hood, the third son of Uncas; some of this land is still held in the family.

George H. Pratt's grandfather lived in Essex, Conn., and was a ship-owner and builder. He was part owner of three ships which were burned by the British in the War of 1812. His grandmother on his mother's side was a Wheeler, whose ancestors settled very early in Connecticut. Both his father's and mother's families were represented in the Revolutionary War in both the army and the navy.

George Henry Pratt was born in Collingsville, N. Y., December 7, 1849. The family moved to Oneida, Ill., in 1859, and he came to Hastings, Neb., in 1872, and found one store, kept by Mr. Samuel Alexander. There was one settler on each eighty acres of land, except Mr. Alexander, who had 160 acres. There were about ten people living on what is now the city of Hastings. Mr. C. K. Lawson and Mr. Pratt started the second store under the name of Pratt & Lawson, and during the winter of 1872 and the spring of 1873 built a larger room. In the spring of 1873 trade increased rapidly. The St. Joe & Denver railroad made Hastings a good distributing point, and the firm of Pratt & Lawson was soon selling as many goods in Kansas as Nebraska. The trade extended south to the Solomon river, and north to the Platte river. Pratt & Lawson received the first full car-load of goods delivered in Hastings by the B. & M. railroad, which was a load of flour and was switched on the spur of the St. Joe & Denver road under the agreement that it should be unloaded by Pratt & Lawson by the time the train returned from Kearney. This was done, but they had to work in the rain to do it. Up to this time Hastings was not recognized as a B. & M. town. Lumber and other goods had to be hauled from Juniata or Inland, but when Hastings was recognized as a station the merchants were treated fairly by the B. & M. officials.

Mr. Pratt continued in the mercantile business and farming until November 24, 1877, when he and Mr. A. L. Clarke bought the Adams County Bank from Mr. J. S. McIntyre and continued it as a private bank until 1881, when it was organized as the First National Bank, of which Mr. Pratt was cashier up to January 1, 1903, when he resigned. He is still a stockholder and director. He is also a director in the First National Bank of Holdrege, Neb., which bank, with Mr. R. T. McGrew and Mr. A. L. Clarke, he helped to organize. It was the first bank in Phelps county. Mr. Pratt is a Knight Templar and a member of the Presbyterian church.

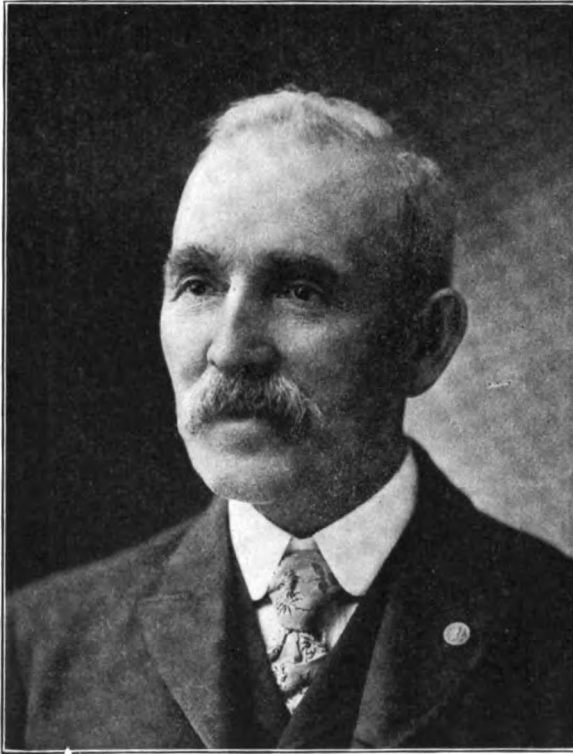
Mr. Pratt was married to Harriet E. Wikoff, of Ontario, Ill., January 2, 1879. Her family on her father's side came from Holland; a son of the first settler's family owned a part of the land on which Long Branch, N. J., now stands. Mr. and Mrs. Pratt are the parents of four children, of whom only one, the youngest, Howard G. Pratt, is living.

PRATT, F. E., Fremont, Neb., established the Golden Rod Creamery at Fremont in 1901 and its growth has been rapid from the first. The plant consists of a fine office building and a butter manufacturing plant completely equipped with the newest devices. The capacity of the plant is 20,000 pounds per day. The butter is shipped to all parts of the United States from east to west. The cold storage ice plant completes the factory. Twenty people are now employed, though the plant began with only one employee. Mr. Pratt came to Fremont from Vermont, where he had had considerable experience along dairy lines.

PRAY, JOHN, retired, Omaha, Neb., is a native of Clinton county, N. Y., where he was born in 1837, son of Jesse and Aceneath (Knapp) Pray. They were both natives of Vermont. John Pray's grandfather

Pray was a soldier in the Revolutionary War. John Pray enlisted for the Civil War November 10, 1861, as a private in Company L, 2d regiment, Wisconsin volunteer cavalry, and served in the western department. He was at the siege of Vicksburg, Cottonplant, Mo., Ozark Mountains, Pea Ridge, Haines Bluff, and thence to the gulf, and saw service in Kentucky, Tennessee, and Mississippi. He re-enlisted as a veteran and was mustered out at the close of the war. He is a member of the G. A. R., Grant post 110, Omaha. January 1, 1868, Mr. Pray settled at Omaha and became identified with the Harris & Foster Lumber Company. In 1878 he entered the freight department of the train ser-

vice of the Union Pacific railroad, with which he was identified for twenty-eight years. Mr. Pray is a republican in politics, and is a member of the Masonic order, Mystic Shrine, Scottish Rite, and a life member of the blue lodge and the Eastern Star. He married Miss Lettier Anderson, of Plymouth, Ind. Their children are: George Pray, a merchant of Omaha; Blanche R., wife of R. J. Trostler, of Denver, Colo., manager for Leslie's Weekly; and Dollie, wife of H. T. Cooper, cashier of the Whitewood Banking Company, of Whitewood, S. D.

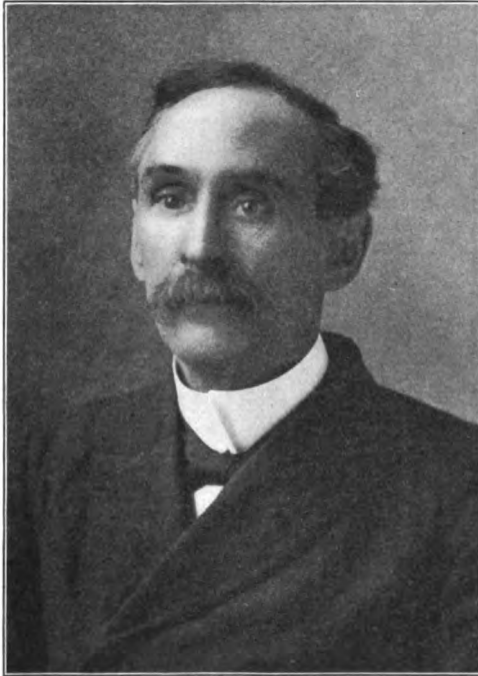


JOHN PRAY

PRESCOTT, REV. WILLIAM H., Lincoln, Neb., son of Samuel and Sarah (Osgood) Prescott, was born in Loudon, N. H., December 25, 1849, where his parents were born. Colonel Prescott, of Revolutionary fame, and William H. Prescott, the historian, are of this branch of the family. William H. Prescott received a high school and academic education, and prepared himself for the ministry, and in 1870 he came to Illinois, where he taught. In 1871 he went to Columbus, Neb. He then went to Boone county. He helped locate the county seat and to build the first building, and took one of the first homesteads. For two years he was principal of

the high schools in Columbus and North Platte, after which he engaged in the music business in the former city. In 1875 he moved to Lincoln and for thirteen years was engaged in the musical instrument business. In 1888 he entered the ministry, first as assistant pastor of St. Paul's M. E. church in Lincoln. The next year he joined the M. E. conference and was stationed at Bradshaw. During his pastorate there, the town was almost entirely destroyed by a cyclone. He very soon had a new church and parsonage completed. He served at Linwood, Ithaca, Elmwood, and for four years was pastor at Havelock. In 1898 he was elected conference evangelist of the Nebraska conference, which position he held eight

years. He is now with the Prescott Music Company, Lincoln. Mr. Prescott is a supporter of the prohibition party, and for over twenty-five years was one of the leaders in the Nebraska State Holiness Association, being secretary for fifteen years. In 1911 he was elected president of the association, and in 1912 president emeritus. He was married in March, 1864, to Annie M. Jones, daughter of Rev. Robert Beatty, a minister of the Methodist Episcopal church, and resident of Illinois. Three children have been born to them: Rosa, wife of W. F. Ackerman, assistant superintendent of motive power, C., B. & Q. railway, Havelock; Evan-



REV. WILLIAM H. PRESCOTT

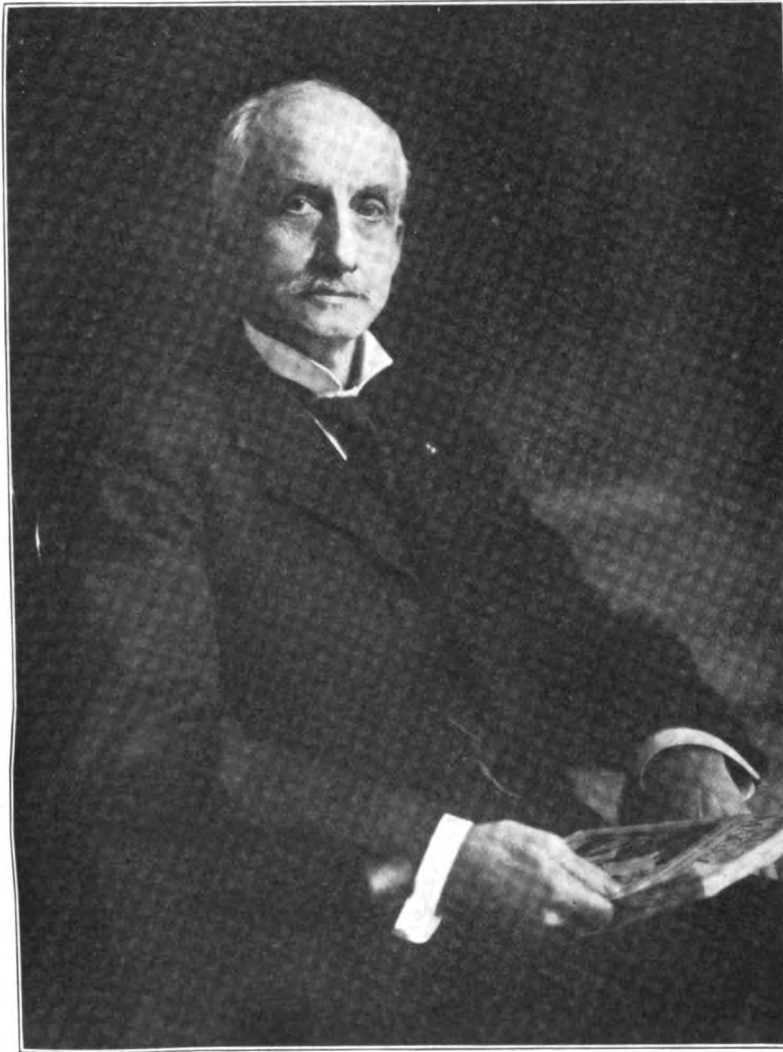
geline, wife of W. R. Johnson, hardware merchant, Havelock; and W. G. Prescott, who is engaged in the music business in Lincoln.

PRITCHETT, GEORGE EDWARD, deceased, born at Utica, N. Y., May 18, 1841, was educated at the Walnut Hill school and at Hobart College, Geneva, N. Y., graduating from Hobart College in 1862. The same year he was admitted to the bar, but instead of engaging in the practice of the law, he assisted in recruiting Company E, 126th New York volunteers, and was made first lieutenant of the company. He was in the battle of Harper's Ferry, September 13, 14, and 15, 1862. On account of ill health, he resigned February 13, 1863. Soon thereafter he entered upon the practice of his profession

at Geneva, N. Y., and served for a time as justice of the peace. In 1870 he came west and located in Omaha. In 1873 he was elected city attorney. In 1877 he was a member of the Nebraska legislature. In 1886 President Cleveland appointed him United States district attorney for the district of Nebraska, and he served four years. In politics Mr. Pritchett was a democrat. For many years he was attorney for the Omaha Street Railway Company, the Omaha Gas Company, and the Merchants National Bank of Omaha. At the time of his death, he was one of the directors of the Omaha Gas Company and the Merchants National Bank. He was also a member of U. S. Grant post No. 110, Grand Army of the Republic, and a member and ex-commander of the Nebraska commandery of the Loyal Legion of the United States.

April 5, 1877, Mr. Pritchett married Miss Harriet G. Hanscom, a daughter of Andrew J. Hanscom. Mrs. Pritchett died February 11, 1908. March 3, 1912, Mr. Pritchett died at his home, 2124 Cass street, Omaha, and was buried in Prospect Hill cemetery. He left surviving him two sons, George H. Pritchett and Harold L. Pritchett, and one daughter, Mrs. John L. Kennedy, all residing in Omaha.

PROUT, GENERAL FRANKLIN N., of Fairbury, Neb., attorney at law, is a son of Nelson Prout and Sarah A. Prout, *nee* Gardner. His paternal ancestors were Holland Dutch, who came to this country with Henry Hudson. Nelson Prout was born and reared in Green county, N. Y., and moved to Newark, N. J., where he was married to Sarah A. Gardner, whose ancestors were from England. Franklin N. Prout was born in Newark, N. J., May 31, 1852, and in 1855 moved with his parents to Toulon, Stark county, Ill. He was educated at the public schools and read law in the office of Judge W. W. Wright, in Toulon. He was admitted to the bar at Springfield, in January, 1875, and practiced law in Stark county, Ill., for six years. He came in 1881 to Blue Springs, Gage county, and engaged in the practice of law with T. F. Burke, later U. S. attorney for the district of Wyoming. In 1889 he went to Beatrice and continued in practice. He was appointed city attorney of Beatrice in 1897 and served two years. At the general election in 1898, he was elected on the republican ticket to the state senate and served as a member of the 26th session of the Nebraska legislature. He was chairman of the committee on revenue, and reform schools and asylums; was also a member of the judiciary committee and the committee on railroads, and chairman of the special joint committee appointed in response to a special message of Governor Poynter, calling attention to alleged irregularities in



Geo. E. Pritchett .

the office of the auditor of public accounts, to investigate the affairs of that office, under the administration of John F. Cornell; prepared and submitted to the legislature the report of the committee (see Senate Journal, 1899, pp. 1017-1030); was also chairman of the special committee, appointed by the senate, to investigate the affairs of certain state offices and the alleged frauds with reference to the ballots cast for and against the constitutional amendment relative to the increase in the members of the supreme court, at the election held in 1896. This committee was authorized to sit in vacation and was given power to administer oaths, to send for persons and papers, and to submit its findings of fact and report of evidence taken, to the governor, within 120 days from the adjournment of the legislature. The governor, however, refused to receive the report or to allow it to be filed or left in the executive office, on the ground that the committee had no power to act after the adjournment of the legislative session at which it was appointed. For the same reason the board of public lands and buildings refused to permit the committee to hold its sessions in the capitol building.

Mr. Prout was elected attorney general in 1900 and reelected in 1902, serving two terms and retiring in 1905.

In 1902 there was to the credit of the permanent school fund, in the state treasury, about one-half million dollars, for which no investment could be found, under the then accepted construction of the constitution, and the investment of these funds, the interest only of which can be used, became a serious problem for the board having charge of this department. At this time \$300,000 of the state bonds of Massachusetts were offered as an investment. The question of the power of the board to invest in these securities was submitted to the attorney general, who, after investigating the matter, decided that the construction placed upon the constitution by his predecessors was too narrow, and that the bonds of other states might be purchased; acting on this advice the board ordered the investment of \$300,000 of the permanent school funds in these Massachusetts bonds. The treasurer, in order to test the power of the board to so invest such funds, refused to comply with the order of the board of educational lands and funds; the attorney general brought an action in the supreme court to test the question; the court adopted the construction placed upon the constitution by the attorney general and issued a writ of mandamus directing the treasurer to accept and pay for the bonds.

The driving out of the state of bogus home building companies (report of attorney-general, 1901-02, pp. 212-282); the holding of the offering of a

bounty by the legislature to the manufacturers of sugar, to be unconstitutional (Oxnard Beet Sugar Co. v. State, 73 Nebr., 57-66).

Mr. Prout became an Odd Fellow in 1877, and is a member of the grand lodge, I. O. O. F., of Nebraska, and of the Elks. His parents were and his wife is a member of the Congregational church. He was married in 1880 to Miss Julia Robinson, of Brimfield, Ill. They are the parents of one child, a daughter, Vera Julia, at present librarian of the Fairbury public library.

After retiring from office Mr. Prout moved to Oklahoma City to practice his profession, but after one year he returned to Nebraska and settled at Fairbury, where he is now in practice.



W. G. PURCELL

PURCELL, GEORGE, Broken Bow, Neb., was born in Dublin, Ireland, July 10, 1832, and is a son of William and Henrietta (Maxwell) Purcell, the latter being a daughter of Henry Maxwell, of Dundalk, South Ireland, owner of large estates there. The Purcell family are directly descended from Baron Purcell of Loughmose castle, County Tipperary, Ireland, where they were established about the year 1000. George Purcell's great-great-grandfather was Baron Tobias Purcell, who equipped a regiment of cavalry at his own expense and joined the forces of James II. After the victories of William, Prince of Orange, he fled to France, and the title and estate passed from the fam-

ily. George Purcell was appointed to the British navy by his uncle, Admiral Edward Purcell, but preferred to come to the United States, where his brothers, Tobias, William, Robert, Zachariah, and Edward had already preceded him. He landed in New Orleans in 1851, and went north to Ohjo, where he married Marietta Root in Cincinnati. She is the daughter of Edwin and Sally Ann (Tousley) Root, who were of a colonial family. In 1874 George Purcell came to Nebraska and settled upon a farm near Crete, where he remained until 1884, when he removed with his family to Custer county, Neb., and engaged in live stock raising. He has three sons: William G., proprietor of the job and legal printing firm of W. G. Purcell Printing Company, and Emerson R., editor-publisher of the *Chief*, of Broken Bow, with the largest circulation of any country weekly in Nebraska, and E. H. Purcell, of Custer county, farmer.

PLYLE, JUDGE EDWARD P., of Stockville, Neb., second son of Ebenezer and Mary McGee Pyle, was born near Macedon, Mercer county, O., April 9, 1858. When he was about two years old his father removed to Perry county, O., and located on a farm. Here the son attended the country school during the winter months and worked on the farm during the summers. His education was acquired in the country and village schools and in the high school at New Lexington. When sixteen years old he began teaching school and taught for several years. In the fall of 1872 he removed with his parents to a farm near the village of Chandlersville, Muskingum county, where the father resided until his death, May 26, 1911. Later Edward P. Pyle taught school, worked on the farm, and entered the law office of Miller & Marsh, at Zanesville, where he studied law and was admitted to the bar on January 4, 1881, by the supreme court sitting at Columbus. Shortly after his admission he was elected justice of the peace and served for six years. He declined reelection on account of failing health and went to Tennessee, locating at Wartburg, where he engaged in the practice of his profession. Later, he returned to Ohio and began practicing at Zanesville. His health again failed and he came to Moorefield, Frontier county, Neb., and taught a term of school. A year later, 1891, he went to the mountains and spent several months in riding and camping. Returning to Nebraska, he taught a term of school near Wallace, Lincoln county, and a term in Frontier county, when he located at Stockville and was appointed deputy county attorney for Frontier county. In 1895 he was elected county judge, reelected in 1897, in 1899, 1907, 1909, and in 1911 for his sixth term. He was elected county treasurer in 1901 and reelected in 1903. He is a mem-

ber and a trustee of the M. E. church, a director on the school board, and a director of the First National Bank of Curtis. Judge Pyle is a Royal Arch Mason and a member of the people's independent party. He married at Toledo, Ia., Miss Bertha Luella James, of Reinersville, O. They are the parents of three children: Garnette L., Lois M., and Helen P.

QUIGGLE, CHARLES CLENDENIN, is proprietor of the Evans laundry, Lincoln, Neb., established here by him in 1889, which is now one of the largest in the city. He has always taken an active interest in the affairs of Lincoln, and in May, 1907, was elected one of the members of the city council. He has also been active in Masonic affairs, being a member of the blue lodge, the commandery, the Shriners, and is a 33d degree Scottish Rite Mason. Mr. Quiggle is a native of Clinton county, Pa., son of Sampson Nicely and Martha Jane (Clendenin) Quiggle, the latter a daughter of Charles and Martha (Burston) Clendenin, of Lycoming county, Pa. Charles Clendenin was a son of Captain John Clendenin and Rebecca (DeFrance) Clendenin. John Clendenin served through the Revolutionary War as private, corporal, and sergeant in the 3d regiment, Pennsylvania infantry, at Monmouth, and was chosen by General Anthony Wayne to lead the assault at Stony Point. He was born in York county, Pa., in 1748, and died in Lycoming county, Pa., in 1814. His widow drew a pension until her death in 1847. Mr. Quiggle's paternal grandparents were John Quiggle (born in 1764 and died in 1845) and Rebecca (Nicely) Quiggle. John Quiggle was the son of Nicholas and Annie Quiggle, who came from Germany to Pennsylvania in colonial days. Charles C. Quiggle married Miss Ida Gibson of Williamsport, Pa. They are the parents of one child, Martha Rachael Quiggle.

QUINLAN, PATRICK, deceased, Omaha, Neb., was born in County Cork, Ireland, and came to Omaha in 1856 from St. Joseph, Mo. He helped to build the Union Pacific railway, and freighted over the plains west from Omaha for several years until the railroads were built in 1866. His house at Twelfth and Jones streets was the second frame house in Omaha and has just lately (1910) been removed. He was married in St. Joseph, Mo., to Miss Hannah Gogan, who died September 12, 1888, aged about sixty-five years. Mr. and Mrs. Quinlan were charter members of St. Mary's Roman Catholic church. They are the parents of one daughter, Ellen, widow of Patrick K. Lynch. Mrs. Lynch was born in Omaha in 1856 and has since resided there. She remembers when the Indians were moving over

what is now the site of Omaha. She is the only representative of the family living.

RAGATZ, HENRY, of Los Angeles, Cal., formerly of Columbus, Neb., where he was one of the leading business men of the Platte valley and twice elected mayor of Columbus, was born in Prairie du Sac, Wis., October 14, 1854. His father, George Ragatz, was a native of Switzerland and his mother a native of Germany. He attended the public schools in Sauk county, Wis., until he was thirteen years old and worked on his father's farm until he was seventeen, then began clerking in a store in Prairie du Sac and remained there until 1879, when he came to Nebraska, locating at Columbus. He purchased a small stock of groceries and from that time until December, 1908, he remained in the grocery business. He enlarged his business from time to time until he occupied one of the largest and handsomest business blocks in Columbus, carrying the largest line of groceries of any retail store between Omaha and Denver, and also a magnificent line of queensware. His store building, erected in 1901, was a brick structure two stories high, and occupied a ground space of 44x80 feet. His business demanded the entire building and from twelve to fifteen people were constantly in his employ. He served a number of years as a member of the city council and in 1891 was elected mayor of the city of Columbus and reelected in 1901. He was a republican and in 1900 was a delegate to the republican national convention at Philadelphia. Mr. Ragatz is a Royal Arch Mason and a member of the ancient and accepted Scottish Rite, past master of Lebanon lodge No. 58 and past high priest of Orient chapter No. 18 R. A. M. He is also a member of the K. of P. fraternity. In April, 1879, he was married in Chicago to Mrs. Margaret Ragatz. They are the parents of three children: Henry N., married Miss Louise Davies, of Columbus, and is engaged in the real estate business in Los Angeles, Cal.; Edward M., at home with his parents; and Emily A., who was born in Columbus March 13, 1883, and died there April 8, 1906. In July, 1908, Mr. Ragatz removed to his present home in Los Angeles with his family.

RAILSBACK, JOHN C., Ashland, Neb., was born July 14, 1856, at Minier, Tazewell county, Ill., son of James E. and Sue (Howell) Railsback. John C. Railsback came to Nebraska and settled at Ashland in 1882, forming a partnership with his brother in the grain business, which is still (1911) continued. He is affiliated with the republican party and is a member of the Christian church. On December 27, 1883, Mr. Railsback was married to Sue Menard, a native of Illinois.

RAINEY, RUFUS T., deceased, Brownville, Neb., came to Brownville in 1855, being among the very first settlers of that locality. He was born January 31, 1833, in Chattanooga, Tenn. After coming to Nebraska, Mr. Rainey at once entered a homestead and engaged in the grain business, shipping by boat from Brownville to St. Louis until the railway was built. He was postmaster under Cleveland, and was also in the general mercantile business for many years. He was the first county treasurer of Nemaha county, in 1857, and was always a democrat. He was a Mason, being the first one in Brownville lodge No. 4. Mr. Rainey was one of the pioneers and founders of Republican City, Neb., together with Dr. John McPherson, in 1877. He resided there for about two years. He also engaged in the freighting business on his own account, from Brownville to Denver, and crossed the plains several times. He was married November 23, 1859, at Aspinwall, Neb., to Miss Susan Davis, of Tippecanoe, O. The service was performed by the late Senator Tipton. Mr. and Mrs. Rainey were the parents of six children: J. D. Rainey, of Omaha, druggist; H. E. Rainey, of Durango, Colo., banker, formerly assistant cashier of the Union National Bank, Omaha, Neb.; Frank Rainey, with the Hearst Mercantile Co., Deadwood, S. D.; and Ralph R. Rainey, with the United States National Bank, Omaha, Neb.; Belle, died at the age of twelve years; and Minnie, died at the age of twenty years.

RAMGE, FRANK J., deceased, was born in Hesen-Darmstadt, Germany, and died at Omaha, Neb., March 25, 1895. He was a son of John Ramge, who held a government position in Germany, and was descended from a French titled family that left France at the time of the Revolution and located in Germany, where Mr. Ramge's uncle, General Ramge, after his retirement from the army, was appointed president of the German railways. Mr. Frank J. Ramge emigrated as a youth to New York city and from thence forward made his own way in the world. He was married at Council Bluffs, Ia., March 12, 1866, to Miss Carrie Younger, who alone survives him and resides in the family home at the corner of Nineteenth and Davenport streets, Omaha. In 1864 Mr. Ramge located at Omaha and engaged in the merchant tailoring business. He was a good business man and contributed much to the improvement and upbuilding of Omaha. In 1887 Mr. Ramge erected the Ramge block, at the corner of Fifteenth and Harney streets. This block was 60 x 132 feet, five stories high, and in it he conducted his extensive tailoring establishment up to the time of his death. He was a member of the Independent Order of Odd Fellows, and a democrat. Mrs. Ramge was a daughter of Dr. Joseph and Susan

(McCarley) Younger. Dr. Younger settled in Harrison county, Ia., in 1854, and engaged in farming and the practice of medicine. He had previously practiced medicine in Franklin, Tenn., for many years and was a schoolmate and personal friend of President James K. Polk. He was an official and a leader in the Methodist Episcopal church. Dr. Younger was born in North Carolina, son of Colonel Thomas Younger, an officer from Tennessee in the War of 1812. The Youngers were large land and slave owners, coming in colonial days from Scotland where Auchin castle was their seat. They were formerly lairds of Linton, in County Peebles. Mrs. Ramge's sister, Julietta, married

Randolph. He has been secretary of the Northeast Nebraska Bankers' Association. In politics he is a republican. He was married on April 8, 1892, to Mary Stewart, of Randolph.

RANKIN, ROBERT H., of Cambridge, Neb., was born in Scotland. He landed in New York on April 3, 1883, and came on to Nebraska, locating in Furnas county, where he took a homestead and pre-emption. In 1886 he formed a partnership with his brother, J. M., in the grain and stock business at Cambridge. Mr. Rankin was a Gladstone liberal while a subject of the British crown, but since coming to America has affiliated with the republican party and



MR. AND MRS. F. J. RAMGE

C. H. Babbitt, a lawyer of Washington, D. C., and only son of the late Colonel Babbitt, a pioneer of Council Bluffs, Ia., at one time editor and publisher of the *Bugle*. Dr. Younger's mother was a daughter of Major Knowl, of Franklin, Tenn., an officer in the War of 1812. Mrs. Ramge's grandfather McCarley lived in Virginia, and was also an officer in the War of 1812, in which he received a wound which resulted in his death.

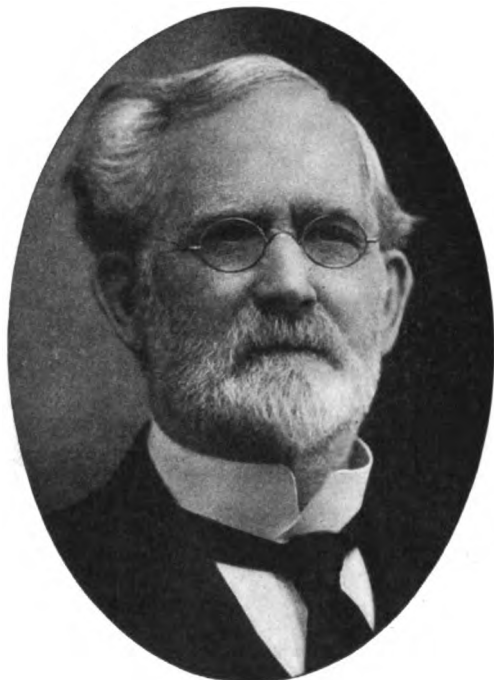
RANDALL, CHARLES H., of Randolph, Neb., was born in Little Falls, Herkimer county, N. Y., on January 30, 1864, son of Albert E. Randall and Elizabeth (Snell) Randall. He attended Union school at Schenectady, N. Y., and came to Nebraska in May, 1888, began as bookkeeper in the Randolph State Bank on January 1, 1890, and in November became cashier. November 1, 1895, he resigned to accept a position in the Security State Bank of

has served as mayor of Cambridge. Mr. Rankin is a member of the Congregational church. He was married to Miss Caroline S. Lenocker. They are the parents of eight children: Robert, Lenocker, James Henry, Walter Murray, Jeanie Marie, Annie Louise, Donald John, Ruth Magdalene, and William Alexander.

RAPER, WILLIAM BROWN, son of Andrew Raper and Eliza Christy Raper, was born on a farm near Linton, Ind., October 29, 1832. His great-grandfather Raper came from England about the year 1770, and settled in Virginia, where his grandfather, Thomas Raper, was born. Thomas Raper was reared in North Carolina, and there married Elizabeth Bray (who was also of English descent) and went to Hardin county, Ky., where Andrew Raper was born, January 26, 1808. In 1816 the family removed to Greene county, Ind., and acquired a

farm nine miles west of the city of Bloomington, which was occupied as a home until Thomas Raper's death, which occurred March 5, 1868; his wife lived until November 20, 1873, reaching the advanced age of ninety-seven years.

The maternal grandfather, Joseph Christy (of Irish lineage), was born and reared in North Carolina, and there married Ann Brown. Of this marriage Eliza Christy was born December 3, 1809, in North Carolina. Ann Brown's father, William Brown (for whom the subject of our sketch was named), came from Ireland and at the close of the Revolutionary War, in which he served, settled in



WILLIAM BROWN RAPER

North Carolina and there married Elizabeth Gray.

About the time Thomas Raper went to Indiana, William Brown and Joseph Christy, with their families, removed to the same locality, where Andrew Raper and Eliza Christy married, April 26, 1826. Sixteen children were the issue of this union, five of whom died in infancy, and ten married and reared families. Andrew and Eliza Raper had ninety-one grandchildren. Andrew Raper enlisted in Company I, 82d Indiana infantry, in 1862, and served until the close of the war. He was in many battles and was twice wounded at Chickamauga. He was in Sherman's march to the sea. In 1883 Andrew Raper and his wife came to Pawnee City to spend their remaining days. Mrs. Raper died June 5, 1885, and Mr. Raper on June 21, 1889.

The education of William B. Raper was very limited, being only such as occasional "subscription schools" furnished. He lived with his father on the farm until he was twenty-two years of age, then went to Mt. Sterling, Ill., working on a farm for a year at the wage of \$13 per month. He then returned to Indiana and engaged as clerk in a general merchandise store, at White Hall, with his cousin, David Butler, who was afterwards elected governor of Nebraska. On September 25, 1856, he married Mary Jane Butler, near Linton. She was a daughter of John R. Butler, who served as a member of the first Nebraska legislature. Mr. Raper remained in the employment of David Butler until May, 1858, when he left for Nebraska. Mr. John R. Butler and Mr. Raper, with their families, made the trip together from Indiana with ox teams, and as the season was a rainy one, the journey occupied several weeks. They reached Brownville and crossed the Missouri river on a ferry June 15, 1858. Going to Pawnee City Mr. Raper settled on a farm four miles west of that city, with his wife and Paulina, their first born. In the spring of 1859 the family returned to Indiana to spend the summer, coming back to Pawnee that autumn, where Mr. Raper formed a partnership with David Butler in the mercantile business, which they continued until October, 1862. During the stay in Indiana, the second child, Frances I., was born, and Paulina died. The next child, John B., was born in Pawnee county in 1861.

In October, 1862, Mr. Raper enlisted as private in Company C, 2d Nebraska volunteer cavalry, was made quartermaster sergeant and served one year. He then resumed his business relations with David Butler, which continued until the summer of 1864. His wife died on February 10, 1864, and was the third person to be buried in the Pawnee City cemetery.

In 1864, with Captain White, Mr. Raper assisted in recruiting a company hurriedly, to repel an Indian raid on the Blue river and west to Kearney. In November of that year he enlisted as a private in Company F, 1st Nebraska volunteer cavalry. At the end of one year's service he was commissioned second lieutenant, and was given command of the company until it was mustered out at Omaha, July 1, 1866. He then returned to his home at Pawnee City, and resumed business with David Butler until 1873. On January 17, 1867, he married Miss Elizabeth J. Coffey, at St. Joseph, Mo. To them were born five children, the eldest two, William C., and Luanna, dying in infancy.

His next business connection was with J. R. Ervin, as manager of a general merchandise establishment from 1873 to 1881. In 1876 he was elected to the legislature to fill a vacancy caused by the resignation of W. F. Wright. There was a brief special

session of that legislature, called by the governor to canvass the Hayes-Tilden vote.

In 1881 he was elected county clerk and held that position for two terms (four years). From 1886 to 1889 he engaged in mercantile business in Burchard. His wife died January 10, 1890. Later that year he was appointed steward of the Hastings asylum by Governor Thayer, serving in that capacity until about April, 1891. He then received an appointment as sub-agent of the Ponca Indian agency (in Knox county, Neb.), where he remained in charge of that tribe until August, 1893. From 1894 to 1907 he was continuously in the mercantile business in Pawnee City, associated with Mr. J. M. Miller.

In November, 1906, he was elected to the legislature and was reelected in 1908. He did not originate any legislative measures of very great importance, but his work and votes were given for temperance, moral, and such other legislation as he deemed for the best interests of the state. In politics he has been a republican from the organization of the party. His first presidential vote was cast for John C. Fremont in 1856. He is now as he has always been, a progressive republican.

He has been a member of the Christian church for more than fifty-four years, and an elder in the congregation for more than thirty years. In 1856 he joined the Independent Order of Odd Fellows at Bloomington, Ind., and transferred his membership to Interior lodge No. 9, in 1866, to which he has ever since belonged. He was admitted to the A. F. and A. M. fellowship in 1882; was formerly a member of the K. of P. fraternity, and is and has been a member of the G. A. R. organization since it was instituted in Pawnee City.

His daughter, Frances I., married D. D. Davis, and is now living in Lincoln. She has five children. His son, John B., is district judge in the first district, and resides in Pawnee City. He married Miss Jennie Albright and has one daughter. Grace married C. B. Moore and is living at Sheridan, Wyo; she has one son. Myrtle is married to John G. Lloyd, and lives in Pawnee City. Lillian, the youngest, married P. S. Easterday and lives in Portland, Ore. She has three children.

Mr. Raper is now seventy-nine years of age, but is hale and hearty, and shows but little indication of his advanced age. He is still living in Pawnee City, where he came in the pioneer days, and where he hopes to spend his remaining days among the friends with whom he has passed the many pleasant years of his long and useful life.

READER, ADAM, Ayr, Neb., farmer and stock-raiser, came to Adams county in 1880 from Germany, where he was born in 1850, son of Adam J. and Elizabeth (Rummel) Reader. He came in 1854

to La Salle county, Ill. Adam was the fourth of five children. He gave his attention to farming, assisting his mother at home, and receiving his education in the rural schools nearby, until 1871, when he was married to Mary E. Hielman, daughter of A. S. Hielman, of Pennsylvania. Mr. Reader, in 1880, moved to Adams county, Neb., and located in Zero township. He now owns a section of well improved land. Six children were born to Mr. and Mrs. Reader: Henry A., Lizzie, Celia J., John F., Freddie S., deceased, and Charlie A., deceased. Mr. Reader has served many years as moderator of his school district. In 1886 he was elected supervisor of Zero township, which office he filled three terms. In politics he is a republican. He and his wife are members of the Evangelical church. His brothers and sisters were John, Dorothea, Barbara, and Frederick. John was a member of the 104th Illinois infantry, and was killed at Hartville, Tenn. He and his son are (1910) engaged in the implement business at Ayr, Neb.

REAGAN, JOHN E., of Omaha, Neb., attorney at law and state senator for the 6th district, was elected in 1910, on the democratic ticket. He served during the 32d session and was the author of the proposed constitutional amendment to allow cities of 5,000 and over to make their own charters. He was chairman of the committees on public lands and buildings and miscellaneous subjects, and a member of the committees on apportionments, constitutional amendments and federal relations, judiciary, labor, library, manufacturing and commerce, privileges and elections and public charities. Mr. Reagan came to Omaha in 1889, was admitted to the bar, and began the practice of law in 1896. He was born in St. Louis, Mo., son of Michael and Mary Reagan, who later located on a farm in Iowa, and afterward removed to Omaha, where they died. John E. Reagan has taken a keen interest in political affairs. He was secretary for four years and chairman for two years of the Douglas county central committee. He married in Omaha, Miss Margaret Cannon, daughter of Martin Cannon and a grand niece of Count John A. and Edward Creighton. Mr. and Mrs. Reagan are the parents of three children: Patricia, Margaret Clare, and Francis. For portrait of Mr. Reagan see page 542.

REAM, J. D., one of the pioneer settlers of Custer county, Neb., who now resides five miles northwest of Broken Bow, was born at Newcastle, Pa. During his early childhood his father moved to Mahaska county, Ia., locating near a little town called Rochester, where young Ream secured a common school education and made his home until twenty-

five years of age. His father, Benjamin Ream, enlisted in the Civil War in 1862 and held the office of second lieutenant in Company C, 7th Iowa infantry, and was mortally wounded in the battle of Belmont, Mo., dying seven days later at Cairo, Ill.

In 1878 Mr. Ream moved to Nebraska, settling first near Stromsburg, Polk county. Two years later he located on a homestead near Broken Bow, where he still resides, he being the first settler in the little valley in which he lives. He has always

been engaged in agricultural pursuits and has been an earnest champion of improved methods of farming, an enthusiastic advocate of agricultural education in general, and one of the first to demand the introduction of agricultural education in our public schools. He is a member of several societies for the advancement of agricultural and horticultural interests. He was one of the organizers of the Custer County Agricultural Society, serving as its vice president one year and president eight years, and has been a member of the Nebraska state board of agriculture for several terms. In 1889 he helped organize the first farmers' institute held at Broken Bow, it being the first meeting of the kind held in the central part of the state. For twenty years he has been president of the local institute

organization and during all these years Broken Bow has not failed to hold a successful farmers' institute each winter, and in 1909 secured a short course school of agriculture and domestic science, which resulted very successfully. In 1883 Mr. Ream married Miss Anna E. SeEVERS, of Mahaska county, Ia., who has proven a veritable helpmeet and source of inspiration to Mr. Ream, as they labored together in their task of home-building on the treeless frontier. To this union there have been born two sons, Fred H. and Glen C., and one daughter, Loy G. The boys

are mechanically inclined and have built a well-equipped machine shop in Broken Bow, but still enjoy an occasional outing at the old farm, while Loy G. is enjoying the many pleasures furnished by a farm home. The Reams are lovers of trees and flowers and have surrounded their home with beautiful ornamental and shade trees and have an orchard that would be a credit to any of the eastern states. Mr. Ream has never taken a very active part in partisan politics, nor sought political preferment.

In 1900 he was elected by the populist party as a member of the lower house of the Nebraska legislature, representing Custer and Logan counties, and served during the 27th session.



JOHN E. REAGAN
For biography, see page 541

RECORD, AUGUSTINE A., Weiser, Ida., formerly of Hyannis, Neb., was born in Helena, Minn., November 15, 1856. He is a son of Benjamin M. Record, a contractor and builder, and Elvira L. (Gilky) Record. Augustine A. Record received a common and high school education in his native state, and earned his first money clerking in a store. He taught school for a time and then resumed the mercantile business, and in 1879 went to the Black Hills where he continued in the same line. In 1882 he returned to Minnesota and remained there until 1885, when he settled at

Chadron, Dawes county, Neb., as cashier of Lake & Halley's bank, afterward incorporated as the Bank of Chadron. He served in this capacity until the bank discontinued, in 1895, when he removed to Hyannis, Grant county, where he opened the bank of Hyannis. Mr. Record is a republican in politics and active in support of republican principles. He was city treasurer of Chadron four terms, followed by one term as mayor, and was elected treasurer of Grant county in 1899. He is a member of the Knights of Pythias and of the Woodmen of the

World. Mr. Record was married at Chadron, Neb., in 1887 to Kate B. Dorrington, daughter of Frederick M. and Maria C. (Minnick) Dorrington. They have two children, Frederick A. and Katherine. In the spring of 1904 Mr. Record removed to Boise, Ida., and in the spring of 1905 to Weiser, Ida., where he now (1911) resides and is secretary and treasurer of The Sunnyside Orchard Co., Weiser.

REDICK, ELMER S., of Omaha, Neb., son of John I. and Mary E. Redick (see pages 433 and 488, Vol. I), was born in the city of Omaha in 1887 and graduated at Shattuck School, Faribault, Minn., class of 1907, and is also a graduate of Yale in 1911 and was admitted to practice law in the state of Nebraska in 1911 and is a heavy real estate owner, and active in various lines in Omaha. For portrait, see p. 544.

REDICK, GEORGE M., of Omaha, Neb., son of John I. and Mary E. Redick (see pages 433 and 488, Vol. I), was born in the city of Omaha in 1883 and educated at Shattuck School, Faribault, Minn. He studied law at the University of Nebraska and is president of the Electric Garage Company of the city of Omaha and operates in real estate and holds valuable real estate interests. For portrait, see p. 544.

REDICK, OAK CHATAM, lawyer, Omaha, Neb., is a son of the late John I. Redick (see Vol. I, p. 488); was born in Omaha and educated at Shattuck Military Academy, Faribault, Minn., and Los Angeles University in California. He studied law and was admitted to the bar in 1895, since which time he has practiced in Omaha. He is the executor of the large estate left by his father, and has managed the property with good judgment and to the entire satisfaction of all concerned. He has been since 1906 president of the Nebraska and California Real Estate Company. His brother, George May Redick, is also a graduate of the Shattuck Military School, and is now engaged in the real estate business in Omaha. Another brother, Elmer S., is a graduate of Shattuck (1909), and of Yale College of Law, class of 1911. O. C. Redick is a member of the American, the Nebraska State, and the Omaha bar associations. In politics he is a republican. He and Grace H. Redick were married February 14, 1910, at Chicago. For portrait, see p. 545.

REDICK, WILLIAM A., Omaha, Neb., was born in Omaha, April 2, 1859, son of John I. Redick (see p. 488, Vol. I, of this work). Mr. Redick was educated in the public schools of Omaha and commenced the study of law in 1877. He was admitted to the bar in 1882, practicing his profession until

1903, when he was elected to the district bench, being reelected in 1907 for four years. He was the chief clerk and deputy collector of internal revenue at Omaha, under Lorenzo Crouse. He is a republican in politics. He was married September 12, 1883, to Miss Mary O. Word, daughter of Reuben Word. They have one son, John W. Redick, a graduate of Williams College, 1907, now engaged in the grain commission business at Omaha, who married, on June 23, at Williamstown, Mass., Miss Florence M. Heap. For portrait, see p. 545.

REED, ADELBERT SKINNER, stock grower, vice president of the First National Bank, and northwest Nebraska pioneer, Alliance, Box Butte county, was born in New Berlin, Chenango county, N. Y., August 19, 1852. His father was Levi Hammond Reed, a son of Sampson Reed, who was a native of New Hampshire, and passed the latter part of his life in Chenango county, N. Y. His mother was Mary L. Alcott, born in New Berlin, N. Y., connected with the family of the poetess Louisa M. Alcott. Adelbert S. Reed attended the New Berlin Academy. For some years he worked in the sash and door business at Charles City, Ia., and later was a member of Andrews, Fletcher & Co., sash, door and blind manufacturers, at Sioux City, Ia. In June, 1885, he came to Nebraska and located on government land in what was then Dawes county, but now Box Butte. He hauled his first supplies from Valentine, 150 miles away. He was one of the organizers of Box Butte county, was one of the first commissioners of that county and was county treasurer for one term. He was the first president of the Western Stock Growers' Association for three years, and is a member of the executive committee of the association. He was one of the organizers of the First National Bank of Alliance, of which he has since been the vice president. In politics he is independent. He married, November 13, 1888, Dora S. McCall. They are the parents of four children: Donald A., Minnie, Ruth, and Levi Hammond Reed.

REED, JOHN S., real estate, farm and city loans, Lincoln, Neb., came to Lincoln, March 26, 1884, from Berlin, Ill., having been reared on a farm near Springfield. Prior to 1888 he was bookkeeper in a wholesale house in Lincoln, and on January 28th of that year, rented desk room in the office of William J. Bryan and A. R. Talbot and began his present business. From April, 1890, until 1899, the firm was composed of Paul H. Holm and John S. Reed. For the year 1892 the sales were over one million dollars. Their attention was devoted to Lincoln and eastern Nebraska, city and farm properties. Their sales of ranches ran as high as \$172,000 for one ranch.



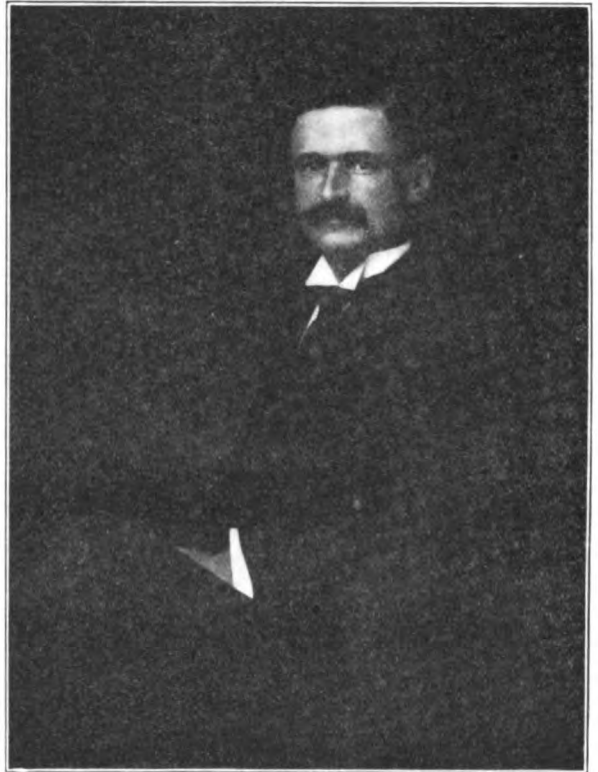
ELMER S. REDICK
For biography, see page 543



GEORGE M. REDICK
For biography, see page 543



OAK CHATHAM REDICK
For biography, see page 541



JUDGE WILLIAM A. REDICK
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Mr. Reed was born in Sangamon county, Ill., and was educated at the public schools, and then at Elliot's Business College, at Burlington, Ia., in 1879, where he was instructor for four years, teaching in each department of this institution, a school of over one thousand students. Mr. Reed is a Mason, and a member of the Congregational church. He married, in Lincoln, Miss Carrie C. Dennis, formerly of Rockport, Mass., daughter of John G. Dennis, a banker, merchant, and vessel owner, and at one time a member of the Massachusetts legislature. Mrs. Reed was for about ten years librarian of the Lincoln city library and it was mainly through the efforts of Mrs. W. J. Bryan and Mrs. Reed that the present Carnegie library was established, shortly after the completion of which Mrs. Reed resigned her position. It is interesting to know that Mr. and Mrs. Reed were members in the early days of the Chautauqua circle presided over by Br. Bryan, of which there are now only about twenty left. They have two children, John S., Jr., and Richard Dennis.

REED, WILLIAM H., deceased, late of Weeping Water, Neb., was born in Hartland, Conn., in 1810, son of William H. and Lucy (Hyde) Reed. About 1820 his parents removed to Trumbull county, O. In 1858 he came to Nebraska and entered the land on which the town of Weeping Water stands. Here he built a mill the year of his arrival. In 1863 he built a stone mill, which he operated until 1866, at which time his sons, Eugene L. and L. F., took charge and operated the mill for some years. Mr. William Reed then removed to the present site of Milford, Neb., where he laid out and named the town and built the mill. After seven years he sold the mill at Milford, and returned to Weeping Water. He had previously, in 1860, platted the town of Weeping Water. He was a member of the territorial legislature for Cass county, in the seventh session. (See p. 440, Vol. I, where the name is given as William E. Reed). He was also county clerk of Seward county in 1869, when the county seat was at Milford. Upon his return to Weeping Water he purchased a farm near the town and there spent the last years of his life, dying in October, 1884, aged seventy-four years. He was first married at Trumbull, O., about 1835, to Miss Sophronia Clinton. Of this union one son, Clinton, was born, who is now an attorney in Denver, Colo., a graduate of Oberlin (O.) College. After the death of his first wife, Mr. Reed was married to Miss Adelia Fuller. Of the three children, Eugene L., Lucius F., and Nellie, born of this union, only the latter is living. She is now Mrs. P. E. Beardsley, and resides at Whiting, Ind. Mr. William H. Reed was married the third time, to Mrs. Nancy Watson, of Clay, Ia., in 1857. Of this union three children were born:

Mrs. Isa Tompson, Grinnell, Ia.; Harry D. Reed, of Weeping Water; and Dr. Fred P. Reed, of Denver, a graduate of Dartmouth College, and of Kansas City Medical College. Harry D. Reed was engaged for a number of years in the mercantile business at Weeping Water, and at present is in the real estate business. Eugene L. Reed was one of the prominent men of Cass county in the early days. He was a member of the lower house of the Nebraska legislature, representing Cass and Saunders counties. Like his father, he was a republican, and both men were strong believers in temperance. Eugene Reed was a member of the 1st Nebraska regiment during the Civil War. He was a merchant and miller at Weeping Water for many years with his brother Lucius F., under the firm name of Reed Brothers. One son of Eugene Reed is a missionary in South America. Another son, Clinton Reed, is a missionary in Tangier, Africa, as is a daughter, Mrs. Estella Reed King. Another daughter, Lucile, attended the Oberlin (O.) Conservatory of Music. Eugene Reed was killed in the Bob-tail mine in Colorado, in 1894. Harry D. Reed and the widow, Mrs. Nancy C. Reed, are the only representatives left in Cass county. Mr. Harry D. Reed married Miss Antoinette Bierce, of Tallmudge O. They have three children, Donald, Robert, and Helen.

REED, WILLIS ELLSWORTH, lawyer, of Madison, Madison county, Neb., was born near Palmyra, Warren county, Ia., August 17, 1866. His paternal grandfather, Thomas Reed, was a native of Pennsylvania, born in 1812. He married Maria Myrich, born in Maine in 1814. In 1841 he was among the pioneers in what is now Warren county, Ia., and lived there until his death in 1888. One of their children was William B. Reed, born in 1838, in Indiana. In 1859 he married Margaret Hamilton, daughter of Sanford Hamilton and Hannah (Lynn) Hamilton, who were married in Indiana and moved to Greene county, Ia. For some years Mr. Hamilton was a merchant at Jefferson, Ia. His parents came from England and he was born in Indiana about 1817, and died at his home near Bayard, Ia., in 1880. The father of his wife, Hannah Lynn, came to the United States during the Revolutionary War and was a soldier in the Continental army. In 1895 Mr. and Mrs. William B. Reed removed to Perry, Iowa, where they still reside. They were the parents of ten children, their fourth born being Willis Ellsworth Reed. In 1882 they moved to a farm near Guthrie Center, Ia., and in the fall of 1884 Willis began teaching school nearby and for five terms taught school in Iowa. In 1886 he went to Madison, Neb., and taught school for nine months, in the meantime studying law under the direction of Messrs. Allen & Robinson. In 1888 he



Willis E. Reed

became a clerk in Allen & Robinson's office and in the fall of that year was admitted to the bar and became a partner of his former preceptors, the firm being Allen, Robinson & Reed. Since 1906 Mr. Reed has been practicing law by himself and devoting some of his time to business investments, and now (1911) under the style of Reed Bros., law and real estate. He took a very active part in the campaign of 1896, as a silver republican and later as a Bryan democrat in the endeavor to secure the election of Mr. Bryan to the presidency. He is a member of the Masonic order. On March 10, 1891, he was married to Miss Alice Mae Aistrope, of Malvern, Mills county, Ia. Her parents, Thomas Marlin Aistrope and Jane (Whatt) Aistrope, shortly after their marriage, came from England and settled in southwestern Iowa.

REEDER, JAMES G., of Columbus, Neb., was born in Edinboro, Pa., January 18, 1858. His father, Samuel G. Reeder, was a native of Pennsylvania and descended from ancestors who came to America with William Penn. His mother, whose maiden name was Lydia A. Graham, was a native of Ireland and came with her parents to America when she was one year old. Mr. Reeder attended the State Normal School at Edinboro, and Allegheny College at Meadville, Pa., studied law at Memphis, Tenn., and was admitted to the bar in 1881. He taught school one year at Memphis and one year at Brady's Bend, Pa. In November, 1881, he located in Hutchinson, Kan., in the practice of his profession, and in March of the following year came to Nebraska, locating in Columbus, where he has since resided and engaged in active practice. For six years he was in partnership with Judge J. J. Sullivan until the latter's election to the district bench. He then formed a partnership with Judge I. L. Albert, the partnership continuing until Judge Albert was appointed supreme court commissioner. Mr. Reeder has been successful in his profession. He has always been an active republican, and was elected judge of the district court of the sixth judicial district in November, 1903. Now (1911) he is in law practice with Louis Lightner. He is a member of Gethsemane commandery No. 21, Knights Templar. In May, 1887, he was married to Miss Lillian Smith, at San Diego, Cal. Mrs. Reeder's mother's maiden name was Boone, she being a direct descendant of the brother of Daniel Boone. Boone county, Neb., was named after Mrs. Reeder's mother. Four children have been born to Mr. and Mrs. Reeder: Clara S., George S., Lucile H., and Marion G.

REES, JOHN, Hastings, Neb., was born at Llanelly, Wales, September 7, 1855. His father, Richard Rees, was a first class marine engineer, who

married Elizabeth Edwards. Mr. Rees was educated in the British schools. The last year in Wales he won a scholarship in a class of sixty competitors. He came with his parents in 1870 to Oshkosh, Wis., and became leader of the Welsh choir and later a member of the quartette choir of the Congregational church. In 1878 he removed to Hastings and began teaching music in 1879 and has since been engaged in that profession. He studied the violin under William Lewis, of Chicago, and pipe organ and piano under Harrison Wild. In 1878 he took charge of the choir in the First Presbyterian church of Hastings. For many years he was professor of music in Hastings College. He is a member of the Presbyterian church, the Elks, and is a republican in politics. In 1878 he was married at Oshkosh to Miss Laura Emeny. They are the parents of two daughters, May E., and Gertrude.

REES, MAY ELIZABETH, Hastings, Neb., daughter of John and Laura Emeny Rees, was born at Hastings. She began to study the piano at the age of six years, and the violin at the age of eleven. At fourteen she began work in an orchestra, and when seventeen began to teach the violin. In 1899 she went to Chicago to study under Leopold Kramer. Besides doing extensive work in orchestras in Hastings and other places she devoted much time to concert work. She appeared as soloist at two May festivals held in Lincoln, and was a soloist on Nebraska day at the auditorium of the Trans-Mississippi Exposition, and also at the governor's reception on the same day. Before departing for Chicago the people of Hastings gave her a benefit concert to assist in carrying on her work. In 1901 she returned to Chicago to continue her study. She is a member of the Presbyterian church and resides at home with her parents in Hastings. For the last two and one-half years Miss Rees has been in Leipzig, Germany, studying violin with Hans Sitt, and is now (1912) at her home in Hastings.

REESE, MANOAH BOSTIC, chief justice of the supreme court of Nebraska, and late dean of the law department of the Nebraska State University, was born in Macoupin county, Ill., September 5, 1839, son of Simon and Mary Ann (Steidly) Reese. Simon Reese was born in Frederick county, Va., in 1808, a son of Jacob Reese, who was born in the same county in 1772, and died in Macoupin county, Ill., in 1859. Jacob Reese was of Welsh descent and married Hannah Brannan, who was born in Maryland about 1774, and died in Illinois in 1857. Mary Ann Steidly was a daughter of John Steidly, born in Maryland, February 1, 1784, and Mary Powell, born in Maryland, June 22, 1808. The former died in Illinois about 1852, and the latter in

Virginia on October 16, 1836. In 1856 the Reese family moved to Iowa. About 1860 Manoah B. Reese attended the Osceola (Ia.) Seminary and read law in the office of Hon. James Rice, and was admitted to the bar in 1865. He practiced in Iowa until 1873, when he removed to Ashland, Neb., and in 1874 went to Wahoo, where he lived until 1889, when he removed to Lincoln. He was elected a member of the Nebraska constitutional convention in 1875; in 1876, 1878, and 1880 he was elected and served as the district attorney of the then fourth judicial district of Nebraska, composed of the counties of Dodge, Saunders, Colfax, Butler, Seward, Platte, Polk, York, Merrick, Hamilton, Hall, and Howard. In 1883 he was elected to the office of judge of the supreme court of Nebraska, which position he held for six years. In 1891 he was selected as a lecturer in the college of law, of the University of Nebraska, and in 1897 was appointed dean of the college, which position he held for ten years. From its organization he has been president of the Nebraska Prison Association, and has taken an active part in the work of that organization. In the fall of 1907 Judge Reese was again elected to the supreme court of Nebraska, of which he is now serving (1911) as chief justice. Judge Reese is a republican. He is a Mason and in 1886-87 was grand master of Nebraska. Judge Reese was married in Clarke county, Ia., January 1, 1862, to Miss Carrie Burrows, formerly of Morgan county, Ind. They were the parents of four children, two of whom are living: Mrs. Daisy Sanford, wife of Charles W. Sanford, of Lincoln, Neb.; and Henry Allen Reese, an attorney of Lincoln, Neb. Mrs. Reese died October 26, 1901. Judge Reese is a member of the Methodist Episcopal church.

REESE, JUDGE JOHN, of Broken Bow, Neb., is a son of John and Sarah Stevenson Reese. He was born December 23, 1846, in Clark county, O., where he attended the public schools until he was thirteen years of age, when he entered a woolen mill at London, O., to learn the trade.

He enlisted in Company A, 113th regiment, Ohio infantry, in August, 1862, and served with his regiment until the latter part of 1863, when he was mustered out at Nashville on account of disability. On returning home he attended the public schools until 1867, when he again engaged in the woolen manufacturing business and continued in it until 1875. In that year he read law in the office of Judge William Lawrence of Bellefontaine, O., and was admitted to the bar by the supreme court at Columbus, O., in 1880, when he located at Bellefontaine, O., and engaged in the practice of law. The judge served the city of Bellefontaine as mayor from 1882 until 1886.

In 1886 he came to Nebraska and settled in Cus-

ter county, locating at Callaway. A year later he located at Broken Bow, where he has since resided. He served the county one term as judge of the county court in 1888-89. In 1890 he was appointed register of the United States land office at Broken Bow, which position he held four years. He then engaged in the practice of his profession and in farming and stock raising until 1903, when he was appointed receiver of the United States land office at Broken Bow by President Roosevelt, and in 1906 was again appointed register of the same office, and reappointed in 1910, which position he still holds. He has also continued in the farm and stock raising business.

Judge Reese is a member of C. C. Washburn post No. 98, Grand Army of the Republic, and served as department commander of the Department of Nebraska in the years 1900-1901. In fraternal circles he is a member of the Masonic and Workman orders. In politics he has always been a republican. He was married on June 27, 1867, to Sarah J. Piper. Three daughters have been born to them: Dora M., wife of A. J. Robertson, of Broken Bow; Eva L., wife of W. O. Chapman, of Chicago, and Clara A., wife of Edward McComas, of Grand Island, Neb.

REEVES, PRESTON, deceased, late of Douglas county, Neb., the son of George and Elizabeth (Daughton) Reeves, was born in Virginia, May 20, 1824. Elizabeth D. Reeves was born in Grayson county, Va., in 1799. Mr. George Reeves was a brother-in-law of A. T. Jones, the first postmaster of Omaha, and a brother of Cameron Reeves, the first sheriff of Douglas county. One son of George Reeves was a lieutenant in ex-Governor Thayer's regiment during the Civil War. Preston Reeves homesteaded the present site of Creighton college, in Omaha, in the spring of 1854. He was an old line democrat. He was married May 4, 1856, to Miss Parmelia Ellis, of Omaha. They were the parents of four children: Mrs. John Quinn, Elkhorn, Neb. (see sketch in this volume); J. C. Reeves, of Millard, Neb.; Mrs. Cora Rhodes, of Eugene, Ore.; and Mrs. Della McAvoy, of Millard, Neb. An incident which may be of interest is the fact that in the spring of 1858, while the men of the Reeves family were away, an Indian appeared on the premises and threatened to scalp Mrs. Reeves. In order to inspire a fear in her he shot an arrow into the air and when it fell he withdrew the arrow from the ground and said he was going to shoot that arrow as deeply into her heart as it had gone into the ground. Mrs. Reeves raised an alarm and the Indian retreated. This is one among a number of experiences which characterized the early days in the territory of Nebraska. For portrait, see p. 550.

REINERT, PETER, Tekamah, Burt county, Neb., was born in Wincheringen near Treher, Prussia, October 23, 1833, and was educated in the common schools of that country. His parents, Michael Reinert, a mason and a farmer, and Mary (Gargan) Reinert, never left their native land. Peter Reinert emigrated to America in the spring of 1854 and after a short stop in New York state went to Wisconsin, where he lived seven years. From there he went to Pennsylvania, and in 1866 removed to Burt county, Neb., and engaged in farming, which occupation he followed for thirty-four years. In 1900 he retired from active life and moved to Tekamah. Mr. Reinert was a republican for many years, but of late has acted independently, voting for the man he thinks best qualified for the place. He was married in Wisconsin, October 10, 1858, to Miss Mary Cummings, a native of New York, of Scotch descent, and eight children have been born to them: Charles W.; Lana, now Mrs. James R. Deaver; Minnie, now Mrs. Lee M. Kearney, Tekamah; Mary, now Mrs. Will J. Isgrig, Tekamah; Zoa, now Mrs. John D. Moore; Frank E., who lives on the old homestead near Tekamah; Louise and Anna, at home.



PRESTON REEVES

For biography, see page 549

RENAU, ISAAC ALEXANDER, of Broken Bow, Neb., is on his father's side of French Huguenot descent from the family of Phillippe Françoise Renault, who came to the Louisiana French colony more than sixty years before the American Revolution. Phillippe Françoise Renault's younger brother, Louis, founded the American families of Reneau, Renault, Reno, Rano, Ranoo, Rayneau, Renaut, Renaud, Renew, Rayno, and Ryno. He was the father of John or Jacques Renault, who came to America in 1720 and married Susanna Thorn on November 17, 1737. Phillippe Françoise Renault came to America in 1712 under appointment of the government of Louis XIV of France as director

general of mines for Louisiana. In 1716 he purchased and transported to Illinois five hundred negro slaves. In 1712 large grants of lands in Louisiana were made by Louis XIV to the West India Company of Louisiana, of which Phillippe Françoise Renault was at that time director general, and the company subsequently passed title in fee to Renault, who returned to France in 1744 and died during the following year at the priory of Santia. Louis Renault, the Huguenot, was banished, but was protected through his brother Phillippe. The lands included in the grants to the West India Company of Louisiana

comprised somewhat like 165,000 acres in Missouri and Illinois on a part of which the city of Peoria, Ill., now stands. The Peoria tract comprises some 28,800 acres. Mine La-Motte in Missouri is another portion of the property. It is a lead mine and is reputed to be one of the richest in the world. The Renault-Reneau union members entertain the belief that the property will eventually become their own, and with that object in view they effected the organization at Houston, Tex., in April, 1900. Rev. Dr. Isaac T. Reneau, late of Albany, Ky., was the father of I. A. Reneau, of Broken Bow. He was educated as a physician, in which profession he was engaged for a number of years, but

he eventually entered the ministry, to which he devoted himself for nearly fifty years. He was a cousin of General Jesse Lee Reno, who was killed at the battle of South Mountain, Md., and also of Major Reno of Custer massacre fame. He was also first cousin of Allen G. Thurman, of Ohio. Hon. Louis Reneau, of Tennessee, who was a member of the upper house of the legislature of his state for sixteen years, Dr. Joseph W. Reneau, of Tennessee, brother of Rev. Dr. Isaac T. Reneau, Rev. Russell Reneau, of Texas, and his son, Rev. Meredith Reneau, of Georgia, and the late Hon. Olmius Reneau, of Atlanta, Ga., were all members of this family. I. A. Reneau's mother

was Mary Gibson Wood, daughter of Colonel Thomas Wood, of Kentucky, and granddaughter of Major Samuel Wood, who came from England in 1755 and took part in the French and Indian war at "Braddock's defeat" as one of the Virginia troops. Later in life he became secretary to General Washington, serving under him during the Revolutionary War, and was eventually married at the home of Washington to Miss Sarah Reaves. To this family belonged Major General Thomas J. Wood of the United States army and General Wood, who was in Porto Rico during and after the Spanish-American War. I. A. Reneau was born March 11, 1859, near Thompkinsville, Monroe county, Ky. He acquired his education in the common schools and at an academy at Chanute, Tenn. At the age of twenty-three he came to Council Bluffs, Ia., accompanied by a friend, Henry Fear, now of Burt county. He made his way to Tekamah and entered the employ of a farmer named Crawford and engaged in farming for himself in 1883. In 1884 he crossed the country to Custer county, and settled on a homestead fifteen miles southeast of Broken Bow. In 1887 he removed to Ansley and secured a position with the Ansley Banking Company as special farm loan examiner. This employment, with similar work for eastern companies, he followed until 1891, when he opened an office in Broken Bow for a general real estate and abstract business which he still continues. He also has engaged in the cattle industry and has accumulated a considerable amount of land and property in Custer county and Broken Bow. Mr. Reneau is active in politics as a republican, and in the recent campaign led the forces of his county which wiped out the stand-patters. He has been a member of the board of education of Broken Bow district and a member of the city council. He was also secretary of the Central Nebraska Stock Growers' Association and president of the Broken Bow Commercial Club. He married Clarissa M. Blowers May 8, 1889, and they are the parents of four children, of whom three, Meredith Thurman, Helen Thorn O., and Thomas Henry, are living. The eldest child, Vivienne Valerie, died at the age of seven months.

RESS, NICHOLAS, of Lincoln, Neb., vice president of the German-American State Bank, formerly secretary of the Nebraska Paint and Lead Company, secretary and treasurer of the Tip Top Mining Company, and sheriff of Lancaster county for 1904-05-06-07, and previously for eight years head deputy sheriff, came to Lincoln in 1884. He was educated at Central Wesleyan College, Warrenton, Mo., and is a graduate of the Gem City Business College, Quincy, Ill. He married, in Lincoln, Miss Mary Dahsen, a native of Pennsylvania.

RETZLAFF, CHARLES F., Nebraska pioneer, residing near Walton, Lancaster county, was born October 3, 1831, in Lancka, Germany. In 1854 he emigrated to America and settled at Burlington, Wis. In August, 1858, he visited Nebraska, but returned the same fall to Wisconsin, and married Dora Lemke, and returned to his present home. There, unaided, he built a stone house, the material for which was hauled from the present site of Bennett, Neb., before that town was laid out by the railroad. The first summer Mr. Retzlaff cradled wheat at Weeping Water, receiving seventy-five cents per day, and taking his pay in wheat. Only



NICHOLAS RESS

five white people were residing on Stevens creek, in the vicinity of Mr. Retzlaff's home when he established himself there. He went twenty miles to Kemp Creek to attend his first Independence day celebration in Nebraska. On the way home he lost one ox. At first he plowed the ground with oxen and a home-made plow, but even with these crude implements reaped an abundant harvest. From this beginning Mr. Retzlaff has accumulated a competence. He is a member of the German Lutheran church. He was one of the first commissioners of Lancaster county, and afterward served as justice of the peace for one year. Six children have been born to Mr. and Mrs. Retzlaff: George W., Fred W., William T., Albert J., Emma, wife of Carl

Warthon, Lincoln; Ida, wife of Emil Rohlff, of Denver.

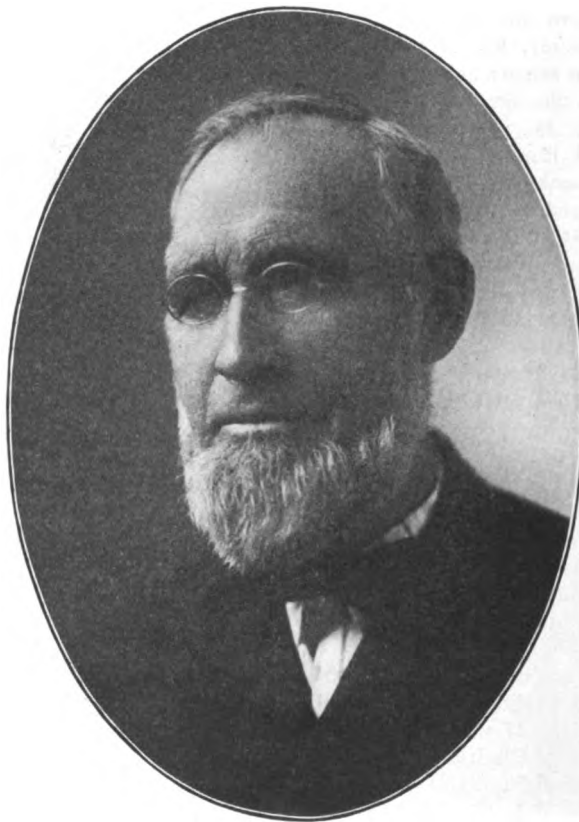
REYNOLDS, WILSON, deceased, was born December 25, 1825, at Virgil Corners, Cortland county, N. Y., son of Benjamin and Phoebe (Ball) Reynolds. When he was twelve years of age his parents moved to Wisconsin and settled near Racine. In 1849 Wilson and his brother Ransom went to Sacramento, Cal., passing through Nebraska with an ox team. Returning from California by way of the Isthmus of Panama, Mr. Wilson Reynolds again came to Nebraska in the spring of 1857, with his wife and brother-in-law, William West, and wife, Cynthia Reynolds West, and one child, Julia, who later died in Wisconsin. In 1857 Mr. Reynolds preempted a farm of 320 acres just north of Fremont. Mr. Reynolds was successful as an investor in real estate and in farming. He was one of the first to advocate tree planting and planted many acres of trees. He was an active whig and later a republican, as a citizen only, never accepting an office. He believed in temperance and used his strength and influence in promoting it.

In the early days he as engaged in freighting across the plains and was interested with Lee and Blewitt in contracts for grading the Union Pacific railroad and in building Texas railroads. He was first married in 1855 in Racine, Wis., to Marilla S. Harmon, born at Warren, O., a daughter of Hiram and Marilla (Harmon) Harmon, pioneers of Racine, Wis. Suffield, Conn., was founded by the Harmon family prior to the Revolutionary War. The Reynolds family are of colonial stock, coming originally from Connecticut. Benjamin Reynolds was in the War of 1812 and was the son of Nathan Reynolds. He died at Fremont at the home of his daughter, Mrs. Cynthia West Hamilton (see sketch of William and Cynthia West in this volume).

Josiah Reynolds, an uncle, came to Fremont about 1861. His daughter is Mrs. F. I. Colson (whose biography appears on p. 624, Vol. I, of this history). Phoebe (Ball) Reynolds was a daughter of Waite Ball, who served in the Revolutionary War.

The two children born to Mr. and Mrs. Wilson Reynolds are Cassius S. and Benjamin W. The former is engaged in the real estate and live stock business and lives at Fremont. He was born on the first farm occupied by his father in Dodge county

and is said to have been the third white child born in Dodge county. He married Susan E. Harrison, of Fremont, daughter of Mr. and Mrs. Foster V. Harrison. They have no children. Benjamin W. is also engaged in the real estate and live stock business, is the owner of a large ranch, and makes his home at Fremont. He was elected in 1902 to the state legislature as senator, and was appointed postmaster in 1911. He was married to Mary A. Davies daughter of Mr. and Mrs. James C. Davies, of Fremont. They are the parents of three children: May M., Wilson B., and Cassius J. Mrs. Marilla S. Reynolds, mother of Benjamin W. and Cassius S., died July 4, 1877. Afterwards Mr. Reynolds married Miss



CHARLES F. RETZLAFF

Harriet B. Chamberlain, of Cortland county, N. Y., who survives her husband, Mr. Reynolds having died May 12, 1909. For portrait, see page 553.

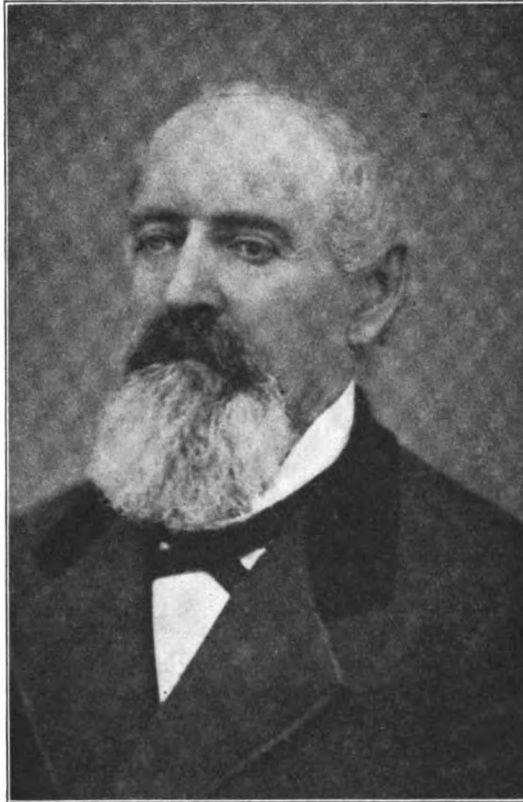
RHINE, JAMES W., deceased, late of Crete, Neb., was a native of Jay county, Ind., born September 5, 1840. In 1847 his parents went to Blackford county, Ind. In September, 1861, he enlisted in the 34th Indiana regiment. On May 26, 1862, he was wounded and lost his right arm, and was discharged August 9, 1862. Until June, 1865, he attended Franklin and Liber Colleges, and moved to Sedalia, Mo. where he engaged in teaching. In May, 1866, he

settled at Falls City, Neb., and taught school there until April, 1870, when he entered a homestead near Crete, Saline county, and in 1876 he settled in Crete. Mr. Rhine held many positions of public trust, beginning with his service as postmaster of Falls City, to which office he was appointed in 1869. He was several times elected precinct assessor, and served one year as city clerk of Crete, and was police judge and justice of the peace for several years, and meantime carried on a general fire and life insurance and real estate business. He was elected a member of the city council of Crete in 1878, and reelected in 1881 and 1883. He was assistant sergeant-at-arms of the Nebraska state senate in 1881, and sergeant-at-arms of the senate at the extra session of 1882. During the session of 1883 he was clerk of the committee on enrolled bills. He was elected county judge of Saline county in 1885, and reelected in 1887, and was appointed clerk of the judiciary committee of the state senate in 1895. He served several years as secretary of the Saline County Agricultural Society, and was a member of the Grand Army of the Republic and of the Independent Order of Odd Fellows. He was married in Lincoln, Neb., November 18, 1869, to Nancy A. Goodin, of Crete. They were the parents of five living children: L. V., wife of James S. Culbertson, of Haines, Ore.; Nellie V. Deems, of Lincoln, Neb.; Fannie C., wife of Edwin S. Shepherd, Crete, Neb.; James Madison, St. Louis, Mo.; and Estella, who is a teacher in the public school at Haines, Ore. They lost one daughter, Olive May, who died November 28, 1878.

RICE, ORIN W., of Creighton, Neb., son of Alonzo and Hester Owens Rice, was born in Fayette county, Ill., December 25, 1853. His parents removed to Iowa in 1865. He attended Central University at Pella, Ia. After completing his studies at Pella he entered the Iowa College of Law at Des Moines,

graduating from that institution in June, 1880, and was admitted to practice in the supreme court of the state. Immediately after his admission to the bar he removed to Creighton, Neb., where he has since resided in the practice of his profession and meeting with gratifying success. In 1882 he was appointed United States court commissioner, and in 1888 was elected county attorney of Knox county, serving two years. He is now (1911) in practice alone at Creighton. He is a member of Creighton lodge No. 110, Independent Order of Odd Fellows.

At Monroe, Ia., December 5, 1894, he was married to Miss Emma Lyons. One son, Roscoe Lyons, has been born to them.



WILSON REYNOLDS
For biography, see page 552.

RICH, EDSON, PROSPER, general attorney Union Pacific Railway Company, Omaha, has resided in Nebraska since the fall of 1869. His father, Lord Wellington Rich (see pp. 441 and 758, Vol. II), married Miss Prudence E. Smalley, November 1, 1857, at Griggsville, Ill., where Edson Rich was born August 15, 1858. In 1866 the family moved to Atchison county, Mo., opposite Brownville, Neb. Edson Rich entered the University of Nebraska in 1880, from which he graduated in 1883, and afterwards took a postgraduate course at Johns Hopkins University in law and political economy. He studied law with the firm of Harwood, Ames & Kelly and was admitted to the bar in 1887 and practiced in Lincoln until 1890, when he moved to Omaha. Mr. Rich served as a member of the lower house of the legislature in 1897 and was chairman of the judiciary committee. He was elected a member of the board of regents of the state university on the fusion ticket in 1900 for a term of six years. On February 1, 1900, he became assistant general attorney of the Union Pacific Railway Company, and on January 1, 1906, general attorney, at the same time being the senior member of the firm of Rich, Searle & Clapp. In politics he is a democrat. Mr. Rich was married

November ²⁷ 1900, to Maud L., daughter of Thomas O. Ward, of Kalamazoo, Mich. They have two children, Arnold and Edson.

RICHARDS, CHARLES L., attorney at law, Hebron, Thayer county, Neb., was born in Seneca, McHenry county, Ill., March 21, 1856. His great-grandfather, John Richards, and his grandfather, Ezra Richards, resided at Bridgewater, Mass. His father, Thomas McD. Richards, was born in that place, and was an early settler near Woodstock, Ill. The mother of Charles L. Richards was Julia A. (Webb) Richards, daughter of Sylvester P. and Harriet P. (Worden) Webb, of Columbia county, N. Y. Chas. L. Richards graduated from the University of Illinois at Champaign, in 1878, with the degree of Bachelor of Science. In 1884 he graduated from the Union College of Law, and on June 10th, of the same year, was admitted to the bar by the supreme court of Illinois. In August, 1884, he settled in Nebraska, first at Beatrice, where he remained for a few months, then at Hebron, where he has continuously resided since November, 1884. From January 1, 1887, until January 1, 1896, he was alone in practice, then he formed a partnership with James Dinsmore, which continued for about six years. Mr. Richards has always been a republican. For four years he was the county attorney of Thayer county; was president of the Hebron city school board for two years; was elected to the lower house of the Nebraska legislature in 1894, and was chosen speaker. For many years he has been prominent in Masonry, and in 1901 was eminent commander of Bethlehem commandery No. 18, Knights Templar. He is a member of the Presbyterian church. Mr. Richards has been three times married. His first wife was Carrie E. Allen; his second, Lydia M. Ashby; and his third and present wife, Lizzie E. Lowrie. He is the father of five children, four of whom are living, namely: Carl Gregory, Bessie Ashby, John Lowrie, and Webb. One child, James, died in infancy. Bessie Ashby Richards is a graduate of the Nebraska State University.

RICHARDSON, CAPTAIN JAMES, retired, Grand Island, Neb., dates his residence in Hall county from 1871. In this year he homesteaded 160 acres eight miles northeast of Grand Island, his father, Captain Austin N. Richardson, settling in that county at the same time. He died in Merrick county, Neb., in 1887, aged seventy-eight years. The family came from Wyoming county, N. Y., and the elder Richardson was a native of Rutland, Vt. He served in the Civil War as a member of the 104th New York infantry, enlisting in 1861. He was in the Army of the Potomac, 1st corps, 1st brigade, 2d

division, and participated in most of the great battles of that army. He was wounded at Gettysburg, during the first day's fight, and was promoted from the rank of sergeant to captain. After the war he returned to his home in New York, and was county supervisor of Wyoming county, and held other town offices. The Richardson family dates their residence in America back several generations. The grandfather of Captain Austin Richardson, Captain Nathaniel Richardson, served with the Green Mountain Boys, in the Revolutionary War, and his son, Rodney Richardson, served in the War of 1812, with the Vermont troops. Captain Austin N. Richardson married Laura Adelia Daily, daughter of Ephraim Daily, who was a soldier in the War of 1812. In 1861 his son, James A. Richardson, enlisted in the same company and same regiment as his father, and served till the close of the war, when he was discharged with the rank of first sergeant. A brother, Sidney J. Richardson, also served in the Civil War, in the 1st New York dragoons. He settled in Hall county when the family did, but soon returned to New York, where he became a station agent on the Lehigh Valley railroad. The youngest brother, E. A. Richardson, deceased, settled with the family in Hall county, and later became a druggist at Clarks, Neb. There were also three sisters who came to Hall county, Minnie Kendall, Nettie, wife of Ed. Hartwell of Hall county, and Hattie, wife of Ed. McAllister of Hall county. Another sister, Mrs. Waterman, resides in New York state. James A. Richardson married Miss Amelia Soule, daughter of George Soule, a veteran of the Civil War, who settled in Hall county, coming from New York state. They have four children: E. A., who served in Company M, 2d Nebraska, in the Philippine War, now residing at Cairo, Hall county, Neb.; Jay R., living at home; Mrs. Eveline Hall, and Vola, Omaha. Mrs. Richardson's grandfather, Captain Baker, who commanded the reserves, saved the day at Saratoga.

RICHEY, ISABEL GRIMES, of Plattsmouth, Neb., was born at Lancaster, Mo. Owing to disturbances caused by the Civil War her father, who was a merchant, removed his family to Ottumwa, Ia., when Isabel was three years old. In her new home the child began her education and was a quick and earnest pupil, always winning the good will of her instructors. A year before the time for graduation her parents moved to the town of Afton, Ia. Here she finished in the high school. The first sign of her poetical gift exhibited itself in fugitive verse. Miss Grimes was married to Justus G. Richey and the young couple established themselves at Plattsmouth, Neb., where they still live. Two sons have been born to them. The elder died in his fifth year.

Since 1893 Mrs. Richey has published two volumes of verse.

RICKER, ELI SEAVEY, of Washington, D. C., late of Chadron, Neb., county judge, editor, and author, traces his ancestry on the paternal side, to the Von Rycken family in Holland. Two brothers, Hans and Melchior, are recorded to have gone, in 1096 A. D., on the first crusade to the Holy Land, the former in command of 800 men in the army of Walter the Penniless, who was killed in the capture of Nice. Hans died on the expedition, but Melchior returned. On the maternal side, his ancestors, without endeavor to go farther back, have traced their line to a female passenger on the over-worked Mayflower. The emigrant forebears of the Rickers in this country were: George, who came as early as the year 1670, and Maturin, the youngest brother, who arrived not later than 1672. The descendants of the crusader Melchior spread into Switzerland, where the spelling was changed to Riccar, and to the island of Jersey off the coast of France. From the latter place George and Maturin emigrated, settling at Cocheco, now Dover, N. H. Here was made a further change in the name to the present orthography, and here these two brothers were killed by Indians on the 4th day of June, 1706. George had espoused Eleanor Evans by whom he had nine children. Between George and Eleanor, and the subject of this sketch, the genealogical connection has been completely established by Mr. P. L. Ricker of Washington City.

The Rickers of this line have generally been noted for their industrious habits and frugal but generous lives. They were fond of rural scenes, and found their principal employment in farming and lumbering; some were ingenious crafts-

men, and many have been more or less skilful in the use of tools and the production of domestic wares common to their times. Among the traits which have always stood out prominently to the credit of those whose history is known, was a love of reading and practical education, attested by their correspondence. Bradford W. Ricker, the father, was a well read student of American history and a man of wide intelligence. A hundred years ago men of business and literary attainments were scattering in

number outside of the villages, and if one or two were to be found in a large community who could serve as magistrate, write letters, draft papers with a scrivener's precision, settle estates, and do other kinds of legal business, they were among the most useful and respectable of citizens. Such a man was he, whose qualifications were in frequent demand and were freely used for the benefit of his neighbors. He was born at Brownfield, Oxford county, Me., September 17, 1803. The mother was Catherine Harmon. She belonged to a family of sturdy English stock possessing the Pilgrim mind without much that was Puritanical, and was born in Scarborough, close to Portland, August 30, 1802. The Harmon family emigrated to those



ELI SEAVEY RICKER

parts not much, if any, later than the middle of the seventeenth century, for we read of the exploits of Captain Harmon whose name was an object of hatred to the Indians inhabiting that section. They were a class whose characteristics made them noted for their successes in whatever claimed their persevering attention, their favorite employments being farming, business, and sea-faring. On the marriage of his parents in 1842, each of them brought into the family a child by former marriage—the father a son named William, and the mother a daughter named Sarah Abigail

Marr, a descendant of the Marrs of Scotland. The issue of this union was a son and a daughter; the first, Eli S. Ricker, born September 29, 1843, and the second, Mary Ann Ricker, born August 2, 1847, at the old family homestead, situated upwards of three miles from the ancient village of Brownfield Center, now called West Brownfield. The grandfather, Ichabod Ricker, purchased this homestead from the Cutler grant October 12, 1796, and it is the only farm carved out of that tract, the area of which is all under the same ownership. It was improved by him without delay. And here he spent a useful life, exemplifying exactness and uprightness in conduct, winning respect and prosperity; and here he died on the 12th of July, 1836, at the age of sixty-four, and was buried by the side of his first wife, the mother of Bradford.

Between the father Bradford and the son Eli existed a close confidence and companionship, the solemn memory of which comes floating across the span of more than half a century, bringing to the latter feelings akin to reverence. From the time the one was a year old the two were rarely separated; for wherever the father, who traveled much, went with his horse and carriage, on business or pleasure, the child was with him, and the object of his most affectionate solicitude. For the careful teachings of rectitude which he received from both his parents, he warmly avers that no reward of praise and gratitude and veneration can ever fully enshrine their virtues.

In 1855 the family removed to the state of Illinois, settling at Oneida, Knox county, where the country was comparatively new, though old towns and settlements were found at wide intervals, showing that the pioneers had made their homes in this paradise of western prairie many years before. Here Eli worked at farming, and in the winters continued his attendance upon the district schools. He grew into young manhood, evincing a decided taste for literary pursuits, studying political questions with care, and forming opinions which have been of the highest value to him as a citizen who recognized that a great trust was committed to him on election day. The Civil War coming on, as soon as he could be spared from home he enlisted on the 4th of August, 1862, in Company I, 102d Illinois infantry, and on the first of October reached the seat of war at Louisville, Ky., whence he marched and fought through to Nashville, Chattanooga, Atlanta, Savannah, and thence north to Washington City where, on the 24th day of May, 1865, he took part in the grand review of Sherman's victorious army, after a passage through seven states without once falling out of ranks to be left behind, and where, on the 6th day of June he was mustered out of the service. Ten days later

his regiment was disbanded in Chicago, and he immediately repaired to his home with gladness in his heart that the war was over and the national unity restored. On July 3, 1867, he was married to Mary M. Smith, of Wyanet, Bureau county, Ill. The five children born to them are living, two in Nebraska and three in Colorado; and these in turn all have children: and the nineteen grandchildren have all been spared from death and accident. Starting with his release from military service and continuing till the end of the year 1875, he was a farmer, raising at first large crops of broom corn and afterwards corn and hogs. In the beginning he was very successful; but in the year 1870, which was disastrous to the cultivators of broom corn, when the price of brush fell in Chicago from \$500 a ton to a point much below normal figures, he sustained fatal reverses, costing him many years of bitter struggle to overcome, so far as he ever succeeded in doing so financially. With a determination that looked like the set purpose of despair, and against the advice of disinterested friends who, standing so far off from the scene of his troubles that they could view the situation with better judgment, he calmly measured effort against a delusive chance to recover, and in the short space of five years paying \$3,000 for interest as a part of the forlorn undertaking, he at last surrendered his home and all, and with \$50 in his pocket went forth to buffet other chances in life, taking a new base and battling for a fresh start, now having besides his wife, four small children looking to him to lead the way. But this wife had health and courage, and her cheerful spirit and voice of happiness inspired him as never before. A father's love, and what the father could see in the sweet lives of these young children, aided by that imagination which lights the way for all who will not be cast down, and spurred by the vague enticements of that remarkable cornucopia which we call the future, so shaped the course of action that he marked out totally different routes on the map of life from any he had before trodden; and confiding to this helpmeet who made his every endeavor her own, the cherished feeling that if at the end of ten years he could start again in business on his own account he would be satisfied, he began to make his ambitions and prospects all over. His first step was to add to his education as much as his circumstances would allow, with a remote thought of studying law. When he entered the army he was making preparations for college, but President Lincoln's call in July for 300,000 volunteers caused him to alter his plans. During the first year of the war his strong hope was to become a soldier for the Union. But much reflection, including account of his father's age and infirmities and the reliance of the family on him, had brought him to the

sorrowful decision to abandon all thought of the army. In accomplishing this transition he turned to an equally dear object, a study of some of the higher branches of knowledge. Now, less than nineteen years of age, he had experienced two severe mental operations of the highest quality and import. Passing over an eventful space of thirteen years to the closing days of 1875, the rough usage of fortune had set his face once more toward the halls of learning. Beginning with a commercial course, he attended a seminary at Onarga, Ill., two years. At this place he made his home till 1882; and though obliged by his legal studies to go away that year, his family remained there until 1884. In 1876 and the two following years he worked at intervals in the office of the county clerk at Watseka, mainly preparing collectors' tax books, and was thus employed altogether a full year. It was while so engaged that, to accommodate a friend in the same office who was publishing a series of pioneer sketches, he was drawn into the same line of work, in which he gave so much satisfaction that this became a stepping stone to other literary employment. It was also at this period that he was a cripple from sciatica three years. This disease induced him to seek any kind of labor requiring him to walk, for his family physician confessed that he had done all he could for him; that he was likely to be further disabled with paralysis of the left leg if a cure was not soon discovered; and the only recourse possible to avert such danger, that he could advise, was walking. Acting on this counsel, he began canvassing; though he could be on his feet not more than an hour at first, and when traveling in the country was often compelled to lie down by the roadside or on a farmer's lawn till the attacks of pain had passed. He was soon perceptibly improved and in appearance restored, his form unbent, and he stood as erect as he ever had. But fear of this terrible affliction clung to him like the grip of death. Again he resumed his studies at school, but only for a day; for a publishing company in Chicago who had in contemplation to issue a history of his county, hearing of him as a writer of local reputation and being advised to secure his services, made personal overtures to him at his home, whereupon a contract was made under which he worked three and a half years. The dreadful fear of a return of that still more dreadful torment of sciatica assisted to prolong this service, for it involved much traveling on foot, and this it was that had lifted him out of unutterable misery. His pen was employed upon nine county histories in the states of Illinois and Indiana; and so diligent and thorough had been his labor in collecting materials and weaving them into sketches with accuracy, that he was always permitted to deliver the volumes for which

he had taken orders, his own work invariably receiving the approval of the patrons most directly interested. This is mentioned with some particularity for the reason that there have been many county histories spewed out by speculative publishers merely for profit, and these have been unsatisfactory, some of them worthless, while others were divided between some that were good and many that were partly good and partly bad. It is worth while to remember that in those cases where local writers of competency were employed, home pride was a strong incentive to do work that could not be wholly impeached. Mr. Ricker has been known to say, that while his contributions along this line have been fragmentary, his leading part of the history of Iroquois county, Ill., owing to the vital public questions which could not be passed without an attempt at adequate treatment which was seriously handicapped by a hiatus of eighteen years in the records, caused by fire, embracing the critical stage of the county's development—a period not only interesting, but a miniature and prophecy of what has been corruptly duplicated in our great west—was as zealously and studiously performed as anything he can ever undertake.

In 1882, having accumulated sufficient means to begin the study of the law without danger of interruption by the drafts of his family, he dropped the writing of local history and went to Brooklyn, Poweshiek county, Ia., where he entered the law office of his old friend and comrade of the Civil War, John T. Scott, one of the leading lawyers of the state and afterwards district judge, where he studied with great diligence and thoroughness, realizing that it was now late in life for him to commence to wrestle with the complexities of so great a profession. On the 7th of March, 1884, he successfully passed examination in open court, a special session being held for the purpose, and was admitted to practice. As soon as he could find a promising location in the new west, he removed the following year to Chadron, Dawes county, Neb., a town just begun at the then terminus of the Fremont, Elkhorn & Missouri Valley railroad, a continuation of the Northwestern line. The railroad had made a sudden irruption into this picturesque country lying south of and at the foot of the Black Hills, drained by the Niobrara, White, and Cheyenne rivers, rich in fossil remains and Indian story, and until the steam whistle drove out the domination of the cattle industry, under cowboy government. Chadron was laid out on its present site August 1, 1885, and on the 17th of September the subject of this sketch arrived there, and with F. J. Houghton as a partner in business, opened a law and real estate office. A vacancy occurring in the office of county judge, at the November election in 1886, he was elected to that office and filled the unexpired

term of thirteen months. The Chadron land district having been created by Congress, on July 1, 1887, the local office was opened there; this diverted the business of final proofs from the county court and furnished the reason for his declining a renomination. In February of this year a fire broke out in the business section of the town, and there being no water supply, this firm with many others was burned out, losing its office building, which had only a slight insurance, but saving books and furniture. In 1895 he was elected a second time to the position of county judge, and in 1897 elected the third time. At the beginning of January, 1900, his last term having expired, he retired to his large ranch on the Bordeaux creek, sixteen miles southeast of Chadron by the two routes of travel, though in a direct line across the hills it was only eleven miles. This property had been acquired during his residence in Dawes county under the homestead and preemption laws and by purchase, and it was well known for its picturesque situation, its pine-covered hills, its dancing brook, and its descriptive title of "Gray Cliff," which Mrs. Ricker gave it, from a very high bluff of gray butte rock in proximity to the residence. Here he remained just two years improving the premises and giving personal attention to his live stock, when he suddenly surprised his acquaintances by a partnership with Mr. A. M. Clark, former county superintendent and deputy county clerk, purchasing the *Chadronian*, and on the 8th of January, 1903, issued the first number of the *Chadron Times*. This paper was continued by him as editor till the 1st of March, 1905, at which time he withdrew, he having now sold his ranch, and his family being settled at Grand Junction, in western Colorado. Without previous experience in this line of business, it is due him to say that his paper had attracted attention not only throughout the state of Nebraska, but some encouraging notices of it came from farther distances. For some time prior to this change in his affairs he had been thinking of writing a monograph on the Indian campaign of 1890 and the butchery of the Indians at Wounded Knee, S. D. He at once actively took up this work by traveling and viewing historic places, interviewing actors in scenes, and others having personal knowledge of facts, collecting a large library on the subject, and otherwise procuring valuable materials. When he had fully matured the plan of his work, which was the growth of somewhat protracted study, he saw upon his hands a most comprehensive undertaking, whose completion would be postponed for years. It is hoped that his physical strength and mental faculties may hold out until he shall write "Finis."

Because of the length of this biography, at Judge Ricker's own request all reference to his political history has been omitted.

RIDDELL, DAVID ALONZO, deceased, farmer, Raymond, Neb., was born in Trumbull county, O., May 9, 1832. He was a son of James and Jane (Bell) Riddell. His great-grandfather Riddell and a brother emigrated from Ireland. His grandfather, Samuel Riddell, moved to Trumbull county, O., from Pennsylvania. David A. Riddell acquired his education in the public schools of Indiana and remained with his father on the farm until his seventeenth year. In 1852, with a brother, he removed to Iowa and learned the carpenter's trade, which had also been followed by his father. In May, 1854, he went to California with the gold seekers, and remained there seventeen years, and in 1871 returned east and settled at Lincoln, Neb., where he bought a home. He engaged in farming near Yankee Hill, and later removed near Raymond. He was a republican in politics until 1900, but in that year voted for William J. Bryan for president. He was a member of the Methodist Episcopal church since about 1885. Mr. Riddell was first married to Delia Maloney, at Mokelumne, Cal. His second wife, whom he married August 17, 1883, is Elizabeth (Laughlin) Riddell, widow of James Riddell.

RIDDELL, ELIZABETH (LAUGHLIN), Raymond, Neb., daughter of John and Jane (Cuthel) Laughlin, was born in New York city, March 24, 1835. Both her parents were born in Edinburgh, Scotland, and both were left orphans at an early age. Elizabeth Laughlin was educated in the public schools of Indiana. She was married to James Riddell November 27, 1851, in Allamakee county, Ia., and in 1865 settled on a homestead four miles south of Lincoln, Neb. After residing here eight and one-half years the family removed to Lincoln, and after five years' residence removed to Waverly, Neb., in 1881. They then removed to Raymond, Neb., where James Riddell died in February, 1882. To James and Elizabeth Laughlin Riddell five children were born: William Warren, David Dix, Newton N., Wiley M. and Frank F. Mrs. Riddell was again married, August 17, 1883, to David A. Riddell, of Raymond, Neb. Mrs. Riddell has been a member of the Methodist Episcopal church since her sixteenth year.

RIDDELL, JAMES McCRADY, deceased, a pioneer of Lincoln, Neb., was born October 7, 1827, in North Jackson, Trumbull county, O. He was married to Elizabeth Laughlin November 27, 1851, at Postville, Allamakee county, Ia. With his wife and family he came to Nebraska from Iowa in June, 1865, and settled on a homestead four miles south of what is now O street in the city of Lincoln. As one of the early settlers he assisted in drawing the original plat of the city of Lincoln and was one of

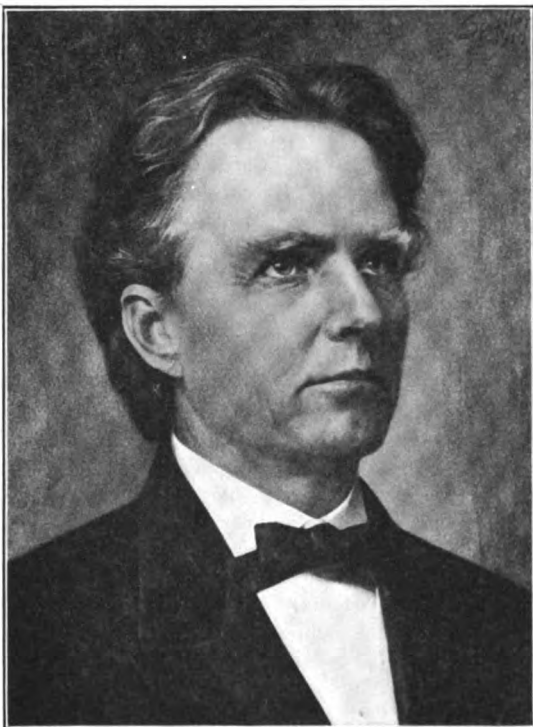
the contractors in furnishing stone for the first state capitol building in Lincoln. In 1873 he moved from his farm to the then young city of Lincoln and lived in the city until 1878, when he moved to Waverly. In 1881 he moved to Raymond, where he died February 11, 1882. Mr. Riddell was an extensive and successful investor in city and farm property in and around Lincoln. He was a progressive, industrious citizen and a leader in church and temperance work. He was one of the prominent early members of the Methodist Protestant church and largely supplied the funds necessary to build the first stone church in Lincoln which was located at the corner of Twelfth and K streets. He is described as one of the best of neighbors, a friend to the poor, a helper of the needy, and a loyal Christian citizen. There were born to Mr. and Mrs. Riddell five sons: William Warren, born October 18, 1853; David D., born April 3, 1857; Newton N., born March 12, 1862; Wiley M., born June 3, 1869; and Frank F., born August 21, 1871.

RIDDELL, NEWTON N., third son of James M. and Elizabeth (Laughlin) Riddell, was born in Harrison county, Ia., March 12, 1862. With his parents he came to Nebraska in 1865 and settled with them on a homestead four miles south of the present center of the city of Lincoln. In 1873 his parents moved to Lincoln in order

to afford educational opportunities for their children. When a small boy Mr. Riddell took an unusual interest in scientific and abstract subjects. When about ten years of age he attended lectures by Prof. Collier on the subject of "Light, Heat and Electricity," and from the time of hearing these lectures until the present he has been a constant student of science, philosophy, and metaphysics. Mr. Riddell was married in 1879 to Dorothy Jane Blackwell. Two years after his marriage he took up the study of medicine and later went to New York where he received special training in psychology and allied subjects. In 1888 he gave his first lecture in the Methodist church at Raymond and had as his audience those numbered among his neighbors

and friends. The two following seasons he lectured in the principal towns of Nebraska and Kansas, working in the campaign then so hot in the cause of prohibition. Following this work he went to the Pacific coast where he filled over 1,200 lecture engagements, speaking in the principal cities from San Diego to Victoria, B. C. In 1895 he moved to Chicago, which has been his headquarters since that time. For the past eighteen years he has traveled constantly, lecturing in practically all of the large cities of the United States and Canada. For the past twelve years he has been doing Chautauqua work in the summer season and

has addressed audiences aggregating over three million people. Mr. Riddell is a specialist in heredity, psychology, psychic phenomena, mental and moral philosophy. His lectures give definite methods of attainment that have proved helpful to thousands. His work has received the highest commendations of public men, educators, the pulpit, and the press. Is the author of several standard works on heredity, psychology, child culture and Christian realism. Mr. and Mrs. Riddell are the parents of two children: May Belle; and Charles C.



NEWTON N. RIDDELL

RIGGS, ALFRED LONGLEY, Santee, Neb., was born at Lacquiparle, Minn., on December 6, 1837. His father was Stephen Riggs, D. W., LL. D., a missionary to the Dakota or Sioux Indians from years 1837 to 1883. He was the author of "Dictionary and Grammar of Dakota Language," and one of the two translators of the Dakota bible. He was married to Miss Mary Ann Longley of Hawley, Mass., a daughter of General Thomas Longley, a veteran of the War of 1812, and granddaughter of Colonel Edmund Longley. Dr. A. L. Riggs was educated at Knox College, Galesburg, Ill., where he received his B. A. and M. A. degrees, and at the Theological Seminary, at Chicago, where he received his B. D., and last his D. D. from Yankton College. Dr. Riggs came to Santee, Neb., in June 1870, to build up the Dakota mission under the charge of the American board of commissioners for foreign

missions of the Congregational and Presbyterian churches. He is the founder of the Santee Normal Training School, now under the charge of the American Missionary Association, which has a plant worth \$45,000, and a corps of nineteen instructors for Indian pupils gathered from all parts of the west. Their platform is: "For Indians we want American education. We want American homes. We want American rights. The result of which is American citizenship. And the gospel is the power of God for their salvation." Dr. Riggs is a republican in politics and a minister of the Congregational church. He was married June 9, 1863, to Miss Mary Buel Hatch of Chicago, Ill. They have five children: Frederick B., assistant principal, Santee Normal School; Cora Isabella, wife of Dr. F. A. Waples, Cody, Wyo.; Mabel, wife of Prof. F. L. Stead, musical director, Peoria Musical College, Ill.; Olive Ward, secretary, Santee Normal; Stephen W., teacher in Queen Ann high school, Seattle, Wash.

RIGGS, ZACHARIAH H., deceased, was born March 19, 1841, near Sturgeon, Boone county, Mo., son of Samuel M. and Margaret (Ridgeway) Riggs, the former of German, and the latter of French descent. He settled at Plattsmouth, Neb., in 1864, and removed from Cass county in 1866 to Richardson county, and bought a farm near Dawson, where he resided until 1886, when he removed to Fairfield, Clay county, and engaged in the drug business, and later in general merchandise, which he continued until his death, March 11, 1908. During the last seventeen years, his son-in-law, William T. Cornelison, was associated with him in business. Mr. Riggs became one of the most progressive and substantial citizens of Fairfield. In early life he affiliated with the democratic party, and was a candidate on the democratic ticket for the office of county commissioner in Richardson county, but was defeated by four votes on account of his sentiments in favor of temperance. He served many years as county assessor. Later, he became a prohibitionist. Mr. Riggs was married in Rock Bluffs, Cass county, Neb., September 12, 1865, to Miss Lucy S. Gordon, daughter of Dr. and Mrs. William L. Gordon, pioneers of Cass county. Mrs. Riggs was educated in the seminary, at St. Joseph, Mo. Both the Riggs and Gordon families were members of the Christian church, in which Mr. Riggs was an elder for about thirty years. Three children were born to Mr. and Mrs. Riggs: Florence Lillian, who died at the age of two years; Sallie, wife of William T. Cornelison, of Fairfield; and William E., druggist. Mrs. Cornelison is a graduate of the Fairfield (Neb.) College, class of '88. Later she studied elocution at the Peru (Neb.) Normal School and became a teacher of elocution in Fairfield College, and for twenty-

four years had charge of the children's work in the Christian church Sunday school. William E. Riggs was a student at Fairfield College, and at the Chicago School of Pharmacy. He was married October 16, 1892, to Miss Minnie McPeak. They have one son, Roland LeRoy Riggs. Besides his own children, Mr. Z. H. Riggs had the care of two orphan children for many years, and for more than twenty-two years he had in his home and under his care, an invalid brother-in-law. His whole life was one of self-sacrifice and of devotion to his family and to the church.

RILEY, THOMAS J., deceased, Omaha, Neb., was born in 1837 in Creston, Pa., a son of Cornelius and Sarah Riley. He moved to Omaha in 1854 and was engaged in business from that time until his death, September 27, 1908. His brothers, Andrew, Edward, Barney, and Frank were associated in business with him and are now all deceased but Edward. The firm was known as the Riley Brothers and their wholesale trade extended all over the west to the coast. Mr. Riley was a democrat during his life time. He married Anna Riley, of Omaha, and they are the parents of eight children: Helen, wife of Louis Franes, of Omaha; Sarah A., wife of Thomas Dillar; Mary F., wife of J. H. McCreary; Elizabeth, of Chicago; Clara Mae, Chicago; Francis Joseph, who died at Jacksonville, Fla., while on duty in the 2d Illinois cavalry, 1898; Stella M.; and Thomas Riley, Jr., of Chicago. Mr. Riley was a charter member of St. Cecilia's R. C. parish church. Mrs. Riley came to Omaha in the early fifties from Dundas, Canada, in company with her brothers, John and Michael, the latter of whom is now deceased.

RINE, JOHN A., of Omaha, Neb., who is at present (1911) serving as city attorney for the city of Omaha, became city attorney in December, 1910, by the resignation of I. J. Dunn. Prior to this he was assistant city attorney for a period of four and one-half years. In 1903 he was referee in bankruptcy, appointed by Judge Munger of the United States district court for the state of Nebraska. Previous to his service as referee, he was in general practice. He was educated in the University of Michigan and graduated with the degree of LL. B. in June, 1900. He is a member of the B. P. O. E. and was exalted ruler of Omaha lodge in 1903. Mr. Rine was born in Dodge county, Neb., son of Philip and Laura (Wirminghaus) Rine (see sketch in this book).

RINE, PHILIP S., of Fremont, Neb., was a son of John M. and Mary Ann Rine of Snyder county, Pa. The Rine family came to Pennsylvania in 1750



J. H. Riggs



Lucy S. Riggs.



W. E. RIGGS



MRS. SALLIE R. (RIGGS) CORNELISON

from Germany. Philip Rine came to Nebraska in 1874 and settled at Fremont. In October, 1875, he was married to Miss Laura Wirminghaus, who was a daughter of F. W. and Adolphine Wirminghaus, of Houghton, Mich. Mr. Wirminghaus, who is now deceased, was a pioneer settler of Dodge county, Neb., and was elected county surveyor of Dodge county in 1869 and served until 1875, being elected on the republican ticket. Mr. Wirminghaus came to Nebraska in 1868 and made Fremont his home until his death in 1904. Philip S. Rine was a member of the city council of Fremont for one term. He has large farming interests in Dodge county and is president and director of the Farmers and Merchants Bank of Fremont. He was at one time a large feeder of cattle and sheep and engaged generally in the live stock business. Mr. and Mrs. Rine are the parents of three children; John A. Rine, city attorney of Omaha; Bertha, at home, and Charles, on the home farm.

ROBBINS, ALPHONSO M., of Ord, Valley county, one of the early settlers in that section, was born March 5, 1849, in the western part of McHenry county, Ill. His father, John Hanna Robbins, was a native of New York, who moved to Canada while a young man and several years later to McHenry county, Ill., where he remained until 1857. He then removed to Boone county in the same state, and again in 1890 to Moscow, Ida., where he died in 1898. He was a farmer all his life and his means were always limited. He married Harriet N. Allen, a native of Pennsylvania. She accompanied him to Canada, and to Illinois, where she died in 1855. Mr. Robbins's father had two brothers in the Revolutionary War who went to Canada to live after its close and removed again to the United States.

Alphonso M. Robbins went to school at the old log school house near his home in Boone county,

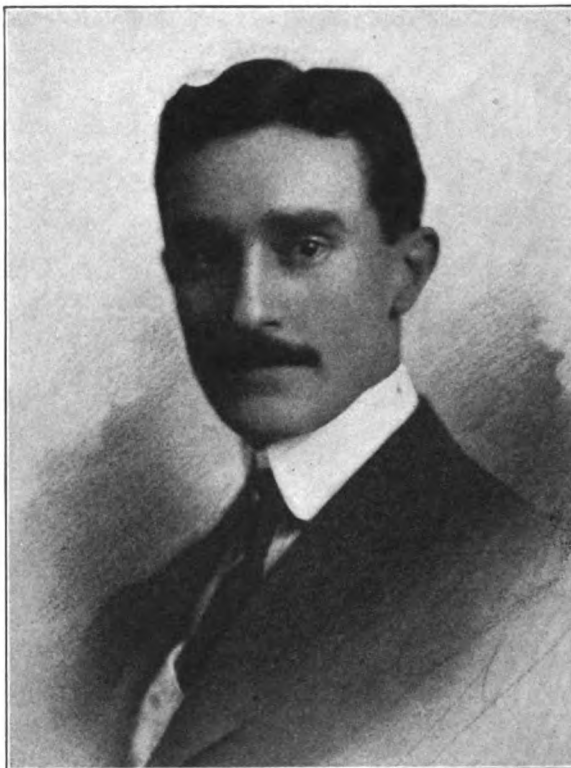
and the old stone structure known as the county line school house in the woods of Boone and McHenry counties. He earned his first wages when he was only eleven years old by working half a month on a farm for \$2.50. The farmer suddenly quit the country without paying his helper, but left behind some property, which young Robbins's father garnished, thus realizing the amount due the boy. From that time on until he left home, the boy worked out by the month on farms in his vicinity. In March, 1865, at the age of sixteen, he answered the call for one year men in the army.

but was rejected because he was not of the required age or stature. Early in March, 1866, he left home, going to DeKalb county, Ill., where he worked on a farm by the month, attending the district school in the winter and during about two months of the summer following. In the spring of 1868 he attended the Teachers' Institute and Seminary at Pawpaw, Ill., which was chartered by the state and conferred collegiate degrees. Mr. Robbins taught during the winters and returned to the college in the spring and fall, until he graduated July 4, 1873, being valedictorian of his class.

In 1873 he entered the office of A. K. Truesdell of Dixon, Ill., where he spent two years studying law. He

was admitted to the bar in 1875 and immediately came to Papillion, Sarpy county, Neb., where he soon built up a good practice. He became interested in the purchase of the land upon which the town of Ord is now located and in 1881 he removed from Papillion to Ord. He became largely interested in real estate in Valley county and had a large law practice throughout that part of the state. He has had many important cases before the supreme court.

Mr. Robbins has always been a republican. In 1883 he was appointed county attorney for Garfield and Wheeler counties, holding the office for four



JOHN A. RINE

For biography, see page 560



J. L. Robinson.

years. In 1886 he was elected state senator for the 15th senatorial district and in 1899 he was nominated by his party as a candidate for judge of this district. He has been active in fraternal societies, and is a member of the Independent Order of Odd Fellows, Knights of Pythias, Modern Woodmen of America, Knights of the Maccabees, and the American Order of Protection. He has no church affiliations.

He was married October 28, 1872, to Cynthia C. Haskell, who is also a graduate of the Pawpaw (Ill.) Institute. They took the same course at that institution, Mr. Robbins receiving the degree of B. S. and Mrs. Robbins that of L. S. They have seven children: Rose, wife of Dr. J. C. Holson of Ord;



PHILIP S. RINE

For biography see page 560.

Edith, assistant principal of the high school at Blair; Alice, wife of Professor H. Foght, of the Danish College at Blair; Emma, late of the Nebraska State University; Horace and Harold (twins), and Floyd. Three of the daughters have attended the Nebraska State University, from which one of them graduated in June, 1899.

ROBERTS, WALTON GRANT, undertaker, Lincoln, Neb., son of Evan T. and Josie R. (Barber) Roberts (see sketch, pp. 759 and 760, Vol. II), was born in Fulton, Oswego county, N. Y., August 27, 1867. He came in 1873 to Lincoln, and in 1879 entered the employ of his uncle upon a stock ranch at Box Elder, Colo. In 1887 he assisted his father in his undertaking establishment and in 1888 purchased the business which he has

continued. Mr. Roberts is a republican, and was president of the young men's republican club, and chairman of the republican county central committee. He is a 32nd degree Mason, a Knight of Pythias, an Elk, and a member of the Lincoln Commercial Club. He was married April 2, 1890, to Mary Barwick, of Lincoln, and two children have been born to them, Genevieve L. and Walton B.

ROBERTSON, JOHN W., a farmer residing four and a half miles from Red Cloud, Neb., settled in Webster county with his parents in 1874. He is a son of Simion H. and Lucinda (Baker) Robertson. The family came from Taylor county, Ia., when John W. was eleven years old. The Robertson family were early settlers of Iowa, where they were engaged in farming. Mr. Robertson has engaged in farming in Webster county, devoting his attention especially to stock-raising. He feeds about one hundred head of high-grade cattle, and two hundred head of hogs, and feeds all the produce that he raises. Mr. Robertson married Miss Phoebe Serl, daughter of Wm. Serl, who settled in Webster county in 1877. Mr. and Mrs. Robertson are the parents of two children, Myrtle, wife of Roy Fern, of Red Cloud, and Hazel, wife of John Karrer, Jr.

ROBINSON, JAMES C., of Waterloo, Neb., president of the J. C. Robinson Seed Company, was born in Hebron, N. Y., in 1861, son of John A. and Emeline Coy Robinson. Mr. Robinson was president of the American Seed Trade Association in 1909-1910, which promotes the advancement and protection of the interests of the seed trade. This association covers the United States and Canada and consists of about 200 members operating in the various seed trade lines. Mr. Robinson is a republican in politics and was a presidential elector in 1906 for the state of Nebraska. He married Miss Mary C. Temple in 1888, a native of New York. Their children are E. Temple Robinson and Delia M., students in Nebraska State University; Lawrence R., at Kearney Military Academy, and Grace M.

Mr. Robinson located in Waterloo in 1888 and engaged in the seed trade business. The output amounts to about 250 carloads of seed corn per year and about 400,000 pounds of vine seed, taking the product of 12,000 to 15,000 acres in Douglas county. Mr. Robinson started in business in a small way, but now five warehouses are used, and the business furnishes employment to about seventy men. In addition to the acreage in Douglas county, the company has several growing stations throughout the state of Nebraska, besides stations in Michigan, South Dakota, Iowa, Colorado, Kansas, Oklahoma, and California.

ROBISON, BASCOM H., founder and president of the Bankers Reserve Life Company, of Omaha, was born January 22, 1853, in Washington county, Ind., son of Robert and Elizabeth (DeWitt) Robison. His father was a native of Virginia, of Scotch-Irish ancestry, and a business man of character and standing. His mother was a member of the historic DeWitt family of New York, of German, French, and English descent. She was a woman of education and refinement. When he was but fourteen years old, his father died, and, as the oldest of five children, the support of the family fell heavily upon him. Bascom H. Robison received a common school education in his native county, and later entered Hanover College, Ind. He engaged in teaching and in this way worked his way through college, making two years in one and standing second in his class. He settled in Nebraska in 1874, continuing his profession of teaching. As an evidence of his interest in school work it may be said that he still holds a life certificate in the state of Nebraska.

The subject of this sketch later engaged in the real estate business, and represented eastern capital in the purchase and sale of real estate, the examination of titles, and the making of loans, gaining in this way experience that has been of great value to his company in successfully investing its funds. In 1883 he first entered the life insurance field as a solicitor, and soon afterwards became an agency director for a large New York company, having entire charge of the territory west of the Ohio river to the Pacific coast. It is a matter of record that in this capacity he wrote in thirty days \$450,000 of paid personal business, and that in two years he wrote \$2,500,000 of paid personal business, in addition to attending to the organization and agency work of a large company in a wide territory. Mr. Robison became imbued with the idea that the great west should have a life insurance company of its own. He therefore organized the Bankers Reserve



BASCOM H. ROBISON

Life Company March 25, 1897, with headquarters at Omaha. President Robison, from long experience, knew the temper of western men, most of whom were demanding more than was offered by the eastern companies, which did not seem to grasp the situation in the west. He believed that he could build up a company and put it upon a firm financial basis by selling policies of exceptional merit; by conservative and economical management, and by dint of hard and persistent effort. The first five years of the company's existence were devoted to preliminary organization, to formulating necessary legislation, and

to the writing of \$5,000,000 of first-class business on the lives of Nebraska citizens. On July 31, 1903, the company was reincorporated under the mutual legal reserve life insurance law of Nebraska, by accepting the provisions of the act, which became operative in July, 1903. On January 15, 1908, a stock company was formed with a paid-up capital of \$100,000, which consolidated the business by reinsurance on March 3, 1908. The company has extended its operations to cover the territory of practically the entire United States. So successful has been the company under the management of Mr. Robison, that, notwithstanding the powerful competition of the older insurance companies of the eastern states, the business of the Bankers Reserve has

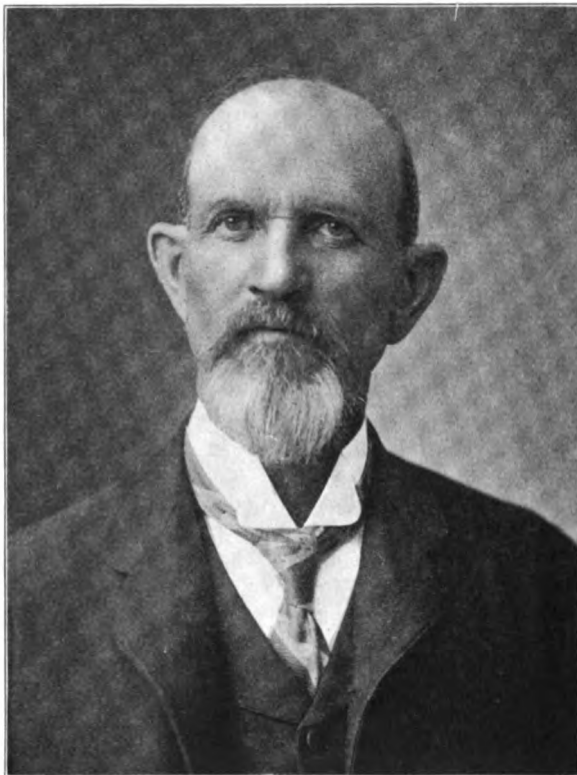
grown to such an extent that it now (1912) carries on its books paid business approximating \$30,000,000, with cash assets in excess of \$3,550,000, which are being increased rapidly annually. While Mr. Robison has surrounded himself with able counselors and assistants, the commanding position occupied by this important Nebraska company today is due largely to his skill. To his industry, untiring zeal, and thorough comprehension of the problems of life insurance, the people of Nebraska are indebted for this great institution.

Taking counsel from a study of the signs of the times, Mr. Robison foresaw the industrial and financial preëminence of the west, as evidenced by the

gradual but enormous accumulation of wealth from decade to decade. He predicted that the east could not long maintain its supremacy in the insurance world, but sooner or later must give place to western enterprise and western money. His look into the future may or may not have been prophetic, but the sequel shows that within fifteen years' time, the undisputed lead of the east in insurance affairs no longer obtains, but on the contrary there is widespread popular belief that it has shifted to the middle west. Whatever may have been the influences producing the result, the fact is quite apparent, and as time passes will become more and more evident. If Mr. Robison had not possessed the prevision enabling him to foresee the splendid progress the west is making in its contest with the east for productive and commercial supremacy, what could have induced him to organize a life insurance company in years of financial depression pervading the whole nation? In any event, no one will be disposed to gainsay the fact that Mr. Robison has demonstrated the ability of western enterprise to found a great life insurance company, possessing elements of strength that place it among the great financial institutions known in the annals of Nebraska. This sketch would be incomplete did it not indicate, however briefly, the manner of man whose life work it holds up to passing view. Possibly the most marked characteristic is persistency—determination. While conservatism is evident in every important event of his business life, yet there is a record of constant, patient, tireless endeavor to forge ahead in the task of achieving results in pursuance of a progressive policy. A man of positive convictions, yet one who is willing to give due consideration to the opinions of others; genial, whole-souled and companionable, the subject of this sketch has made many life-long, loyal friends—a fact that will not be overlooked by those who would analyze the character of the man in an effort to discern the secret of his success. The social side of a busy life is sometimes neglected for a time, yet President Robison has never permitted the demands of business to deprive him of the society of congenial friends. In religious belief and practice he is a Presbyterian, of which church his father and mother were active members for a generation. Never prominent in partisan politics, President Robison has for many years supported the policies of the republican party, as his father did from the day the party was organized, and his interest in politics has always been inspired by a desire to further the betterment of civic affairs. The family consists of wife, son, and three daughters. In all that pertains to enlightened wifehood and motherhood, Sarah Frances Robison has devoted her life to the work of furthering the welfare of her family. The son, Robert L. Robison, and the daughters, Myrtie M. Preston, Edna

O. Wagner, and Lillian Beatrice Farney, all received the benefits of college training.

RODENBROCK, FRED W., deceased, late of Nebraska City, Neb., was born in Halle, Westphalia, Germany, October 5, 1840, son of Frederick and Katrina (Kiel) Rodenbrock, and died September 29, 1906. They owned a farm at Kiel that has been in the Rodenbrock family for many generations, where Henry Rodenbrock, a brother of Frederick W., re-



FRED W. RODENBROCK

sides at the present time. Fred W. served in the German army for three years during the war between Germany and Denmark. In 1865 he emigrated to America, in company with Herman H. Bartling (see Vol. II, p. 577), landed at St. Louis, and for a few months worked for J. H. Rottman in the wholesale business, then went to Nebraska City and became a clerk in a grocery store; later, a partner in the business and then established a store of his own, which is now (1911) in charge of his son, Louis W. Rodenbrock. He was a member of the school board, the city council, and the Lutheran church. He was married at Nebraska City, September 4, 1873, to Miss Lena Kregel, daughter of

Henry and Mary (Petring) Kregel, natives of Germany, who settled in Clayton county, Ia., where Mrs. Robenbrock was born, removing to Nebraska City in 1869. Mrs. Kregel was a sister of Herman N. Petring, one of the pioneer merchants of Nebraska City. Mr. and Mrs. Rodenbrock were the parents of six children: Amanda, a graduate of the Nebraska City high school, and a teacher in Nebraska City; Minna, a high school graduate and a teacher; Henry, an employee in the Otoe County Bank until his death in 1901; Laura, and Louis W., employee in the Otoe County Bank until 1906; and Ora.

ROE, CHARLES F., Lynch, Neb., was born in Beaver township, Noble county, O., on October 26, 1872. His parents were Edward and Margaret E. (Deal) Roe, from Ohio. Mr. Charles F. Roe was educated at the Western Normal College, commercial department, Shenandoah, Ia. He came to Lynch, Neb., in 1895, but later spent a few years on a homestead at Fairfax, S. D. In 1901 he again removed to Lynch and engaged in the banking business. Mr. Roe is a democrat in politics and a member of the Masonic order. He was married on October 7, 1901, to Miss Anna Pech. They have four children: Harold, Helen, Gail, and Earl.

ROGERS, MISS ANNA, deceased, was born in Aurora, Ill., the daughter of James and Sarah A. Rogers (see sketch in this volume). With her parents she removed to Lincoln in early childhood, entering the university at twelve years of age. She took the classical course, graduating as president of her class. She took graduate work at Vassar, receiving the A. M. degree in 1893. She was a member of the First Presbyterian church of Lincoln and took great interest in the religious and philanthropic work of the university and of the city, serving as a member of the advisory board of the university Y. W. C. A., and of the board of directors of the city Y. W. C. A. She was very active in securing the completion of the new building of the latter organization.

In 1908 Governor Sheldon appointed her a member of the advisory board of the Home for the Friendless, of which board she served as secretary as long as the home was maintained by the state. She also took an affectionate interest in the crippled children at the State Orthopedic Hospital. When this institution was founded the state made no provision for teaching these unfortunate children during the time they were under treatment at the hospital. Realizing how important it was for their future happiness and well being that the education of these children should not be neglected, she con-

tributed herself and secured funds by subscription from her friends sufficient in amount to provide a teacher, and to start and maintain a school until the legislature made an appropriation to continue the work. She also assisted in providing Christmas gifts for the children, and in arranging musical entertainments to bring a measure of happiness to their lives.

In temperament she was very artistic—beauty and harmony always appealing to her. As a member of the Hayden Art Club she often assisted in arranging the annual art exhibit at the university, and had a thoroughly practical knowledge of almost every department of art work.

An associate member of the Matinee Musical, she was herself a good pianist. During her frequent visits to New York, it was her privilege and delight to hear the best musical talent of the world.

She loved travel, and at different times visited almost all places of interest in Europe and America, taking an active and intelligent interest in the life, customs, and arts of foreign lands.

Few have exerted a wider or more helpful influence on the community than Miss Rogers. She represents the highest type of college woman.

Her death took place on August 4, 1910, at her home in Lincoln.

ROGERS, GEORGE HIPPEE, capitalist, Lincoln, Neb., was born at Glenellyn, Dupage county, Ill., now a suburb of Chicago. He is a son of James and Sarah Anna (Hippee) Rogers, who came to Lincoln, Neb., in 1870. James Rogers was born December 21, 1817, in Dauphin county, Pa., near the present city of Harrisburg. He was of Scotch-Irish descent, and his ancestors were among the earliest settlers of Pennsylvania. The first of the family to come to this country was William Rogers, who was born in 1710, and who married Eliza Derby, of Bucks county, Pa., in 1731. He selected and purchased from the sons of William Penn, a large tract of land beautifully situated along the Manada creek, and near the foot of the "First" or "Blue Mountain," a portion of the Blue Ridge. Other lands were purchased in the mountains for pasture and timber. In time a large two-story brick house of colonial style was erected, which still stands, in good condition. Here he and his descendants lived for generations in succession, although many removed to the western states. He had five sons and four daughters, one of whom, Andrew, born in 1746, succeeded to most of the ancestral lands upon the death of his father, in 1771. He utilized the water power for a grist mill, established brick kilns, and in other ways displayed business ability. Although a man of large property interests, he was an ardent patriot during the Revolutionary War. The Scotch-

Irish settlement sent many soldiers to aid General Washington. Andrew Rogers was a lieutenant in a company commanded by his brother, Captain James Rogers, in Colonel Timothy Green's Hanover rifle battalion, and participated in the battle of Long Island, and the campaign succeeding that disaster. In 1778 he became an officer in Colonel Butler's 4th Pennsylvania Continental line, and remained with the army until mustered out in 1781. Andrew Rogers married Jane Henderson, of Bucks county, Pa., and had two daughters and one son, Robert, born in 1782. His active and useful life ended by his sudden death in the latter year. Robert Rogers, an infant at the death of his father, was brought up by his mother and step-father, David Ferguson, and succeeded to the estates. He was married in 1812 to Isabella Carr, daughter of John and Jane (Wallace) Carr. Her father, John Carr, was a member of Captain John Jamison's Company of Associators of Warwick, Bucks county, Pa.; and her grandfather, James Wallace, was a delegate from Bucks county to the general conference of the committee of safety, which met in Carpenter's hall, Philadelphia, in 1774, and at subsequent meetings; a member of the Associators of Warwick township, Bucks county, in 1775, his name heading the roll; and in 1776, justice of the court of common pleas, orphan's court, and oyer and terminer for Bucks county, under the constitution of 1776. Robert Rogers resided in Pennsylvania for many years, and his children were all born at the old homestead on the Manada. About 1830 he removed with his family to Springfield, O., where he engaged in the milling business. He died there in 1854. James Rogers, son of Robert, and father of George H. Rogers, secured a liberal education in the local schools of Dauphin county, Pa., and at Lafayette College, Easton, Pa. His father having removed to Ohio, he decided to go still further west, and proceeded to Chicago, in which city and vicinity he remained for many years. In 1870 he was attracted to Nebraska by opportunities for investment, and some years later removed his home to Lincoln, where he devoted his time to his property interests and to buying and selling county securities. He married Sarah A., daughter of George and Anna (Shriver) Hippee, of Canton, O. They had three children, George H., Isabella, and Anna (deceased), all of whom resided in Lincoln, Neb. James Rogers died April 8, 1878. His wife, Sarah Anna Hippee, was born October 5, 1828, at Canton, O., where her father, George Hippee, was for many years engaged in mercantile business. Her great-grandfather, Jacob Sheets, bought of Lord Baltimore a large tract of land beginning at the junction of Marsh and Rock creeks, where they unite to form the Monocacy river, and following that stream far enough to

include several fine mill sites and water power, all of which he improved. This property, which was developed into a fine plantation, is situated not far from Taneytown, Md. Lewis Shriver, her grandfather, married Mary, a daughter of Mr. Sheets, and lived near Emmitsburg, Md., just over the Pennsylvania line, the homestead embracing a portion of the later battlefield of Gettysburg. During the Civil War General Lee and his staff occupied for a time the old stone mansion of the Shrivvers. George Hoff, another ancestor, settled in Lancaster, Pa., in 1765, and engaged in the manufacture of jewelry, scientific instruments, and clocks. During the Revolutionary War he served in Captain Jasper Yeate's company, of Colonel Matthias Slough's battalion of Associators of Lancaster county, Pa. Sarah Hippee graduated from the Canton Seminary, and for several years thereafter had charge successively of the department of botany and of mathematics at the Wooster (O.) Seminary, and the Lutherville Seminary, situated in a suburb of Baltimore. Her death occurred May 9, 1897. George Hippee Rogers accompanied his parents to Lincoln, where he entered the University of Nebraska and was graduated in the class of 1888. He studied law in Columbia University, New York city, in 1889-90, and has since been extensively engaged as an investor in Nebraska lands and city property, and doing a general brokerage business. He is a member of the Commercial Club, of Lincoln, and of the Pennsylvania German Society.

ROGERS, HENRY W., JR., was born in Fremont and is a son of Henry W. and Catherine (Bosler) Rogers, who came to Dodge county in 1868 and settled upon a homestead near Hooper, part of the town of Hooper now being on this land. In 1872 he moved to Fremont and engaged with the May Brothers, wholesale grocers. He is a veteran of the Civil War, having served in the 3d Pennsylvania cavalry, and is a member of the G. A. R., McPherson post No. 4. He had seven children: Jacob C., of Fremont; Emma, wife of Arthur Gwynn, of Wyoming; Katie, now Mrs. C. H. Green, of Fremont (see sketch in this volume); Lucy, wife of William Yakish, of Fremont; Etta, wife of Henry Yermey, of Fremont; and Henry W. Rogers, Jr. His son, J. C. Rogers, is prominent in Masonic and political circles and is now employed by the May Brothers in Fremont, having succeeded his father to this position. Mrs. Catherine (Bosler) Rogers was a daughter of Jacob Bosler, who came to Fremont in 1868, with his wife, Barbara Schindler. They had three children: Christina, George F., and Jacob. Christina married George Wolz. They are the parents of George F. Wolz, mayor of Fremont (sketch appears in this volume). Christina Wolz

afterwards married C. Baldruff. George F. Bosler resides in Fremont. Jacob Bosler built the first I. O. O. F. hall in Fremont. He was a rich man at that time, and being an ardent Odd Fellow, gave the lodge this hall.

Henry W. Rogers, Jr., was engaged by the Omaha Tent and Awning Company in 1896, of which company he became superintendent and manager. Later he removed to Lincoln, Neb., as manager of the Nebraska Tent and Awning Company, which he operated for three years for the Omaha company. In 1900 he moved to Fremont and organized the Rogers Tent and Awning Company. This company is now doing a good business and covers territory throughout Nebraska, Wyoming, and South Dakota. Mr. Rogers is a Mason, and is senior vice commander of the Sons of Veterans for the state of Nebraska and has been instrumental in organizing the post in Fremont as well as the order in the state.

ROGERS, LUCIUS HENRY, deceased, late of Fremont, Neb., was the third son of Lucius Carey and Fannie (Locke) Rogers, and was born March 20, 1834, in Fayetteville, Onondaga county, N. Y. His father, a Methodist preacher belonging to the Oneida conference and traveling that year a large and difficult circuit with several appointments, entered upon his book of records the following statement: "This was a year of great trial, of multiplied responsibilities," commenting upon which the son naively supposes himself to have been one of the "multiplied responsibilities." Further entries in the same volume show the amount received from the charge and may serve to explain the not unreasonable anxieties of the parent. "Quarterage, \$162.49; traveling expenses, \$23.84; donation, \$40.00; total, \$226.33." A decade later, in 1844, the record stands: "Quarterage, \$242.12; donation, possibly, \$100.00; total, \$342.12." Owing to the impaired health of the father the family settled for eight years upon a farm at Augusta, Oneida county, N. Y. L. H. Rogers worked on the farm and attended the old academy through the winters. In 1857 he joined his brother, E. H. Rogers, at the little settlement called Fremont, where three log houses and a few low stables roofed with hay broke the limitless white stretch of snow-covered prairie. He loved Nebraska all the more for the wholesome discipline of her early harshness. In common with the other settlers he preëmpted land near the town-site and entered upon the heavy and unremitting toil required to transform his acres of waving grass into a fertile and productive farm. From the time it was built he shared the home of his brother and throughout life their relations were close and affectionate and their interests largely identical. During a year and a half in the

early sixties the older brother left his affairs in Nebraska to the care of the younger while trying his fortunes in Colorado. During the first years of its history the inhabitants of the town suffered much uneasiness and many petty annoyances from the proximity of the Pawnee Indians, whose village was but three miles distant, and in the summer of 1859 these difficulties seemed about to culminate in the horrors of an Indian war. On the last day of June the Pawnees left their homes and started ostensibly on their annual hunt. Proceeding up the Elkhorn river they began to plunder and threaten the settlers, appropriating supplies, and killing and driving off stock. The people, scattered and defenseless, terrorized by the possibilities of Indian atrocities, appealed to Governor Black for protection. A call was issued for citizen volunteers and with some recruits from North Bend and Maple Creek, Fremont furnished a company of forty men, of whom L. H. Rogers was one. Settlers and soldiers were under the command of General Thayer. The Indians were overtaken on the 13th of July, but alarmed by the number and determination of their pursuers they wished rather to parley than to fight. They declared that extreme destitution had driven them to depredation, promised full payment for all booty taken and surrendered the ringleaders of the outbreak. The citizen soldiers were disbanded at Columbus on the 16th and returned to their homes.

The first family to settle in Fremont was that of the Rev. Isaac E. Heaton, who brought with him from Wisconsin his father, wife, and daughters. It was the second daughter, Lottie E., to whom L. H. Rogers was married on the 6th of September, 1864. Their son, Carey Irving Rogers, married Mamie Cochran, and their daughter is Belle Heaton Rogers. Soon after the building of the Union Pacific railroad, which reached the town in 1866, the Rogers brothers opened a private bank. Established at an opportune time, this venture proved successful, and in 1872 the institution was reorganized as the First National Bank of Fremont. Here with few interruptions or vacations many industrious years were spent, and it was not until 1883 that, warned by exhaustion and debility, L. H. Rogers resigned his position and retired from its too exacting activities. In business his instincts were conservative, his methods safe rather than experimental. Before the establishment of the bank he served for a time as probate judge. He was a life-long republican. He was one of the original five members of the Methodist church, organized in 1858, and remained until death, September 11, 1903, among its most faithful attendants and supporters. For forty years he sustained to it official relations, but about 1898 he declined to serve longer upon its board. In 1888 he was the

lay delegate from north Nebraska conference to the general conference which convened in New York city and held various positions of trust and responsibility in connection with Methodism in Nebraska.

ROOSE, F. F., of Denver, Colo., formerly of Omaha, Neb., supreme president of the Fraternal Union of America, was born at Moline, Ill., July 3, 1855. His education was obtained in the public schools of Rock Island, and at the Illinois Wesleyan University. After leaving the university, he was a teacher in Chaddock College, Quincy, Ill. After graduating from the Gem City Business College, he took charge of the business department of McKendree University, in the meantime taking the scientific course and at the end of two years was awarded the usual degree. The Iowa Wesleyan University honored him with the degree, A. M., and his alma mater with the degree, M. S. In June, 1882, he went to South America and spent six months as teacher in the Collegio Americano at Pernambuco, Brazil. He then served as secretary of the American consul for a time and became auditor of the Recife, a Caxauga railroad. In 1884 he moved to Lincoln and founded the Lincoln Business College and afterwards the Lincoln Normal University, costing nearly \$200,000. He was president and owner of the Omaha Business College for four years. Professor Roose early took an active interest in fraternal work and many of the leading fraternal societies have honored him with election to high offices. In 1896 he was elected head adviser of the Modern Woodmen, the second highest office in the order, and elected by acclamation for a second term two years later. He was one of the founders of the Woodmen of the World and for nine years was supreme treasurer and member of the board of directors. He is one of the founders of the Woodmen Circle and was for three years supreme treasurer of that order. He is a past chancellor of the Knights of Pythias and was for

four years a member of the grand lodge of that order. He is one of the founders of the Fraternal Union of America, and was elected supreme president in September, 1896, and unanimously elected in 1902, 1906, and 1910 for four year terms. He is a member of the Psi Delta Theta fraternity, past officer of the Heptasophs, past officer of the Junior Order American Mechanics, a Mason, York and Scottish Rites, and a Shriner, a member of the Improved Order of Red Men, a member of the great council, and a member of the grand lodge A. O. U. W. He was president of the Nebraska fraternal congress, composed of representatives of all of the fraternal orders. In 1898 he was elected fraternal commissioner for the Trans-Mississippi Exposition and superintendent of the fraternal department of the Greater America Exposition in 1899. He was made a member of the ways and means committee which had charge of the fraternal department of the St. Louis exposition.



F. F. ROOSE

ROOT, JESSE L., judge of the supreme court of Nebraska, residing at Lincoln, formerly of Plattsmouth, Neb., was born in Tazewell county, Ill., November 27, 1860, son of Charles M. and Miranda (Burnidge) Root. In 1637 the Root family came from England and settled at Northampton, Mass. Nathaniel Root, the grandfather of Charles M., immediately after the battle of Lexington, enlisted with the Connecticut troops and served throughout the war, participating in the battles of Long Island, Trenton, and Princeton, and in minor engagements. Jesse Root, brother of Nathaniel, was a member of the Continental congress, and was for many years a judge. Both Nathaniel and Jesse were sons of Ebenezer Root, who was captain of the provincial troops from Connecticut during the French and Indian wars, and died of fever at Fort Ticonderoga. Charles M. Root had three brothers who served in the Union army during the Civil War, one the major of the 7th Illinois cavalry.

Jesse L. Root became a teacher, a clerk, a book-

keeper, and a stenographer, which occupations gained him a practical knowledge of business. In the fall of 1882 he came to Gage county, Neb. In 1887 he was admitted to the state supreme and United States circuit and district courts. For a time, in 1889, he was in partnership with Polk Bros. and Allen Beeson. In 1889 he formed a co-partnership with Allen Beeson, which was continued until 1898. In the fall of 1898 he was elected county attorney of Cass county on the republican ticket. In 1906 he was elected to the senate for the fourth district and resigned in July, 1908, to accept the appointment of



JESSE L. ROOT

supreme court commissioner, and in November, 1908, he was appointed one of the judges of the supreme court of Nebraska for a three-year term. Judge Root was married in 1888 to Miss Evelyn Wise, at Plattsmouth, and is the father of three children: Elmer A., Alice E., and Jesse M. Root. See page 591.

ROSE, SOLOMON CONWELL, deceased, farmer and stock raiser of Washington county, near Herman, Neb., was born in Senecaville, Guernsey county, O., April 9, 1830, son of Solomon Rose, a merchant, and Narcissa (Arnold) Rose. Solomon Rose, Sr., served in the War of 1812. Our subject's grandfather, James H. Arnold, went from Ohio to Henry county, Ia., and was a prominent whig. Solomon Conwell Rose attended the public schools, but

by his father's signing the bond of a county treasurer he was cut off from a college education. After this unfortunate event the family removed to Henry county, Ia., and remained there eight years. Then they lived near Keokuk, Ia., for a short time, after which they settled in Salem, Ia., where the elder Rose died in 1859. Solomon C. Rose left home when he was seventeen years old and until he was twenty worked on a farm. He then worked in the Wisconsin pineries for three years, and in 1853 went to California, where he engaged in mining until he was summoned to Iowa by his father's death. Then for four years he rented a farm. In 1865 he went to Omaha and operated freight wagons between that city and Julesburg, Colo. Later, for four years, he had a contract with Withnell Bros., of Omaha, to do their teaming. Then he became interested in government contracts and for seven years supplied hay to the forts in Nebraska. In 1875 he purchased from the U. P. R. R. Co. 320 acres of land in the northern part of Washington county and commenced farming, which he continued with success until 1903. He increased his original farm to 600 acres, which was highly improved. For a number of years he gave especial attention to raising and breeding Hereford cattle, and was owner of one of the finest herds in northern Nebraska. He was also a feeder of cattle for the market. Mr. Rose served as a county commissioner of Washington county for two terms, and in his early Nebraska days was a member of the Omaha city council. He was always a republican, and was a member of lodge 1, I. O. O. F., of Omaha. He was married in 1861 to Samantha, daughter of George and Martha Beard, of Salem, Henry county, Ia. They were the parents of seven children: Edson B., deceased; Cora, wife of E. W. Burdic, banker of Herman; George N., in the live stock business in Herman; Jessie, wife of A. L. Lackaye, of East St. Louis, a merchant; Eugene A., in the live stock business; Nettie and Colwell, deceased. Mrs. Rose was a daughter of George and Martha (Reed) Beard, who came from Indiana to Iowa as pioneers.

ROSE, WILLIAM L., attorney at law, Fullerton, Nance county, was born in St. Lawrence county, N. Y., May 15, 1884, son of Henry and Sarah J. (Thomas) Rose, the former a resident of Nebraska since 1873, and the latter born in St. Lawrence county, N. Y., and a sister of Winslow Thomas, a colonel of a New York regiment during the Civil War. William L. Rose pursued special studies in a private school at Clarks, Neb., conducted by Rev. R. K. Pierce. He afterwards entered a law office at Genoa, and in June, 1892, was admitted to the bar. He commenced regular practice in the little town of Randolph, in Cedar county, Neb., and

lived there from June, 1892, to January, 1896, when he removed to Genoa, Neb., where he formed a partnership with M. V. Moody, which was continued until November, 1897. In July, 1898, Mr. Rose was elected county attorney and served two terms. In 1895 he accepted the nomination for judge of the district court and was defeated by the republican candidate, R. E. Evans. Mr. Rose is a member of the Presbyterian church, and of the Odd Fellows. He is now (1911) practicing in partnership with Wilbur F. Critchfield, under the firm style of Critchfield & Rose.

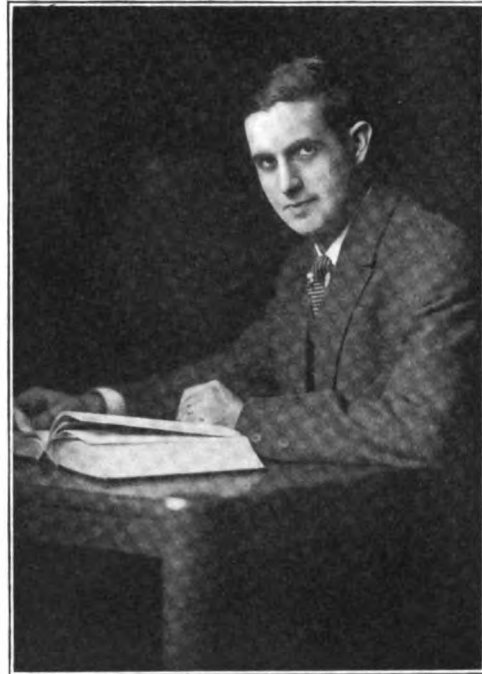
ROSE, WILLIAM B., of Lincoln, Neb., judge of the supreme court, appointed by Governor Sheldon in 1908, and elected in 1911, was educated in the public schools of Grove City, Pa., and Grove City College. He has been actively engaged in the study and practice of law more than a quarter of a century. For ten years he edited the Nebraska supreme court opinions for the official reports, acquiring in that work a degree of familiarity with the principles and traditions of the court which is enjoyed by few. Another eight years was spent as assistant attorney-general, during which time he participated in all the important litigation, instituted by his chiefs, Norris Brown and W. T. Thompson, for the enforcement of laws passed by the legislatures of 1905 and 1907.

As chairman of the republican state committee in 1906, he conducted the campaign which resulted in the election of George L. Sheldon as governor and Norris Brown as United States senator, and he assisted effectively in framing and securing the passage of many of the progressive laws enacted by the legislative session of 1907.

He is a native of Pennsylvania, but left that state in 1888, coming to Nebraska soon thereafter.

ROSEWATER, STANLEY M., of Omaha, Neb., attorney at law, was born in Omaha, June 24, 1885, and is the only child of Andrew Rosewater, C. E., city engineer for many years, whose death took place on April 17, 1909, aged sixty-one years (see his sketch in Vol. I, pp. 743-744, of this work). Stanley M. graduated from the Columbian grammar school and the Omaha high school, later taking a special literary course at Michigan University at Ann Arbor, from the law department of which he graduated with the degree of LL. B. in 1908, in which year he was admitted to the bar of Michigan and Nebraska, and at once entered upon the practice of law at Omaha. He is actively engaged in the general practice, specializing in corporation law. Mr. Rosewater was vice president of the Omaha High School Alumni Association in 1911-12; he was from 1908-1912 secretary of the University of Michigan Alumni Association of the Missouri Valley; and took the initiative in 1912 in forming a board of

information, composed of university men, to assist high school graduates in choosing the university best fitted for their further studies, of which he is chairman; he was in 1910-11 vice president of the Omaha Athletic Association; one of the directors of the University Club of Omaha in 1911-12, and was chairman of the committee that issued the call resulting in the formation of this club. He is a member of the Omaha Commercial Club, the Happy Hollow Club, the Masons and the Eastern Star, chairman of the committee on city improvements of the Young Men's Club in 1912, a member of the Nebraska



STANLEY M. ROSEWATER

State Bar Association, the Barristers Club, the Omaha Bar Association, and a member of the committee of this association on legislation in 1911-12-13. His recent advocacy and recommendations as a minority member of this committee of important reforms in the judicial procedure of this state, tending to secure shortened law suits, and to do away with the law's delays, has caused much favorable comment. On October 7, 1912, he was married to Barbara Hamilton McAlvay, daughter of Judge Aaron V. McAlvay of the Michigan supreme court. In politics he is a republican.

ROSEWATER, VICTOR, editor of the Omaha *Bee* since 1906, was born in Omaha, February 13, 1871, son of Edward and Leah (Colman) Rosewater. He acquired his early education in the Omaha public schools, graduating with honors from the high

school in 1887. The following winter he spent in Washington studying practical politics by observation of the two houses of Congress in active session, and becoming acquainted with many men in public life. He entered Johns Hopkins University in 1888 and devoted himself especially to the study of economics and history under Dr. Richard T. Ely and Prof. Herbert B. Adams. Transferring to Columbia University, New York, he pursued his collegiate work, chiefly under Professors Seligman, Mayo-Smith, and Burgess, receiving the baccalaureate degree in 1891 and later a degree of Doctor of Philosophy in 1893. He was university fellow in political science in 1892 and 1893 and his thesis on "Special Assessments" was first published in the university series, but the edition being soon exhausted was issued in a second edition by Macmillan's in 1898, and has become the standard work on that subject. Dr. Rosewater returned to Omaha at the close of his collegiate course and has since been connected with the *Bee*. He became its managing editor in 1895, at the age of twenty-four, being associated with his father, who was the founder, and during his lifetime the editor of that paper. Incidentally he was enlisted in politics as a republican, becoming in 1908 a member of the republican national committee, and later, as chairman of the committee had the responsible duty to perform of opening the Chicago convention of 1912. While his educational training was directed toward journalism, he has kept up his interest and participation in educational work along all lines. He was appointed a member of the board of regents of the University of Nebraska in 1896 to fill the vacancy created by the resignation of Henry D. Estabrook, the appointment being urged by many educators of national standing and reputation. He had previously lectured on "Municipal Government" in the University of Nebraska

and again in 1904 delivered a course of lectures on topics of municipal finance before the graduate students of the University of Wisconsin. He has devoted much time to questions of local taxation, and as a member of the Omaha board of review of 1903 brought about a thorough revision of the tax rolls of that city. He has contributed a great many articles on economic and financial topics to the current periodicals, encyclopedias, etc. He served as one of the directors of the Omaha public library from 1894 to 1905. Mr. Rosewater is also a member of the Omaha Club; the Sons of Omaha; the University Club; and the Commercial Club, and president of Columbia University Alumni Association of Nebraska. He is also a member of the American Economic Association, American Library Association, National Civic Federation, and of the Nebraska State Historical Society. He was married in Baltimore January 27, 1904, to Katie, daughter of Kaufman Katz, and has two children, a girl and a boy.



JOHN ROSICKY

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ROSICKY, JOHN, deceased, late of Omaha, Neb., was born at Humpolec, Bohemia, December 17, 1845. He was the only son of John and Josephine (Mallat) Rosicky. He was educated in the common schools of his native city and in a college at Prague, the capital of Bohemia,

which he attended for two years. He came with his parents to this country in 1861, and they lived for four years on a farm in Grant county, Wis. In 1865 he moved to Milwaukee and later in the same year, to Chicago. For several years he was employed in a grocery, flour and feed store, finally establishing himself in the same business. The period from 1871 to 1873 he spent on the Pacific coast in California and Oregon. Returning to Chicago in 1873, he stopped at Omaha and was so impressed with the country that he decided to change his plans and remain in this state. He exchanged Chicago for Crete, where he landed in 1873 and opened a general

merchandise store. Two years afterward he took a position in the office of the *Pokrok Zapadu*, at that time the only Bohemian paper in the west. In March, 1874, in addition to occupying the position of manager, he assumed the work also of the editor. In 1877 he purchased the paper and controlled it until August 1, 1900. Largely through his efforts it was made one of the most influential Bohemian papers in this country.

The *Pokrok Zapadu* Printing Company was formed in 1889 and a complete plant established, the name being changed to the National Printing Company in 1898 at the time the company established itself in the three-story block at 509-511 south Twelfth street. During the intervening decade the company began publishing the *Hospodar*, of which Mr. Rosicky became managing editor and also the *Kveti Americke*. The former is the best agricultural journal published in the Bohemian language in the west and it has a large circulation among Bohemians throughout the United States. In politics Mr. Rosicky was republican, though an independent thinker with reference to public questions. He was largely identified with the Bohemian societies, having been in 1893-94 president of the Bohemian National Committee, an organization for disseminating knowledge about Bohemian work and Bohemian interests. For the object of assisting

this organization a paper was established called the *Bohemian Voice* during the years 1892-95. September 30, 1874, Mr. Rosicky was married to Mary Bayer, of Chicago, Ill. They were the parents of nine children, four of whom are living: Rose, secretary of the National Printing Company; Emma, a graduate of Peru State Normal School, and a teacher in the public schools of Omaha; John, president of the National Printing Company; and Walter, with the National Printing Company.

Mr. Rosicky was instrumental, through his various journals, in influencing Bohemians to locate in Nebraska until now Nebraska has a very large Bohemian citizenship. He was instrumental in starting the Bohemian circulating library in connection with the Omaha public library. Mr. Rosicky died in Omaha April 2, 1910. It would not be out of the way to say that he was probably the best known and

best liked Bohemian among his own nationality in the west, owing to his simple democratic manner and to the fact that he was always ready to assist and help his countrymen in any way he could.



FREDERICK W. ROTTMANN, SR.

ROTTMANN, FREDERICK W., deceased, formerly a business man of Nebraska City, Neb., was born in Westphalia, Germany, June 3, 1834, and died at Nebraska City, Neb., February 3, 1888. His father, also Frederick W., was a native of Westphalia, Germany. The son emigrated to America in 1855, settled at St. Louis, and afterwards removed to Nebraska City, where he was a clerk in a general store. In 1860 he engaged in the grocery business, and was later president of the Nebraska City Canning Co. He served as a member of the city council for several terms. He was a charter member of and an active worker in the First Lutheran church of Nebraska City. Mr. Rottmann was married to Miss Margaretha Arends, who was born in

Hanover, Germany, October 2, 1844, daughter of Richard and Mary (Tetten) Arends, and died November 21, 1906. She emigrated to America with her parents and in 1857 they settled in Rock Creek precinct, Otoe county, Neb. In hauling lumber for the Lutheran church building, Mr. Arends was accidentally killed, September 19, 1874. Before his death he had become one of the largest land owners in that section, just as his son Herman J. Arends, is one of the large land owners and most prominent citizens of

Rock Creek precinct, Otoe county. Another son, John Henry Arends, was one of the pioneer banker parents and resided in Illinois for five years. ers and merchants of Syracuse, Neb., and represented Otoe county in the state senate for two terms. Mrs. Rottmann's other brothers and sisters are: Anna, wife of J. H. Behrends; Mary, now Mrs. C. H. Korff; and Tina, all of Otoe county. Mr. and Mrs. Rottmann were the parents of six children; Frederick William, the only one living, is cashier of the Otoe County National Bank of Nebraska City. He was born in Nebraska City and married Miss Elma Petring, daughter of F. W. Petring, a merchant of Nebraska City. Mrs. Rottmann, her daughter, aged eight years, and her father, F. W. Petring, were killed in a railway accident at Fort Calhoun, Neb., October 15, 1911, and Mr. Rottmann was badly injured. A son, Walter P., age four years, is with the father, F. W. Rottmann, Jr.

ROUSE, GEORGE LOTHROP, of Alda, Hall county, Neb., former speaker of the house of representatives in the 29th session of the Nebraska state legislature, is one of the early settlers of Center township, Hall county, Neb. He is a native of Ottawa county, O., where he was born June 17, 1846, son of George and Mary (Knapp) Rouse, the former born near Rochester, N. Y., September 8, 1809, and a son of Lothrop and Sabra Rouse, the latter a native of Connecticut, born September 18, 1817. They were married in Ottawa county, O., in 1837.

George L. Rouse, at the age of sixteen, matriculated at Oberlin (O.) College. After two terms there he entered Baldwin University. In 1867 he engaged in teaching. In the fall of 1872 he first visited Hall county. He was married in Whiteside county, Ill., November 13, 1873, to Miss Susanna Augusta Rexroad, who was born in Whiteside county, Ill., May 8, 1851, daughter of Henry and Mehulda (Hoffman) Rexroad, the former a native of Virginia, born June 7, 1815, son of Henry Rexroad, also a native of that state, whose father was also named Henry. Mehulda (Hoffman) Rexroad was a native of Virginia, where she was born in 1824, daughter of Michael and Susanna (Sommers) Hoffman. Mrs. Geo. L. Rouse taught school for three years before her marriage. In the spring of 1874 Mr. and Mrs. Rouse moved to Hall county, where Mr. Rouse has since been engaged in farming and stock-raising on his 640 acre farm. He is a republican in politics. In November, 1885, he was elected a member of the county board of supervisors, and by reelection served for six years, three years of which time he was chairman of the board. He has also been chairman of the republican county central committee, and has served five terms as a member of the Nebraska state legislature, to which he was

first elected in 1894, serving in the 24th, 25th, 26th, 28th and 29th sessions by reelection, and was a candidate for speaker of the house of the 28th session, and served as chairman of the committee on deficiencies, and was one of the leaders on the republican side during this session. In 1906 Mr Rouse was a candidate for the gubernatorial nomination before the republican state convention, but was defeated by George L. Sheldon. Mr. Rouse is a member of the Masonic order and of the Knights Templar degree. He was one of the organizers of the farmers' alliance in Nebraska, and was sent as a delegate to the first state convention. Mr. and Mrs. Rouse are the parents of eleven children: George Lathrop, Mabel Margaret Augusta, Henry Francis, William Wayne, Blake Howard, Mary Laura, Ida Agnes, Enoch Verne, Riley Rexroad, and two who died in infancy. Mr. and Mrs. Rouse are members of the Presbyterian church.

ROWDEN, DAVID C., of Omaha, Neb., came to Nebraska first in 1860, when he got as far as Fremont on the way to Pike's Peak. He went to Plattsmouth and engaged with J. M. Patterson for the winter. He was born in Union township, Delaware county, Ind., in 1839, son of Wm. B. and Mary (Shidler) Rowden. Wm. B. was born in Maryland and reared in Virginia. Mary Shidler was born in Ohio. David C. Rowden enlisted in Company K, 84th Indiana infantry, August 12, 1862. This regiment was part of the fourth corps, Army of the Cumberland, and took part in the battle of Chickamauga, then Knoxville and Franklin. Mr. Rowden, owing to the effects of a severe illness, was mustered out October 19, 1864. He went to Colorado and was in the mines for seventeen years and intimately associated with Dave Cook, the Denver detective. Mr. Rowden located in Omaha in 1887 and in 1888 married Mrs. Mary (Barrett) Foley, daughter of Edward and Nora (Lynch) Barrett. Edward Barrett was born in County Kerry, Ireland, and came to Omaha in 1854, where he died in 1906. Nora Lynch was also a native of Kerry. Mr. and Mrs. Rowden are the parents of one child, Walter D. Rowden, of Omaha. D. C. Rowden is a democrat and has been active in Nebraska public affairs. He was commander of the soldiers' home at Milford from January 1, 1909, until February 1, 1911. During this time Walter D. Rowden was adjutant of the home. In February, 1913, he was again appointed commander of the Milford home.

RUDEN, CHARLES, Crofton, Neb., was born March 16, 1871, in Knox county, Neb. His parents were Ole and Christina Ruden, who came from Sweden. Mr. Charles Ruden was educated at Crofton, and later entered into the lumber and implement business. He served as county clerk, elect-

ed on the republican ticket, for six years, is cashier of the Farmers State Bank, postmaster at Crofton, and is a member of the Masonic order, blue lodge, chapter, commandery and Shrine. Mr. Ruden was married in 1897 and has three children: Walter, Dewey, and Daniel.

RUESING, VERY REVEREND JOSEPH, West Point, Neb., was born December 28, 1852, in Paderborn, Germany, and as a youth attended school in the college of his native town, where he completed a nine years' classical course. He then entered the University of Munster, and, being dependent upon his own resources, worked his way through the college by teaching younger and less advanced students. Later he entered the American Seminary at Munster, Westphalia. He spent four years at the University of Munster, and May 24, 1877, was ordained as a priest in the Catholic church in Osnabruck, Germany. In the fall of the same year he came to the United States and for seven years was stationed at various places in the state of New Jersey. August 9, 1884, upon the invitation of the late Bishop O'Connor, he moved to West Point, Neb., where he has since resided. Father Ruesing is dean of the West Point deanery, comprising ten counties. His work for the advancement of the church is carried on with unceasing zeal, but with much wisdom, tolerance, and christianity, and he is universally loved, not only by the Catholics, but by the Protestants. Father Ruesing is a man of profound scholarship and culture, and his sermons are full of eloquence. He has a magnificent church building and convent which was built at a cost of about \$30,000, also a beautiful brick church at St. Charles, five miles from West Point, which has been erected under the management of Father Ruesing. In 1905 he estab-

lished the St. Joseph home for the aged, at a cost of \$35,000, a home much needed in the state of Nebraska. He was a member of the State Board of Charities and Corrections for nine years, identified with work along sociological lines, and was president of the Conference of Charities and Corrections for two consecutive terms.

Father Ruesing came from a family which has contributed more than one member to the church.

He is a nephew of the Reverend T. Damascus Ruesing, provincial of the Franciscan Fathers of the Fulda Providence, Germany.



VERY REVEREND JOSEPH RUESING

RUFF, GEORGE, of Lincoln, Neb., superintendent of the Wyuka cemetery since April 1, 1884, was born in Bedford, England, son of Irwin Ruff, and came to Lincoln in 1881 from Bedford, England. In England he was reared and trained as a landscape gardener and became very proficient and expert in his business, evidenced by the fact that after only three years' residence in Nebraska he became superintendent of what has become one of the most beautiful cemeteries in the state. All of the improvements have been under the direction of the trustees and under the management of Mr. Ruff. The greenhouses are new, up-to-date, and extensive, as are the workshop and stables. Mr. Ruff is a member of the National Cemetery Association of Superintendents of the United States, also a Workman, a Highlander, and a Mason. He married in England Miss Sarah Wagstaff of Bedford. They are the parents of three children: Herbert, Pearl, and Pansy.

RUSH, SYLVESTER R., of Omaha, Neb., special assistant to the attorney-general of the United States, was born in Greene county, Pa., July 24, 1860. Many years before the Revolution a member of the Rush family of Germany

was among the settlers in New Jersey near Morristown, where he married and reared a large family, all his sons being soldiers in the War of the Revolution, as follows: John, George, Henry, Peter, William, and Michael Rush. Michael Rush was born in 1764 and reared as a farmer, but after his marriage he engaged in the iron manufacturing business. In 1797 he became a resident of western Pennsylvania, where he died in 1835, leaving a large



SYLVESTER R. RUSH

family. One of his sons was Michael Rush, born April 4, 1789. In 1813 he married Miss Anna Babbit. They built a home in Greene county, Pa. One of the children was Calvin Rush, born April 29, 1821, who was the father of S. R. Rush. He died June 21, 1900. Sylvester R. Rush at the age of eighteen became a school teacher and was graduated from the Southwestern State College at California, Pa., in 1882, as orator of his class. Later he attended Mount Union (O.) College for one year. In 1885 he became a resident of Omaha, Neb., where he began the study of law in the office of Thurston Hall. He was admitted to the bar of the state in 1888 and soon formed a partnership with W. W. Slabaugh. On May 11, 1894, Mr. Rush was appointed assistant United States attorney for the district of Nebraska, by Attorney General Olney, which office he held for eleven years through successive administrations. Mr. Rush's chief public service, however, has been in the office of special assistant district attorney,

charged with the duty of prosecuting the offenders against the national land laws. He was appointed to this work in April, 1905, and in 1907 was made special assistant to the attorney-general of the United States, which position he now (1912) holds. Within one month after his appointment Mr. Rush had secured the first conviction ever obtained in Nebraska for the illegal fencing of public lands. Mr. Rush's energy has been largely directed toward the prevention of wrongful enclosures and the restoration of the lands to public use, but his most difficult and effective work has been in the detection of frauds whereby the government had been mulcted of title to the lands by a violation of the homestead laws. More than one million acres have been recovered and restored to the people. He has also rendered the public important services in other prosecutions, notably the famous Mabray case, involving over eighty conspirators and the defrauding of a large number of persons, humorously called "Mikes," out of upwards of \$5,000,000, during the twenty years the scheme was in operation. Mr. Rush was formerly an active worker in the ranks of the democratic party, and in 1891 organized the Jacksonian club of Omaha, and later was made chairman of the democratic county central committee of Douglas county, serving two terms. Mr. Rush was married September 6, 1899, to Miss Edith M. Pindell, of Hannibal, Mo. They are the parents of two children, Angeline and William S. Rush.



JAMES G. RUSSELL

RUSSELL, JAMES G., Lincoln, Neb., now (1912) ninety-nine years of age, is a native of Bangor, Me., where he was born in 1814, son of John and Mary (Currie) Russell, both natives of Maine. The paternal grandfather of James G. Russell came from England, while his maternal grand-

mother, Maria Currie, was born in Edinburgh, Scotland. In 1838 Mr. Russell began traveling as a showman with Spaulding and Rogers and with E. F. and J. Maybe, and with Rockwell & Stone, and followed this for twenty years. With the beginning of the Civil War, he enlisted in Chicago, and was assigned to the 7th Kansas cavalry, and served in Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Georgia, at the battles of Fort Donelson, Shiloh, Corinth, Iuka, Coffeyville, Buzzard's Roost, etc. Mr. Russell is a member of Farragut post, Grand Army of the Republic, Lincoln. After the close of the war he settled at Brownville, Neb., and freighted for some years across the plains, and in May, 1880, became proprietor of the Union House at Brownville, Neb., the leading hotel of that day. Mr. Russell was married at Brownville to Miss Ellen Stevens, daughter of Andrew Stevens, who came from Logansport, Ind., and located at Brownville. They were the parents of four children: William H., a captain of the fire department of Lincoln; James L., of Plattsmouth, Neb.; Nellie M., wife of Herman Montebring, of Omaha; and Charles E., deceased. Mr. Russell's brother-in-law, Amos Stevens, deceased also served in the Civil War, in a Minnesota regiment, and another brother-in-law Mark Stevens, died in Auburn, Neb., in the early fall of 1911.

SABIN, ROBERT WILLIAM, attorney at law, Beatrice, Neb., was born February 9, 1850, in Knox county, O., son of Doctor Daniel and Rhoda (Williams) Sabin. His father, Doctor Daniel Sabin, was taken by his parents to Washington county, Pa., where he grew to manhood. He married Rhoda Williams and in a few years moved to Mount Vernon, O., and continued the practice of his profession. He afterwards moved to a farm in Knox county, O., where for many years he farmed, practiced medicine, and preached the gospel. Rhoda Williams, his wife, was of Scotch-Irish lineage, and was a woman of strong character. When Robert W. Sabin was a year and a half old, his parents removed to near Bloomington, Ill., where he attended the common schools. In 1875 he began the study of law, and graduated from the Wesleyan Law School in the spring of 1877, and was admitted to the bar in October of that year. He immediately began to practice law at Minonk, Ill., where he married Mary Louise Carlock on February 14, 1878, and in August following moved to Beatrice, Neb., where he has since lived. In 1882 Mr. Sabin was elected district attorney of the first judicial district, comprising ten counties until 1883, when the legislature passed a reapportionment measure which left only Gage, Pawnee, Johnson, Nemaha, and Richardson counties. In 1892 he was elected county attorney of Gage county for the term of two years. While county

attorney he tried a case involving the right of Christian Science healers to practice under the law of Nebraska. The supreme court held such practice to be unlawful. This decision was widely noticed by law and medical journals. In politics a republican, he is now (1913) referee in bankruptcy, district of Nebraska, Lincoln division. Mr. and Mrs. Sabin are the parents of five children: Ralph L., proprietor of a large laundry at Hastings; Robert J., with a wholesale laundry supply house, Chicago, Ill.; Gertrude, wife of Earl M. Marvin, editor of the *Beatrice Daily Sun*; Louise, who is engaged in the domestic science department of the Nebraska State University; and Hazel.

SADILEK, FRANK J., a resident of Wilber, Neb., register of deeds for Saline county, and a son of Jan Sadilek and Barbora (Bradac) Sadilek, was born December 1, 1850, in Ledec, Bohemia, where he attended the common and high schools. In 1868 he arrived in New York, but shortly went to Chicago and from there to Omaha and secured employment with the J. S. & G. H. Collins Saddlery and Hardware Company for two years. In 1877 Mr. Sadilek delivered a Fourth of July address at Crete in the Bohemian language, and, being much pleased with the country, moved from Omaha to Wilber, where he started a small harness shop and succeeded. He now speaks the English language well and has often acted as interpreter in the courts. In 1882 he was elected to the legislature on the anti-monopoly ticket, and in 1884 served as deputy county treasurer. The republican party twice elected him county treasurer, and presidential elector at large. In 1896 he was elected register of deeds of Saline county, which office he now fills (1911). When in Omaha, Mr. Sadilek organized the Bohemian benevolent lodge, C. S. P. S., which was the first organization of its kind west of the Mississippi river. In 1899 he was the Nebraska representative of this order to the convention in Detroit. During the summer of 1892 he returned to the old country and spent four months traveling in England, France, Switzerland, Italy, Austria, and Germany, and visited the scenes of his boyhood, and in 1911 he and his wife enjoyed another trip to Europe. Mr. Sadilek was married July 29, 1876, to Miss Terezie Jureka, and seven children have been born to them: Antoinette, Olga F., Silvia, Frank, Jr., Charles J., Walter B., and Irma D., wife of F. F. Mundil, cashier of the Farmers and Merchants Bank, Linwood, Neb., all of whom were born in Nebraska. Olga Frances, widow of Dr. Charles Stastny, is (1913) a senior in the Omaha Medical College, University of Nebraska. Walter B. is a graduate of Highland Park College, 1910, and is a teacher in Earlham Academy, Earlham, Ia.

SAMMONS, MAJOR WALTER F., late sheriff Buffalo county, Neb., residing at Kearney, is a native Nebraskan, born in Buffalo county, September 10, 1878, son of John B. and Lizzie (Danford) Sammons, who settled on a homestead in Riverdale precinct in 1872. J. D. Sammons was born in Noble county, O., in 1839, and enlisted in the 36th Ohio infantry, and served throughout the Civil War in the Army of the Cumberland. He participated in all the great battles of that department, including Corinth, Vicksburg, Chattanooga, Chickamauga, and before Atlanta. Walter F. Sammons was educated at the Kearney schools. He joined the 2d Nebraska regiment on the first call for troops for the Spanish-American War, and served as a private until mustered out in October, 1898. In 1899 he enlisted in the 32d United States volunteer infantry, and served in the Philippines, participating in all the battles of this regiment as corporal, first sergeant, and sergeant major. He was mustered out in 1901. Major Sammons then entered the 2d Nebraska, National Guard, serving as second lieutenant and captain. In 1906 was promoted to be junior major, which office he now holds. He served as deputy sheriff of Buffalo county from 1902 to 1905. In the latter year he was elected sheriff, and reelected in 1907 and in 1909. When elected, it was said that he was the youngest sheriff in the state, and his record in the sheriff's office has been good. Major Sammons had one brother, Homer, in the 2d Nebraska during the Spanish-American War. Major Sammons was married September 29, 1908, to Miss Georgia Burger. They have one child, Eleanor.

SAMUELSON, FRANK WILLIAM, formerly of Falls City, Neb., late president of the First National Bank of Humboldt, Neb., and now of Lincoln, Neb., was born in Fairfield, Ia., March 3, 1850, son of Lars Samuelson, one of the pioneer settlers in Henry county, Ia., who died there in 1853, leaving a widow (who died in 1894) and seven children. Frank W. Samuelson was educated in the common schools, and until he was seventeen lived at the family homestead. In 1867 he became a clerk in a hardware store at Mt. Pleasant, Ia., and in September, 1873, located at Falls City, Neb., and engaged in the hardware business on his own account. A year later he sold his store, removed to Humboldt and reestablished himself as a dealer in hardware and agricultural implements. In December of 1874 he founded the Humboldt Bank, which he personally conducted in addition to his mercantile business. In 1884 this bank was merged into the First National Bank, and he became its president, a position he held till 1903, when he sold his interest. In 1885 he sold his hardware and farm machinery business. In 1885, with Church Howe and others, he organized the First

National Bank of Auburn, Neb., of which he was president until 1894; and was vice-president up to 1903. He has always been a republican, and is a member of the Presbyterian church. In 1875 he was married at Falls City to Miss Hannah Steele, and they are the parents of three children: Luella M., Edwin J., and Frank W. In 1909 Mr. Samuelson and his family removed to San Antonio, Tex., and now (1911) reside in Lincoln, Neb.

SANDALL, ANDREW L., pioneer of York county, is a native of Smoland, Sweden, and a son of John Sandall, with whom he emigrated to America during his young manhood. Mr. Sandall settled in York county in the spring of 1871, coming from near Mount Pleasant, Ia. Mr. Sandall is a member of the Lutheran church, and has been a member of the local school board. He is a republican in politics. He served two terms in the Nebraska state legislature, being elected in 1898 and 1900, and served in the sessions following as a member of the lower house. Mrs. Sandall, who was in maidenhood Miss Matilda Kaliff, is a native of Sweden. They are the parents of eleven living children: Dora, wife of Charles O. Moline, of York county; Charles Edward, county attorney of York county; Ida Carolina, wife of Edward A. Peterson, a merchant of Olds, Ia.; Maggie Lucinda, wife of J. E. Peterson of York county; Selma, wife of L. P. Reger, of Omaha; Robert F., and Martin H., of York county; Adelia, Edna, Chester, and Helen.

SANDALL, CHARLES EDWARD, county attorney of York county, Neb., was born in York county, January 13, 1876, son of Andrew L. and Matilda (Kaliff) Sandall (see sketch in this volume). Charles Edward Sandall attended York College for four years, pursuing a special course preparatory to the study of law, and won a gold medal for oratory in 1898. He was third assistant clerk of the house of representatives of Nebraska during the session of 1901, and during the session of 1905 was second assistant clerk of the house. In the fall of 1901 he entered the law department of the University of Michigan, and while there was elected president of the Good Government Club during his second year, and became a member of the Law Presidents' Club. In 1904 he was admitted to the Nebraska bar and opened an office at York. In 1906 he was elected county attorney and reelected in 1908 and 1910. Mr. Sandall has always been a republican, and has served for two years as secretary of the republican county central committee, and for three years as secretary of the Young Men's Republican Club of York. He is a member of the Knights of Pythias, the Benevolent and Protective Order of Elks, the Board of Directors of the York Y. M. C. A., and of the

Presbyterian church. Mr. Sandall was married June 25, 1905, to Miss Marie Romsdal. They have two daughters: Mildred Marie and Ruth.

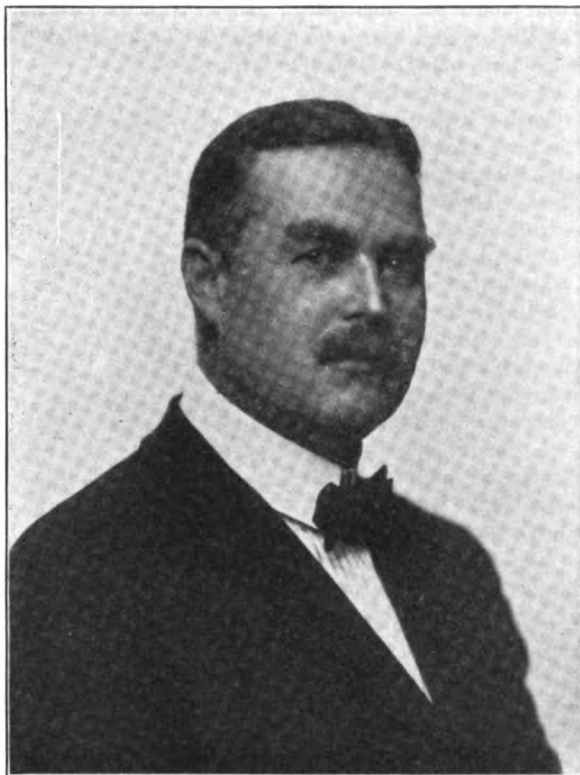
SANDROCK, EMIL, president of the Geneva State Bank, Geneva, Neb., was born in Buffalo, N. Y., January 21, 1856. His parents, Adelbert and Mary Sandrock, died when he was an infant, and he was adopted by his grandfather, George Sandrock. In 1872 he went to Chicago, and in 1874 removed to Lake Geneva, Wis. In 1878 he located at Exeter, Neb., where he secured employment as a clerk in a general merchandise store until 1887, when he formed a partnership with D. H. Mulholland, under the firm name of E. Sandrock & Company, in the elevator and grain business. In 1888 he was elected treasurer of Exeter township. In the autumn of 1892 he sold out his grain business and was elected county treasurer and reelected for a second term. In January, 1896, he purchased an interest in the Geneva State Bank, of which he was elected president. He has closely adhered in all his business transactions to set principles of integrity and fairness to all, and is conservative, yet enterprising and progressive. Mr. Sandrock is a member of several Masonic bodies; the blue lodge, the chapter, and the commandery, and is past grand in the Independent Order of Odd Fellows, and chancellor commander in the Knights of Pythias. He was married December 25, 1881, to Rose B. Bartlett, daughter of Jacob Bartlett.

SANDS, ARCHIBALD S., attorney at law, Wilber, Neb., now of Pawhuska, Okla., was born at Dumbarton, Scotland, June 9, 1867, son of Robert and Margaret (Liddel) Sands, the former, a retired farmer, residing at Wilber, Neb., at an advanced age. Margaret Liddel Sands died at Friend, Neb., in 1889, at the age of sixty-eight years. A. S. Sands

was brought to Nebraska by his parents in 1873, settling on a farm near Friend, Saline county, where his early education was acquired. He began the study of law in the office of Hastings & McGintie at Wilber, December 15, 1885. He later matriculated at the State University at Ann Arbor, Mich., for the arts and law course, and was graduated from the law school in the spring of 1889. The same year he began the practice of his profession at Stockville, Frontier county, Neb., where he went as counsel for a bank organized with Saline county capital. He remained there until 1892, when the bank

liquidated and he returned to Wilber, re-entering the office of Hastings & McGintie. In 1896 he purchased the interest of E. E. McGintie and the firm became Hastings & Sands. This partnership was dissolved February 1, 1900. In January, 1896, he became a stockholder in the Blue Valley Bank, of Wilber. Later he became the organizer and principal stockholder of the Bank of Wilber, organized in January 1902. He became a director of the Saline County Abstract Association in 1899, and owned a controlling interest. He was one of the organizers and a director of the Saline Telephone Company, and one of the organizers and an officer of the Hebron Telephone Company, having exchanges at Hebron,

Belvidere, and Carleton, in Thayer county, Neb. Mr. Sands was also one of the directors, stockholders, and attorney for the Beaver Valley Gold Mining, Milling and Developing Company. Mr. Sands has many interests in Oklahoma, as an investor, but his time is largely given to his business enterprises in Saline county and to the practice of his profession. He is a republican in politics, and active in party affairs, and is a charter member of Lincoln lodge No. 80, B. P. O. E. He was married at St. Louis to Miss Mabel Davis Wilson, of Eureka Springs, Ark., who is a graduate of Hardin College, Mexico, Mo.



CHARLES L. SAUNDERS See page 580

SAUNDERS, CHARLES L., president and general manager of the Omaha Real Estate and Trust Company, Omaha, is a native of Mt. Pleasant, Ia., where he was born in 1857, son of Alvin Saunders, who was war governor of Nebraska territory, appointed March, 1861, by President Lincoln, and served from May 15, 1861, until February 1, 1867, and was United States senator from Nebraska from 1877-83 (see Vol. I. p. 550). Charles L. Saunders finished his education at Cornell University and Columbia College law school. In the early eighties he was interested in the cattle business in Montana with his brother-in-law, Russell B. Harrison, son of the late President Harrison, and for a time held an official position in the United States assay office at Helena, Mont., first as clerk and later manager. In 1886 he returned to Omaha, where he became connected with the Omaha Real Estate and Trust Company. In 1896 he was named as deputy city treasurer of Omaha, and held this position for four years. In 1902 he was elected to the Nebraska state senate, served during the 28th session, and was a member of the special committee that reported the present revenue law. He was reelected in 1904, 1906 and 1912, and in the 30th session was president pro tem of the senate and ex officio governor during the absence from the state of Governor Sheldon and Lieutenant Governor Hopewell. Mr. Saunders has been a director, vice-president and president of the State Horticultural Society. He is a member of many fraternal societies and clubs, and has been treasurer for the past eleven years of the Omaha lodge of Elks.

SAUNDERS, ELIZABETH, *nee* Aten, was born at Groveland, Livingston county, N. Y., January 27, 1838, daughter of William and Elizabeth (Barber) Aten, was educated at Rochester Collegiate University and the Presbyterian Academy at Geneseo; taught in New York two years, and went to Mississippi in 1858. She married, October 25, 1858, at Columbus, Lowndes county, Ga., Stephen Platte Saunders, and taught school with her husband at Vinton, Lowndes county, for two years. Anticipating the election of Lincoln and civil war, her husband removed with his wife and child to Cedar county, Neb., where his father, Warren Saunders, lived. At the time of the Wiseman massacre, her husband was working for Henry Morten, Sr., in the harvest field, on the East Bow, at least ten miles from his home. Mrs. Saunders was alone with three little children, aged three and one-half years, two years, and eight months respectively. The Indians in their retreat passed within sight of the Saunders cabin, but did not molest the family. S. P. Saunders, who died April 23, 1872, was a republican candidate for the territorial legislature in 1865, and

for several years was county superintendent of schools. Mr. and Mrs. Saunders were the parents of seven children: Minnie, died at Grand Island, Neb., October 19, 1874; Kate, wife of Wilbur F. Bryant, of Hartington, Neb (see sketch in this volume); Stephen Douglas, ranchman at North Yakima, Wash., who spent several years in California, the Yukon country, and Dawson City; Sherman, of Omaha, president of the Commonwealth Life Insurance Company, formerly banker at Bloomfield, Neb., and state senator, 1894; Eugene, farmer, Aten, spent several years in Alaska, married Della Harman of Alexandria, Mo.; Lizzie, wife of Charles Samuel Ambrosen, farmer, Aten, and Olive, a graduate of Yankton College, wife of Edwin C. Vose, farmer.

SAUNDERS, THOMAS H., deceased, of Columbus and Osceola, Neb., was a native of Troy, N. Y., where he was born April 2, 1837, son of Thomas and Helen (Hannigan) Saunders, the former a native of Troy, N. Y., and the latter of Hartford, Conn. The elder Saunders enlisted for the Mexican War, which closed before he reached the front. On September 27, 1858, Thomas H. Saunders was married to Miss Mary E. Hayner, daughter of Nicholas Hayner, of Troy, N. Y., who was born ten miles from that city, and whose father, also Nicholas Hayner, was a soldier in the War of 1812. The mother of Mrs. Thomas H. Saunders was Katherine Cipperley, a daughter of Nathaniel Cipperley, of Troy, N. Y. On September 27, 1861, Mr. Saunders enlisted in the 2d New York infantry, Company F, and was in the battles of Seven Pines, Malvern Hill, and Chancellorsville, with other battles and skirmishes, until May 11, 1863, when he was transferred to Company D, 1st regiment, Excelsior brigade, General Daniel E. Sickles, commander. He was mustered out December 31, 1863. He again enlisted, December 31, 1863, in Company A, 86th New York veteran volunteers, and was wounded by a shell in the right side at the battle of Petersburg, and at the Wilderness a bullet passed through his left arm. He participated in the grand review at Washington, and was mustered out June 27, 1865. In December, 1871, Judge Saunders moved to Nebraska, and settled on a homestead in Polk county. In 1882 he removed to the town of Osceola, and three years later, 1885, was elected county judge, and in 1887, at the age of fifty years, was admitted to the bar and to practice before all Nebraska courts and the supreme court at Washington. For four years he served as clerk of the district court, 5th district. He also served as doorkeeper in the sessions of the state legislature, 1881 and 1883. He was always an active republican in politics, and cast his first presidential vote for John C. Fremont.

He was made a Mason in March, 1864, and was master of Osceola lodge for five years. March 23, 1898, he was elected an honorary member of the Troy lodge 311, of which he had become a member in 1864. During his residence in New York he was representative in the supreme lodge and also in the chapter and commandery. He was master of Etolian lodge at Spencerport, N. Y., for five years. He was a member of the Independent Order of Odd Fellows, and the Grand Army of the Republic. He had been a member of the Methodist Episcopal church for fifty-five years in 1908, and a local preacher since 1845. Mrs. Saunders has also been a member of the same church for about the same time. Mr. and Mrs. Saunders celebrated their golden wedding, September 27, 1908. Their children are: Horatio B., in the railway mail service, with headquarters at Norfolk, Neb.; Franklin, died 1879, at the age of one year; and Charlotte, wife of E. R. Jarmin, of Sheldon, Ia. Mr. Saunders died July 27, 1909.

SAUNDERS, WARREN, deceased, son of Asa and Desire (Smalley) Saunders, was born in Poultney, Rutland county, Vt., May 5, 1803. His father was a native of Providence, R. I., and his paternal grandfather came from England. At eleven years of age he removed with his parents to New York. He remembered the War of 1812, and the battle of Plattsburg, between the British fleet and the American squadron. He married Huldah Baker, whose name was Boulanger, which was, according to French custom, simply translated. She died fifteen years after her marriage, leaving seven children. One son, George, joined the "Argonauts of '49" and died in California. Stephen Platte was county superintendent of Cedar county (see sketch of Elizabeth Saunders), and only two daughters are now living. Mr. Saunders afterward went to Dubuque, Ia., and in 1857 removed to Cedar county, Neb., with Amos S. Parker and settled at Woucopana. Mr. Saunders passed through all the hardships of frontier life. He was a man of inflexible will and strong prejudices, outspoken in his opinions, and intense in his likes and dislikes, with a vitrolic tongue and a command of sarcasm which reminded one of Thaddeus Stevens. Yet he was never known to speak discourteously to a woman or pettishly to a child. Mr. Saunders, a short time before his death, in daily expectation thereof, expressed the firmest confidence in his own salvation. Mr. Saunders voted for Jackson in 1824, 1828, and 1832, for Van Buren in 1836 and 1840, for Polk in 1844, and for Cass in 1848. But at the passage of the Omnibus bill he became a pronounced freesoiler and refused to vote for either Scott or Pierce in 1852. Mr. Saunders joined the republican party at its birth in 1854, and for thirty-

eight years, never missed an election or scratched a ticket. For the last twenty years of his life he lived with his daughter-in-law, for whom he had a father's affection, at Aten, Neb., where he died May 7, 1895. At that time he was the oldest man in Cedar county.

SAVAGE, EZRA PERIN, of Tacoma, Wash., ex-governor of Nebraska, founder of the town of Sargent, and for many years identified with the live stock interests of Nebraska, was born in Connersville, Fayette county, Ind., April 3, 1842. His father, Benjamin Warren Savage, was a native of Bangor, Me., born in 1805. He became a resident of Indiana and in 1836 was a pioneer settler in Iowa, and died near Lyons, Ia., in 1847. The mother of Governor Savage, Hannah (Perin) Savage, was born in Indiana in 1808, became a resident of Iowa in 1842, and resided near the town of Lyons until her death in 1895. She reared a family of five children, of whom the second was Ezra P. Savage. Until he was sixteen years of age he worked as a farm hand and attended the school that the pioneer settlement afforded and then went to Davenport, Ia., and earned enough to support himself while he attended the high school. From this school he entered Iowa College at Davenport, and paid his way through the institution until it was removed to Grinnell. He read law and was admitted to the Iowa bar, and upon locating in Nebraska in 1878, was admitted to the bar in Nebraska. In 1865, in Lyons, Ia., he engaged in the stock, grain, and implement business, and in 1873 engaged in cattle raising in Crawford county, Ia. In 1878 he sold his varied interests in Iowa and became a pioneer in the northeastern part of Custer county, Neb., and located upon the land that is now part of the town site of Sargent. Mr. Savage engaged in ranching and farming on an extensive scale, and in order to give his children the education he desired, removed to Lincoln. Upon the establishment of the South Omaha stock yards, in company with George B. Green, Mr. Savage engaged in the live stock commission business at that point. He gave his personal attention to the business, became extensively acquainted with all the cattle growers of the west, and his liberal methods won for him friends, and much business that eventually proved unprofitable, as heavy advancements resulted in heavy losses. After retiring from the commission business, he returned to Custer county, and in 1883 laid out the town of Sargent, and in 1889 the Burlington & Missouri River railroad was built to the place. Mr. Savage made it a condition with the railroad company that upon his donation of half the original townsite to the Lincoln Land Company, the road should be built and a station located there. For some years, he was the representative of the



P. A. Lehmann,

Lincoln Land Company. As a republican he was elected the first mayor of South Omaha, and later a member of the Nebraska legislature from Custer and Sherman counties and served in the 18th session. In 1900 he was elected to the office of lieutenant governor, and upon the election of Governor Dietrich to the United States senate, by succession became governor. A notorious act of his administration was his pardon of Bartle, the embezzling state treasurer, when he had served little more than one-fourth of his penitentiary term. His first wife was Miss Anna C. Rich, of Chicago, who died on August 25, 1883, leaving six children: Harold S., Howard P., Edmund C., who died August 16, 1908, Charles C., Jessie R., and Emily W. Savage. April 9, 1896, Mr. Savage was married to Miss Elvira Hess, of Lyons, Ia., who died March 1, 1899. His present wife, to whom he was married September 26, 1900, was Julia McCullough, of Lyons, Ia.

SAWYER, WILLIAM H., contractor, Guide Rock, Neb., was born in Lee county, Ia., May 13, 1843, son of Amos and Susan (Graham) Sawyer. His maternal grandfather, Edwin Graham, of South Carolina, fought in the War of 1812 and under Jackson at New Orleans. In 1854 Mr. Sawyer came with his parents to Iowa, where he helped his father on the farm until 1861. In August, 1862, he enlisted in the 32d Iowa infantry and served until August, 1865. He fought under General A. L. Smith at Red River, Mobile, Little Rock, and Nashville, and was promoted to corporal. In the fall of 1870 he came to Nebraska and took a homestead near Guide Rock and farmed until 1883, when he sold out and moved to Guide Rock and engaged in the drug business, housemoving, and bridge building. He is a republican in politics. Mr. Sawyer was married January 12, 1870, to Miss Adenia Pierce. They have three children living: May, wife of John Ely, Guide Rock; Myrtie, wife of Alva Stickley, of Guide Rock; and Edwin Sawyer, of Beaver City.

SCHARMANN, MAJOR CONRAD FREDERICK, of Omaha, Neb., was born on Pine creek, near Jersey Shore, Lycoming county, Pa., September 8, 1867, son of Valentine and Mary A. (Weinberger) Scharmann, who were natives of Germany. Valentine Scharmann was an employee of the Union Pacific railroad company at North Platte. In October, 1878, the family removed to Nebraska and settled at Belvidere. Conrad attended the Nebraska State University for three years. His first occupation was as a member for nine months of an engineering party engaged in the construction of the Burlington & Missouri River railroad north of Ord, in 1887. Afterwards he became an employee of the Union

Pacific Railroad Company at North Platte, for three years in the baggage and freight offices, and next for two years as bookkeeper and assistant cashier of the North Platte National Bank of North Platte. Having learned stenography, he was appointed by Judge Grimes court reporter in January, 1896, and held that office until he enlisted in the 3rd regiment, Nebraska infantry, United States volunteers. The regiment was mustered into service in July, 1898, and Mr. Scharmann was commissioned major, and served until it was mustered out without losing a day. Major Scharmann has always been a republican. He was twice elected a member of the city council of North Platte, and served two terms as city clerk, and in November, 1899, he was elected county treasurer of Lincoln county. He was for three years secretary to the vice president and general manager of the Union Pacific Railroad Company and is now (1911) under temporary transfer to another department. On the 3d day of July, 1900, he was married to Nannie L. Andrews, a native of Illinois, daughter of Captain Chester Andrews and Susan V. (Lovejoy) Andrews.

SHELL, WILLIAM ELIAS, A.M., D.D., president of York College, York, Neb., was born in Carroll county, Ind., October 25, 1861. President Schell traces his paternal ancestry to three brothers of German and Swiss stock, who joined the colonial army; one was taken to England as a prisoner; one settled in Canada, and the other in Lancaster county, Pa., and was the great-great-grandfather of William E. Schell. Jacob Schell, the father of William E. Schell, was a carpenter and millwright, and moved from Butler county, O., to Carroll county, Ind., and went to Chicago immediately after the great fire, as a contractor and builder. He later removed to Savannah, Mo., where he served four years as county treasurer, and the same length of time as postmaster. He was an earnest Christian from young manhood, and prominent in local Bible school work. His wife, Elizabeth (Zeller) Schell, was a devout Christian, very active in church work, and a successful singer. She died at the age of thirty years, leaving five sons, four of whom are ministers of the gospel, as was her father and three of her brothers. Two of her uncles and her maternal grandfather became bishops in the church, and two of her cousins attained to like honors. Two of her cousins, once removed, Charles B. and Fred Landis, were members of the Congress from Indiana. William E. Schell, at the age of fifteen years, began teaching, after an attendance at the common schools in Darke county, O., and at Crown Point, Ind. He attended Leander Clark College, Toledo, Ia., and graduated in June, 1890, with the degree of A. B. He stood well

among the college debaters, winning on one occasion second honors. In June, 1893, the degree of A. M. was conferred upon him by his alma mater, and in June, 1902, Lane University, Leocompton, Kan., honored him with the degree of D. D. He entered the ministry of the gospel when twenty-three years of age, and engaged actively in that work after graduating from college. Dr. Schell removed to Nebraska in the spring of 1877 and settled first at Fairbury. Later, he spent three years in the ministry at DuBois, Neb., two at York, Neb., and for three years was presiding elder of York district. In 1897 he became president of York College, a position which he has since held. Dr. Schell



REV. WM. E. SCHELL

has been a member of three general conferences, and a director of the national board of education of the United Brethren church, and is now president of this board on his second term of four years. He was a member of the general council of the Congregational, United Brethren, and Methodist Protestant churches, which convened at Dayton, O., in February, 1906, and in Chicago, in March, 1907. The work of this council was to arrange a basis for the organic union of these three denominations. Dr. Schell is a member of the National Geographical Society, a republican in politics, and a strong temperance advocate. He is a member of the religious body known as United Brethren in Christ, and a member of the Independent Order of Odd Fellows. Since assuming the presidency of

York College, the attendance has been increased, a large debt has been paid, two fine buildings erected, and a good start made on a permanent endowment. Dr. Schell was married January 3, 1880, to Miss Alice Lillian Peirson, of Jefferson county, Neb. Five children have been born to them; the third, Winnie Ermine, died before reaching the age of one year. The others are: Gracie Leila, a graduate of York College, 1901, who taught one year and in 1902 was married to W. B. Johns, principal of the York high school; Lena Elizabeth, a graduate of York College, class of 1902, who spent two years as a teacher and in August, 1904, was married to Rev. I. E. Caldwell, then president of Philomath College, Philomath, Ore., in which Mrs. Caldwell filled the chair of mathematics for two years; they then attended Bonebrake Theological Seminary, Dayton, O., and in 1907 became missionaries at Juana Diaz, Porto Rico; Louis Irving, graduated from York College in 1907 and was at once appointed by the United States as supervisor of schools in Romblon province, Philippine Islands, where he was for four years, visiting in that time the Orient, Egypt, Palestine, and Europe. He is now a student in Bonebrake Theological Seminary, Dayton, O. Ruth Alice, the youngest daughter, is a student in York College.

SCHIMMER, MARTIN, Grand Island, Neb., owner of the Schimmer ranch, lake and resort, two miles west and two miles south of Grand Island, on Wood river, is a native of Schlieswig province, Germany. He settled in Hall county in 1866 and engaged in farming. From a small beginning, with industry combined with good judgment and business ability, he has attained to the position of one of the largest land owners of Hall county. His ranch contains 2,600 acres, on which is a lake of twenty-five acres. Wood river waters his land for two miles of frontage, and he conceived the idea of damming the river, but owing to the quicksand was laughed at by many of his neighbors who were less sanguine. He, however, overcame all obstacles, and now has a beautiful lake, irregular in shape, of picturesque appearance, and affording excellent facilities for boating. Here he has over one hundred row boats, also sail boats and launches for pleasure parties. In a forest of trees is located a hotel, dancing pavilions, and all the adjuncts of a summer resort. The Burlington railroad, which runs a track into the grounds, is affording every facility to the people to reach this spot, and a large business is being built up. The people of Grand Island are constant visitors and many of them have built cottages, bungalows and boat houses. The historical California Trail passes near the lake. Mr. Schimmer has two ice houses with a capacity of 4,000

tons and has in view a larger dam which will double the size of the lake. In this enterprise he was seconded by his son, John Schimmer, and his only son-in-law, Hans Schiel.

SCHMIED, MELFORD ANTOIN, pioneer of Dakota City, Dakota county, Neb., son of Professor Antoin William Schmied and Mrs. Sally (Hart) Schmied, was born in Lancaster City, Pa., June 8, 1867. Anton William Schmied was born in Prague, Austria, January 26, 1820, and came to America in 1855 and until 1870 resided in Baltimore, Md., Lancaster City, and Columbia, Pa., his first wife dying at the second named place. In 1865 he was again married, to Mrs. Sallie Hart, and moved to Sioux City, Ia., in the winter of 1870. In 1873 he removed to Dakota City, where he died August 24, 1884. Mrs. Schmied died at her home in Dakota City, December 24, 1902, at the age of sixty-seven years. Although both Mr. and Mrs. Schmied had children by a former marriage, Melford Antoin Schmied was the only child of this union. He came to Dakota City with his parents in 1873, where he has since resided. He attended the Dakota City public schools but while yet in his teens entered the *Eagle* printing office as an apprentice, where he remained until the spring of 1897, except for a brief period when he was employed on the *Leader* of Madison, S. D. Mr. Schmied is a republican and active in the support of the principles of that party. He was appointed postmaster at Dakota City by President Harrison, April 27, 1889, retiring August 3, 1893. He was again appointed by President McKinley April 23, 1897, and served until April 9, 1902. During his last term of office as postmaster he was instrumental in having established two rural routes from Dakota City postoffice which was among the very first of the fourth class offices to receive such recognition. After he retired from the newspaper business, Mr. Schmied engaged in business as a general merchant at Dakota City in the spring of 1899, in which he has been very successful. Mr. Schmied was married at Homer, Dakota county, Neb., June 9, 1889, to Miss Alta Amelia Walden, the ceremony being performed by Rev. J. W. Hogan of the Methodist Episcopal church. They have had three children: Hazel Amelia, born April 3, 1890; Venus Melaford, born September 20, 1891; and Anton, born October 15, 1899. The latter died shortly after his birth. Hazel A. Schmied was married on August 9, 1909, in Lincoln, Neb., to Albert B. Schumacher, and on May 19, 1910, Venus M. Schmied was married in Sioux City, Ia., to David D. Dryden, Jr.

In January, 1908, Mr. Schmied purchased the North Nebraska *Eagle*, at Dakota City, and became its pub-

lisher and editor, which he has continued to publish since.

He is a member of Dakota City Emanuel Evangelical Lutheran church. Is also a member of the Modern Woodmen of America, and has been local clerk of the order at Dakota City since 1897. For several years was secretary and treasurer of North-eastern lodge No. 220, Modern Brotherhood of America, at Dakota City, and in 1906 was appointed a member of the auditing committee of the supreme lodge of the Modern Brotherhood of America, which position he still retains. Is also a member of the Order of Eastern Star, serving one year as worthy patron of the society in Dakota City.

Mr. Schmied has been prominent in fraternal orders and is a member of the A. F. and A. M. of Dakota City, having been raised to the sublime degree of a Master Mason, January 12, 1889; appointed senior deacon June 9, 1889, and again May 1, 1890; elected senior warden in 1895-96-97-98; elected worshipful master in 1899; actual Past Master degree conferred June 24, 1899; elected secretary May 28, 1904; advanced to the honorary degree of a Mark Master Mason and was made a virtual Past Master by Haggai chapter Number 39, Royal Arch Masons, Wakefield, Neb., May 25, 1904. Is a member of Columbian commandery No. 18, Knights Templar of Sioux City, Ia., and Abu Bekr Temple, A. A. O. N. M. S., of Sioux City.

SCHNEIDER, RUDOLPH B., president of the Rialto Elevator Company, of Milwaukee, the Nye & Jenks Grain Company, of Chicago, and treasurer of the Nye, Schneider, Fowler Company, of Fremont, residence, Fremont, Neb., was born in Beardstown, Ill., February 25, 1853. His father, B. W. Schneider, was born in Germany, came to the United States, locating in Beardstown, Cass county, Ill., in 1835, and died there in 1853. In Illinois he married Elizabeth A. Crow, whose parents were of English extraction, and who were among the early settlers of Illinois. In 1877 Rudolph B. Schneider entered the employ of W. R. Wilson, who was then engaged in the grain business, and after several years became his partner, which co-partnership existed until 1887, when their business was combined with other lines of business of like character, and formed into a corporation which now bears the name of the Nye-Schneider, Fowler Company, with headquarters at Fremont. The company is one of the largest operating in the west and has elevators in various parts of Nebraska, and as auxiliaries operates the Nye, Jenks & Company elevators at Minneapolis, the Rialto Elevator Company, of Milwaukee, and the Nye & Jenks Grain Company, of Chicago, in all of which Mr. Schneider is interested, being the president of the two last named companies. These

companies do an enormous grain business annually.

He has always been affiliated with the republican party, in the ranks of which he has been an able worker. He was the member of the national committee from Nebraska, 1900-1904, and is a member of the Independent Order of Odd Fellows. He is a member of the Methodist Episcopal church, of Fremont, and chairman of the board of trustees of the same. He was married, in 1882, to Isabelle D. Spangler, and has three children: Etta, Clara, and Margherite.

SCHUFF, HENRY, of Grand Island, Neb., mayor of the city, elected in 1905, 1906, 1908 and 1910, after serving his fourth term, retired in 1911. He gave general satisfaction as an officer, and is well regarded as a business man. He is active in all work to forward the interests of Grand Island and is on the executive committee of the Commercial Club. He is a native of Burlington, Ia., and came to Grand Island in 1894. He is proprietor of the Vienna bakery, confectionery and restaurant, all of which he manages with success. He is now (1911) also the proprietor of the Palmer Hotel, one of the leading hotels of central Nebraska. He is a member of the A. F. and A. M., Scottish Rite, A. O. U. W., and Modern Woodmen.



GENERAL CHARLES FREDERICK SCHWARZ

SCHUTZ, CLARENCE E., of University Place, formerly of Wauneta, Neb., was born in Macksburg, Ia., November 29, 1869, son of Andrew and Barbara Ellen (Hatter) Schutz. Andrew Schutz is a well known breeder of polled Angus cattle and Poland China hogs, and an extensive farmer in Madison county, Ia. Clarence E. Schutz entered the Macksburg high school, and completed the full course. In December, 1891, he came to Nebraska and engaged in milling in Chase county until 1898, associated with W. S. Fisher, under the firm name

of Fisher & Schutz. In January, 1899, he sold the mill and engaged in the general merchandise business, with J. E. Besack, under the firm name of Besack & Schutz. At the end of a year the partnership was dissolved, and Mr. Schutz continued the business alone, and was as well engaged extensively in raising polled Angus cattle. On April 20, 1910, he retired from the mercantile business and removed to University Place, where he is in the real estate business with his son, F. A. Schutz, under the style

of the Schutz Realty Company. The lessons of industry and thrift he learned as a boy on the farm in Iowa have been invaluable to him. In politics he is a republican, and is a member of the Methodist church, and of the Masons. December 25, 1892, he was married to Miss Jennie Porter, and one child, Floyd Andrew, has been born to them, and is now in business with his father and a student at the Wesleyan University Business College.

SCHWARZ, GENERAL CHARLES FREDERICK, Lincoln, Neb., was born near Marengo, Ia., March 7, 1873, son of Charles and Dora (Warnke) Schwarz, both natives of Germany. Charles F. Schwarz came to Nebraska and settled in Lincoln in 1878 where he graduated from the State University, receiving his

A. B. degree in 1896. Mr. Schwarz was a captain in the 3d Nebraska volunteer infantry during the Spanish-American War in 1898-1899 and adjutant general of the state in 1907-08. He is now in the wholesale paper and stationery business as president and manager of the Nebraska Paper and Bag Company. He was married January 8, 1908, to Nellie Watson.

SCHWYN, JOHN, deceased, banker, Doniphan and Grand Island, Neb., was born in Switzerland, January 21, 1865, son of John and Anna (Keller)

Schwyn. The son, John Schwyn, received his early education in Switzerland, and emigrated to America in 1875. In 1879 he returned to Switzerland and soon after came to Hall county, Neb. He became clerk in a country store and later for a time taught school. He then became bookkeeper for Samuel N. Wolbach at Grand Island. In 1886 the bank of Doniphan was established and Mr. Schwyn became cashier. Mr. Schwyn was married at Grand Isle, Lake Champlain, Vt., to Miss Hattie Hoag, a native of that state and a daughter of Henry and Catherine (Vantine) Hoag, natives of Vermont and New York respectively. Mr. and Mrs. Schwyn are the parents of four children: Bessie; Anna, the wife of Marcus Oliver, of Onawa, Ia.; Aimee, and Mildred. Mr. Schwyn was a member of the A. F. and A. M., the A. S. R., and Doniphan lodge No. 6, A. O. U. W., the Shrine, and B. P. O. E. In 1901 he became a member of the firm of C. Klose & Co. The firm maintained brick and tile manufacturing plants at Doniphan and Aurora. Mr. Schwyn was a member of the Grand Island city council. In politics he was a republican. He died in 1911, on August 13th, at Kansas City, while on his way to Arkansas for his health.

SCOFIELD, DR. ALBERT EMERY, deceased, of Tilden, Neb., was born at Bellevue, Ia., January 20, 1861, and died in Omaha, April 14, 1900, from the effects of an operation for meningitis, performed at an Omaha hospital. In 1872 the family removed from Bellevue to Jones county, Ia. At the age of sixteen years he entered Mt. Vernon College, where he spent four years as a student. The succeeding two years were spent in the study of medicine under Drs. Hunster and Phillips at Monticello. He subsequently took a course at the Iowa City Medical College, graduating in 1889. To this thorough course he added a few months' study at Rush Medical College in Chicago. In the spring of 1889 Dr. Scofield came to Meadow Grove, Neb., and opened an office for the practice of medicine and surgery. He was a member of the Masonic fraternity. He was married March 11, 1891, to Miss Celia M. Nicholas, who bore him two children: Aubyn Ann and George Buffum.

SCOTT, ARCHIBALD A., deceased, Lincoln, Neb., banker, was born at Richmond, Ind., September 3, 1864, son of William Clement Scott and Maria Frances (Crawford) Scott, and came to Nebraska with his parents in 1870. He was educated at Camden and the Ashland high school and began his banking career in Crete, Neb. In 1885 he removed to Lincoln and became identified with the First National Bank under the presidency of the late John R. Clark. He had been connected with this bank for twenty-five years and at the time of his death was paying

teller. In 1891 Mr. Scott was married to Effie W. Leese, daughter of General William H. Leese. One son, William Adrian, was born to them. Mr. Scott was a member of the Masonic lodge, and of the Maccabees. For many years he was a member of the First Presbyterian church, in which he took an active part. He was the youngest of nine children, seven of whom survived him: George Scott and William Scott, of Ashland; Frank H. Scott, president of the Century Magazine Company, New York city; Hugh C. Scott, Atlanta, Ga.; R. M. Scott, Denver, Colo.; Mrs. R. J. Watts, Atlanta, Ga.; and Mrs. Richard Jackson, St. Paul, Minn.

SCOTT, GEORGE A., Columbus, Neb., manager and treasurer of the Columbus Gas Company, of which he was one of the organizers, was born on Bornholm Island in the Baltic Sea, April 9, 1847, son of Christian A. Schou, a farmer, and Charlotte A. (Sode) Schou, also natives of Bornholm Island. During his life Christian A. Schou held many offices of honor in his native land. He married Charlotte A. Sode, who belonged to one of the foremost families upon the island. In 1863 Jorgen A. Schou went to Copenhagen and in 1864 was engaged on a German trading ship, and in March, 1866, embarked for America, landing at New York April 5th. He was employed as a farm hand near Fluana P. O., Chautauqua county, N. Y., his employer changing his name to George A. Scott. In July, 1866, he went to Illinois and worked on a farm and in 1867 herded cattle in La Salle and Putnam counties. In 1872 he came to Nebraska by wagon, settled at Columbus, and in 1872 started to return to Illinois. At Omaha he was met by W. A. Richards and was employed in the survey of the boundaries of Wyoming. In 1874 he again returned to Columbus and was employed in the Clother hotel, and in 1875 by Major Burgess, agent of the Pawnee Indians at Genoa, to take charge of a party of eighteen men employed to build houses and make other improvements in the Indian territory preparatory to the removal of the Indians to that section. In September he returned to Columbus by rail via Coffeyville, Kan., and took charge of a party of about 600 Pawnee Indians, which he conducted across the country in wagons. In December, 1875, after arriving at the Indian agency, he set out to meet Barclay White, then Indian commissioner, who was bringing \$15,000 for the Indians. On the return, while crossing Grey Horse, the team and wagon were carried downward with the current. All were saved, but the party was compelled to continue their journey on foot. Later, he was detailed to take an old Pawnee squaw, who had been abandoned, to the Pawnee agency. On his return in

March, 1877, he was employed with a Union Pacific bridge gang, which built all the bridges of that road between Valley and Wahoo. In 1877 he bought the livery stock of C. D. and G. W. Clothier and rented their barn, which he purchased in 1880 and which was burned in 1887. During that year Mr. Scott and family visited England, Germany, Holland, Denmark, Sweden, and France, and in June, 1892, he moved into the Clothier Hotel at Columbus, which he had purchased in 1890, and sold it in 1910. Mr. Scott is a republican and was a member of the board of education, and is a member of the Masonic orders, and Scottish Rite. He was president of the Columbus Land, Loan and Building Association for a number of years. January 8, 1880, he married Carrie F. McGath, of Merrick county. They are the parents of two children: a daughter, deceased, and a son, George A. Scott, Jr., who is a graduate of the Spaulding Commercial College, Kansas City, and now (1911) is a bookkeeper in the German National Bank of Columbus.

SCOTT, MARTIN V., of Central City, Neb., president of the Platte Valley State Bank, was born July 24, 1842, in the township of Postville, Cattaraugus county, N. Y., son of Rudolph Scott, who was born in Vermont, and Phoebe (Wakefield) Scott, born in Massachusetts. Martin V. Scott, at the age of nineteen, enlisted in the Union army at Olean, N. Y., September 15, 1861, and took part in the Siege of Yorktown and the battle of Williamsburg and Fair Oakes, the seven days' fighting under McClellan which terminated at Malvern Hill; in the campaigns and engagements at the siege of Suffolk, Va.; at Kingston, N. C., Wise's Forks, and Goldsboro bridge, and was near Goldsboro when the war closed. He held the office of corporal and sergeant. He re-enlisted January 1, 1864, and was mustered out June 9, 1865, at Newburn, N. C. Mr. Scott returned to Michigan and in 1871 came to Nebraska and settled on a soldier's homestead near Central City, where he was a builder and contractor, and September 25, 1883, started a lumber yard. He sold his business May 1, 1884, and again resumed building and contracting, but after several years engaged in the loan, insurance, and real estate business, in partnership with O. Oliver, whose interest he bought in 1892. In 1889 he started a lumber and coal yard in company with C. W. Adams. In 1892 he bought out the interest of his partner and sold the business and has since been engaged in the furniture, undertaking, and carpet business. He owns a majority of the stock of the Platte Valley State Bank, of which he is president. He is also president of the Chapman State Bank. He has served the Central City school district as its treasurer, has been presi-

dent of the county board of supervisors, and has held the offices of councilman and mayor of Central City, being now (1911) on his second term as mayor. He is a Mason, also a member of the Knights of Pythias, and is past senior vice commander of Buford post No. 23, Grand Army of the Republic. He was married, on New Year's day, 1871, to Miss Minnie Galbreath. Four children have been born to them: Claude W., J. Cleve, Maud A., and Myrtle Fay, wife of I. W. Virregg, cashier of the Farmers State Bank, Central City. The oldest son is in business with his father, the second son is cashier of the Platte Valley State Bank, and Maude A. is a graduate of the Central City high school, and later attended Bellevue College.

SCOTT, ROBERT TEMPLE, of Pawnee City, Neb., was born in 1839 at New Castletown, Scotland, son of Mathew and Cathrine (Temple) Scott. In 1853 he came to Stark county, Ill., and went to work on the farm of his uncle, Henry Scott, who came to this country with him. He enlisted in 1861 in Company B, 19th Illinois volunteer infantry, and was mustered out in July, 1864, at Chicago. He was in the battles of Stone River, Chickamauga, and Mission Ridge, and was sergeant for over a year. He farmed one year in Illinois and in August, 1865, came to Pawnee county, and settled west of his present farm. In 1875 he moved to the present farm of 660 acres, originally 400 acres. He was county commissioner of Pawnee county for nine years. In politics Mr. Scott has always been a republican. March 15, 1867, he married Annie Powell Rogers, daughter of P. M. Rogers and Sarah (Bealer) Rogers. They are the parents of eleven children: Sarah, wife of Eldridge Wheeler, Washington; Katie T., Effie D., Charles M., Robert S., Frank F., John, George, Harry, who died November 14, 1898, Andrew and Mathew, deceased.

SCRIBNER, ARTHUR WILLIS, Omaha, Neb., tax commissioner for the Union Pacific railroad, was born April 14, 1855, at Rosendale, Wis., son of Enoch and Catherine B. (Taylor) Scribner, the former a farmer and merchant. The Scribners emigrated from Ipswich, Suffolk county, England, about 1630, and settled in Connecticut where the family has resided for over two hundred years. The name was formerly spelled "Scrivener." A. W. Scribner attended Ripon (Wis.) College. At sixteen he was a member of a railroad surveying party and the following year learned telegraphy. In June, 1873, he moved to Lincoln, Neb., as operator and cashier at the freight office of the Atchison & Nebraska railroad. In 1875 he became chief clerk in the general freight office of the Midland Pacific railroad. In 1879 he moved to Omaha and was employed in the

general freight office of the B. & M. railroad. In 1880 he resigned to enter the service of the Rock Island Company at Kansas City. In 1881 he became stenographer in the office of S. T. Smith, general superintendent of the Union Pacific railroad at Kansas City. In 1883 he was appointed clerk to the general superintendent of the Oregon Railway & Navigation Company at Portland, Ore. In 1888 he returned to Omaha to become chief clerk to the general land commissioner of the Union Pacific railroad, and was appointed tax commissioner of the company in 1891, which position he still holds in 1911. He is a republican in politics, and a member of St. Mary's Avenue Congregational church, Omaha. May 20, 1884, he was married to Miss Katie A. Hall of Green Bay, Wis. Two children have been born to them: Arthur H., a graduate of the University of Nebraska, and Leila Scribner Wernher, wife of Paul Wernher, of Omaha. She is a graduate of Monticello (Ill.) Seminary. Mr. and Mrs. Wernher have one son, Philip S. Wernher.

SEARLE, EDWIN M., SR., Ogallala, Neb., pioneer of western Nebraska, is a son of Reverend Steadman Barrit and Angeline (Rice) Searle. The Searle

family came to America with the Pilgrim fathers and settled in the New England states. Steadman B. Searle was a Baptist minister, whose father, David Searle, was from Vermont, and settled in Allegany county, N. Y., in 1780 as a pioneer, traveling with an ox team, and was one of the first settlers there. Edwin M. Searle was born January 1, 1849, in Rushford, Allegany county, N. Y. His early education was limited, but was supplemented by persistent reading and study. He came to Omaha first, and to North Platte in April, 1867, as telegraph operator for the Union Pacific Railroad Company. Later the same year, he was appointed agent of the

railroad at Paxton, then at Ogallala, where he remained six years. In February, 1883, he was appointed agent of the Union Pacific land department at Ogallala, and since that time has sold more than one million acres of Nebraska land. Mr. Searle is a republican and has held a number of important offices. He was appointed county commissioner of Keith county by Governor Albinus Nance, in 1873, and was county treasurer of that county from 1876 to 1880. He was elected county clerk for two years,

in 1880, and was county commissioner from 1884 to 1887. Mr. Searle enlisted for the the Civil War at Logansport, Ind., in 1864, and served in Company K, 138th Indiana volunteer infantry. He was in the battle at Nashville, Tenn., as well as a number of minor skirmishes. He is past commander of John M. Thayer post No. 215, Grand Army of the Republic; and past master of the Ogallala Masonic lodge, No. 159. Mr. Searle is a member of the Congregational church. He was married December 24, 1866, to Eliza Gifford, of West Union, Ia., daughter of Simeon and Jane (Savage) Gifford, who settled in western Iowa in the early days, coming from Wisconsin. Simeon Gifford was a member of a Min-



ARTHUR WILLIS SCRIBNER

nesota regiment, and died during the Civil War, in 1863, in a hospital at Fort Snelling, Minn. His regiment saw service in the Indian War of 1862. Three children have been born to Mr. and Mrs. E. M. Searle, Sr.: C. F., deceased, formerly cashier of the Exchange Bank, Ogallala; E. M. Searle, Jr., ex-auditor of the state of Nebraska, and now president of the Citizens Bank, of Ogallala; and Archie, formerly deputy county treasurer of Keith county, now of Omaha, with the German Fire Insurance Company, of which he is state agent for Nebraska.

SEARS, JUDGE WILLIS G., of Tekamah, Burt county, Neb., was born in Willoughby, O., August 16, 1860, son of Stephen S. and Mary (Wilson) Sears, the former a well-known educator and for many years president of Willoughby College, Willoughby, O., and the latter the daughter of James Wilson, of Meadville, Pa.; both descended from families that for many generations were residents of New York state. W. G. Sears was educated in the common schools and in the law school of the Kansas State University. In 1879 he became a resident of Burt county, Neb., first locating at De-



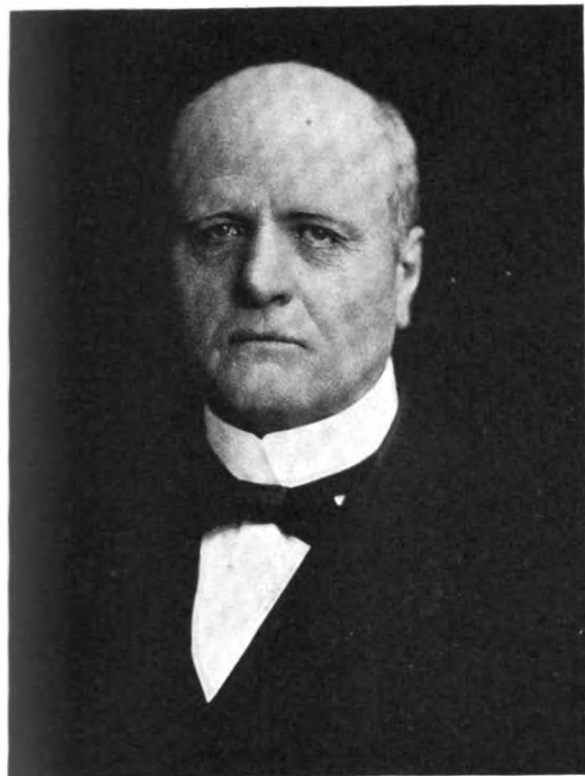
JUDGE WILLIS G. SEARS

atur, then for a few years residing at Oakland, and in 1895 settling in Tekamah. In 1884 he was admitted to the bar. For six years he was county attorney of Burt county, for three years mayor of Tekamah, and in 1900 was elected to the state legislature from the 12th district, and was speaker of the house. He has been judge of the district court since 1904, having been reelected for the third term in 1911. He is a republican, a member of the Masonic blue lodge, chapter, commandery and Shrine, the Independent Order of Odd Fellows, the Elks, and Red Men. May 13, 1887, he was married to Belle V. Hoadly of Castana, Ia. They are the parents of five living children: Mary

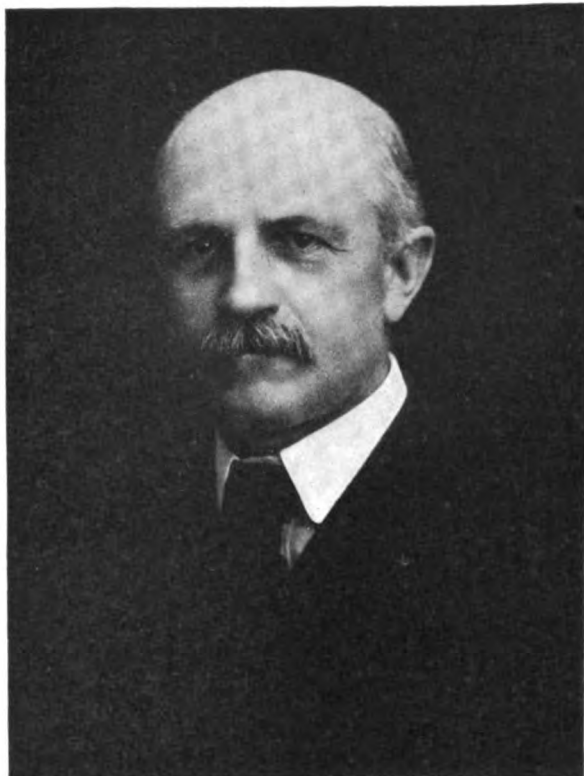
Belle, Edward, Flora, Sigsbee, and Charles. The eldest son, John, died January 1, 1900.

SEDGWICK, SAMUEL H., of Lincoln, associate justice of the supreme court of Nebraska, and for many years a practicing attorney of York, York county, was born in DuPage county, Ill., March 12, 1848, son of Parker Sedgwick and Hepsibah (Goodwin) Sedgwick. His paternal family was founded in 1640 by Robert Sedgwick, an officer of the crown who, after serving as the English governor of Jamaica, became the governor of one of the American colonies. Parker Sedgwick, a physician and surgeon, was born in Connecticut and reared in New York state, where he was educated in medicine. He removed to Illinois in 1843, where he farmed, and practiced his profession until his death at Wheaton, Ill., in 1871. The mother was a native of Connecticut and died in York, Neb., in 1882. In 1861 Judge Sedgwick entered Wheaton College, from which he was graduated in 1872. In the meantime, he had passed a year in the law department of the University of Michigan at Ann Arbor. During 1872-73 he conducted an academy at Sharon, Wis., at the same time studied law, and in 1874 was admitted to the bar at Green Bay, Wis. From 1874 until 1878 he practiced law in Kewaunee county, Wis., and then settled in York, Neb. In 1895 he was elected on the republican ticket to the judgeship of the 5th judicial district; in April, 1901, he was appointed a member of the Nebraska supreme court commission, and in November, 1901, elected to the supreme bench of the state. His term expired January 7, 1908. In 1909 he was again elected to the supreme bench for a six years' term. He is one of the organizers of the York waterworks and electric lighting company and a stockholder in the Nebraska Newspaper Union. He was married in 1878 to Miss Clara M. Jones, of Ogle county, Ill. They are the parents of three children, Catharine M. and Myrna P. Sedgwick, and one child who died in infancy. Judge and Mrs. Sedgwick are members of the Congregational church.

SEDGWICK, THERON EMMONS, editor and publisher of the *York Daily and Weekly Times*, York, Neb., is a native of Bloomingdale, DuPage county, Ill., where he was born September 2, 1852, a son of Parker Sedgwick and Hepsibah (Goodwin) Sedgwick. Dr. Parker Sedgwick, a physician, removed from Oneida county, N. Y., to DuPage county, Ill., in 1843, and in 1865 to Wheaton, Ill., where he died in 1870. Theron E. Sedgwick attended the preparatory department of Wheaton College and continued as a student at Wheaton College for six years, teaching part of this time. He entered the law department of Michigan University



SAMUEL H. SEDGWICK
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CHARLES B. LETTON



JESSE L. ROOT
For biography, see page 569

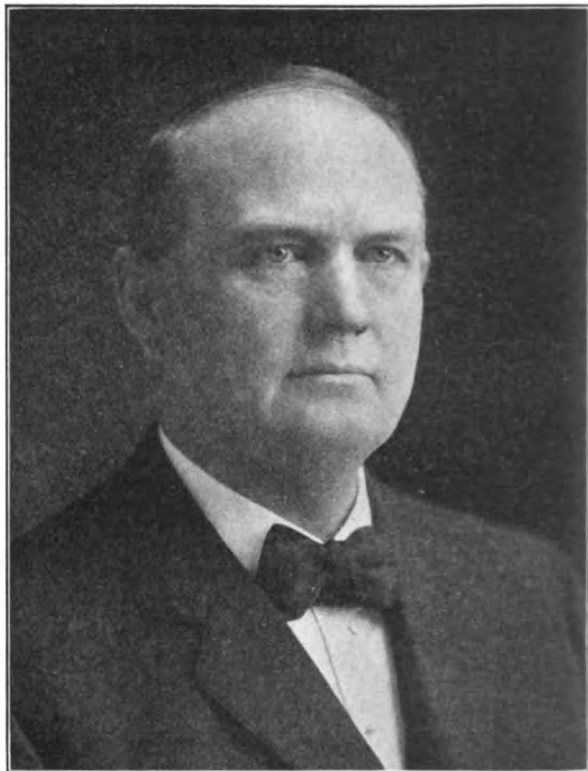
LETTON, CHAS. B., judge of the supreme court of Nebraska, was born in Edinburgh, Scotland, October 25, 1853. He received his early education in the schools of his native city. In 1869 with his parents, William H. and Agnes (Michie) Letton, he migrated to America and settled on a homestead near Fairbury, Neb. Later, he became a school teacher and graduated from the State Normal School at Peru, in 1879; studied law, and was admitted to the bar in 1881. In 1882 he formed a copartnership with William O. Hambel, of Fairbury, and in 1885 was elected on the republican ticket as the first county attorney of Jefferson county, and by reelection he held the office for four consecutive years. In 1887 he formed a copartnership with Edmund H. Hinshaw, under the firm name of Letton & Hinshaw, which existed until January 1, 1896, when Mr. Letton was elected judge of the 1st judicial district of Nebraska, comprised of Jefferson, Gage, Johnson, Pawnee, Richardson, and Nemaha counties. He has been an active supporter of the Nebraska State Bar Association, served as its president during the year 1905, and in the work of the Association delivered several addresses of interest to the profession. He was reelected in 1900 judge of the district court, but resigned to accept appointment as supreme court commissioner, serving until 1905, when he was elected to succeed Judge Holcomb as associate justice of the supreme court for the term expiring January, 1912, and reelected in 1911. He removed to Lincoln, January 1, 1906.

William H. Letton died at his home in Fairbury, on October 27, 1895, and Mrs. Letton, mother of the judge, died April 23, 1897.

Judge Letton was married in 1885 to Miss Althera Hosmer Pike, daughter of Silas S. and Olive (Green) Pike, a native of Carmel, Me. The father of Mrs. Letton was a native of Vermont, and a resident of Maine from 1844 until 1882, when he removed to Fairbury, Neb., where he resided until his death in 1891. Mrs. Letton graduated from the Maine Central Institute at Pittsfield, Me., in 1879, and two years later came to Nebraska, where for a few years she taught school. She is an active member of several women's clubs, and has served as auditor and recording secretary of the Nebraska State Federation of Women's Clubs and was state regent of the Daughters of the American Revolution, 1907 and 1908. Mr. and Mrs. Letton have two children, Henry Pike Letton and William Adam Letton.



THONON E. SEDGWICK
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WILLIAM A. SELLECK
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VICTOR SEYMOUR
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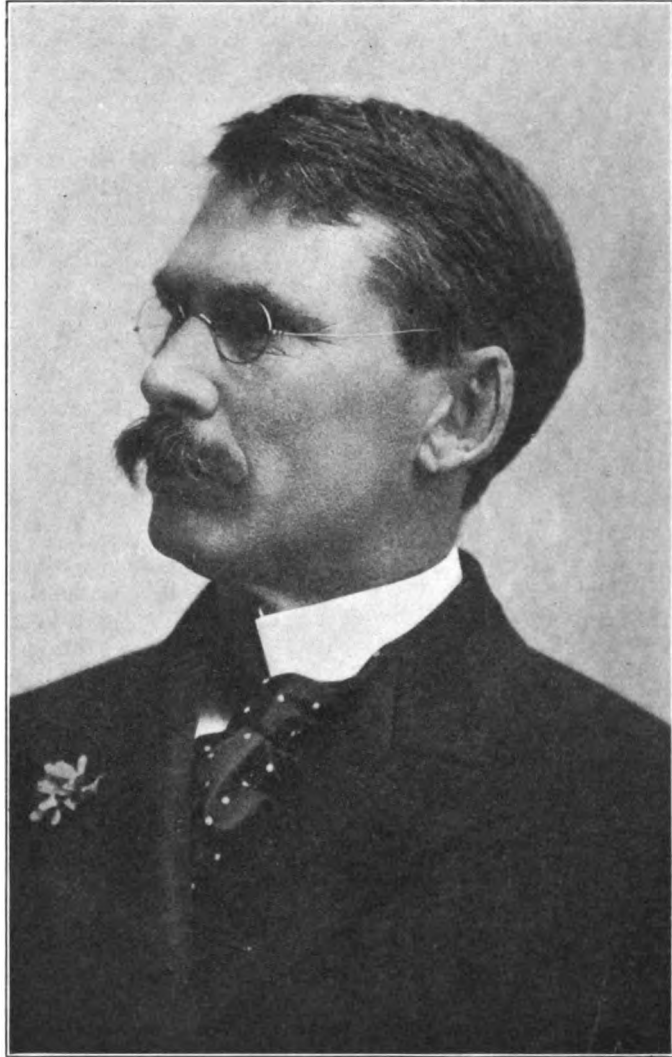
at Ann Arbor, in 1871, and later studied law in the office of Elbert H. and N. E. Garney in Chicago until 1874, when he removed to DePere, Wis. He was admitted to the bar at Oconto, Wis., in 1874, and commenced practice in DePere, where he served as city clerk, city attorney, and county supervisor, and was county superintendent of schools of Brown county, Wis., from January, 1876, to January, 1878. In 1878 he removed to York, Neb., where he has served as city councilman; secretary of the republican state central committee in 1894-95; secretary of the state senate in 1895, and postmaster at York from May 1, 1898, until April 1, 1907. In 1910 Mr. Sedgwick was elected president of the York Commercial Club. He is a republican in politics. In 1880 he founded the *York Times*, which he has edited since, and in 1888 he started the *Daily Times* in connection with the *Weekly*. In 1906 his son, Theron E. Sedgwick, Jr., became associated with him and in 1889 he established the Nebraska Newspaper Union, of which he is the president. Mr. Sedgwick was married July 2, 1874, to Adelaide Thurston, at Fullersburg, Ill. They are the parents of two daughters and one son: Clara A., wife of John A. Rockwood, of Portland, Ore.; Theron E., who married Pearl A. Roby of York, December 8, 1909; and Phila May.

SELLECK, WILLIAM A., Lincoln, Neb., manager of the Western Supply Company, came to Lincoln in 1885. He was educated at Carleton College, Northfield, Minn., and taught school for four years, and in 1884 was admitted to the Minnesota bar. After locating in Lincoln he continued in the practice of law for twelve years. He was deputy city attorney of Lincoln for four years and served one year in the Lincoln city council. In 1900 he was elected a member of the board of education of Lincoln and was reelected for nine consecutive years from 1900 to 1909, and for one year he was chairman of the board. During this time the Lincoln schools showed a remarkable progress. He became an active member of the Lincoln Commercial Club and was president of this club for the years 1908 and 1909. In 1910 he was elected on the republican ticket state senator for Lancaster county and served in the 32d session, 1911. He was one of the members who successfully urged the passage of the initiative and referendum bill which was modeled on the Oregon bill but differed as to the per cent and the petition necessary for submitting a matter to the electors. He re-wrote the trust bill authorizing the trust companies to incorporate in Nebraska with power to act in all judiciary relations. He was greatly interested in and was recognized as an authority on education and was chairman of this committee. Mr. Selleck was born in Owatonna,

Steele county, Minn., son of A. Selleck, a pioneer of Owatonna, where he located in 1854, coming from Lawrence county, N. Y. Mr. Selleck married, in 1888, at Lincoln, Neb., Miss Nellie Horton, a native of Maine. They are the parents of two children: John K. and Marjorie C., both juniors at the Nebraska State University.

SEYMOUR, VICTOR, of Lincoln, deputy clerk of the supreme court of Nebraska, is a son of Henry Seymour, deceased, who settled at York, Neb., in 1873, and was for many years engaged in the implement business. Victor Seymour acquired his early education in the public schools of York, and was graduated from the law department of the Nebraska State University in 1892. For nine years he was district court reporter for the 3rd district, under Judge Cornish. He resigned this position to accept the appointment as deputy clerk of the supreme court in 1904, which position he still holds.

SHALLENBERGER, ASHTON C., of Alma, Harlan county, Neb., banker, governor of Nebraska 1909-1910, is a son of Martin Shallenberger, a lawyer of Toulon, Stark county, Ill. His father settled there in 1838 and was active in democratic politics in the days of Lincoln and Douglas. He served one term in the Illinois legislature, of which Lincoln was also a member. He married Eliza Hall, who was born in Derbyshire, England, and came to Illinois in 1836 and was a daughter of Dr. Thomas Hall, a member of the Royal College of Surgeons, of London, England. The American pioneer on the Shallenberger side came to Pennsylvania prior to the Revolutionary War from the Canton Uri, near Altsdorf, the home of Tell. The name is taken from the mountain Schallenberg, celebrated for the victory of the Swiss over the Austrians. Governor Shallenberger was born at Toulon, December 23, 1862, and was educated there at the common schools and for three years at the university of Illinois. He then immediately came to Nebraska and became a clerk in a country store and filled various clerical positions for four years. In 1885 he started a business for himself at Osceola, and after disposing of this business, located in Alma, where he has since resided except the two years at Lincoln as governor. He organized at Alma the Bank of Alma, of which he was president and active manager. He is engaged extensively in farming and in the raising, feeding, and shipping of grade cattle, and is also one of the owners of one of the best herds of shorthorn cattle in Nebraska. Governor Shallenberger is one of the best posted men in Nebraska on the agricultural possibilities, resources, and products of Nebraska farms.



WILLIAM C. SHANNON

and also on shipping and rates affecting the farmer. His administration as governor was generally approved by all parties. He signed the eight o'clock closing law for saloons and was one of the most conspicuous members of the congress of governors.

One of the principal measures advocated by Mr. Shallenberger during his administration was the guaranty of deposits law for the further security of the depositors' funds in the banks of the state. He urged the passage of the act by the legislature and when it was set aside by the lower federal courts, ordered the attorney general to carry the case to the supreme court of the United States, where the law was sustained and is now in full force and effect.

By January 1, 1913, under the workings of this law, nearly a million dollars will be held by the banks as security against loss to depositors in Nebraska banks.

As a member of congress, Mr. Shallenberger was prominent and effective in his support of the national reclamation act, which has done and is doing so much for the development of western Nebraska. He has always been a democrat in politics, and is a very efficient campaign speaker. He is now (1912) democratic candidate for United States senator from Nebraska. He was married, in 1885, at Osceola, Neb., to Eliza Zilg, of Spring Green, Wis. They are the parents of three children: Martin, a lieutenant in the 16th infantry, United States army, and now (1912) stationed in Alaska; Grace Pauline, and Dorothy, residing at home.

SHANNON, WILLIAM CUMMINGS, deceased, late surgeon with the rank of major in the United States army, was born in Loudon, N. H., in 1851. One of his ancestors on the paternal side was the first of that name in New England. Nathaniel Shannon was born in 1655 in Londonderry, Ireland, and belonged to a family of Scotch antecedents. He came to Boston in 1687, where he established himself permanently. He was a member of the "Old South Church," and for the first twenty years of the seventeenth century he was naval officer of the port of Boston. He died in Boston, August 27, 1823, and was buried in the old "Granary Burial Ground."

William C. Shannon was the eldest son of Dr. Nathaniel Shannon, who lived and practiced medicine for many years in Portland, Me. His mother was Lucy Cummings Shannon, from Cape Elizabeth, Me. Dr. Shannon graduated from Bowdoin College in the class of 1872, and received the degree of doctor of medicine from the Bellevue Hospital College of Medicine of New York city in 1875. June 26, 1875, he was commissioned by President Grant assistant surgeon in the United States army and promoted June 26, 1880, to be assistant surgeon with the rank of captain. From 1875 to 1890 he

was stationed at Fort Porter, N. Y., Fort Clark, Tex., Fort Meade and Yates, S. D., Fort Apache, Ariz., Fort Thornburg, Utah, Fort Custer, Mont., Fort Russell, Wyo., Fort Warren, Mass.; Fort Bridger and Fort Omaha, and in New York city and Washington, D. C., in the latter place being in the surgeon general's office. In 1891-93 he was detailed as surgeon with survey corps No. 1, of the inter-continental railway commission which made a survey through the republics of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica. On this expedition he was especially charged with the duty of collecting data of interest regarding the flora of the country traversed. The collection of several hundred thus made included many rare plants with descriptive notes, now at Johns Hopkins, Harvard University, and Kew Gardens, England. On April 18, 1895, he was promoted to the rank of major. On May 8, 1895, he married Miss Ellen Elizabeth Poppleton, daughter of Andrew J. and Caroline L. Poppleton, of Omaha. Dr. Shannon was a constant student and in 1895 took a six months' course in bacteriology at the Johns Hopkins University of Baltimore and subsequently in his work at Fort Custer he was much in his laboratory and did extensive work with the microscope. He remained at his post of duty until he was entirely disabled by illness. During the last months of his service the alarming character of his illness became apparent, but he still continued to perform his duties. His last post was Jackson Barracks, New Orleans. He was retired from active service, April 23, 1898. Dr. Shannon, after his retirement, resided a part of the time, as his health permitted, at Oakland Farm, Elkhorn, Neb. Here he was able in large measure to enjoy the interests and pleasures of country life, and the companionship of his family. His winters were passed in Arizona and at his home which he had built in Hot Springs, Ark. He died at his country home, Oakland Farm, April 25, 1905. Dr. Shannon was a man of fine nature, a capable and talented physician, and of a very genial and hospitable disposition. During his long illness he imparted to all about him his own buoyant cheerfulness and courage. The keynote of his character was the quiet, continuous, and unvarying performance of duty; and the charm of his personality was his generous interest in life and in his friends. He was a member of the Army and Navy Club of Washington and of New York city and of the Association of Military Surgeons of the United States. His long army service on the frontier identified him in many ways with the development of the western country.

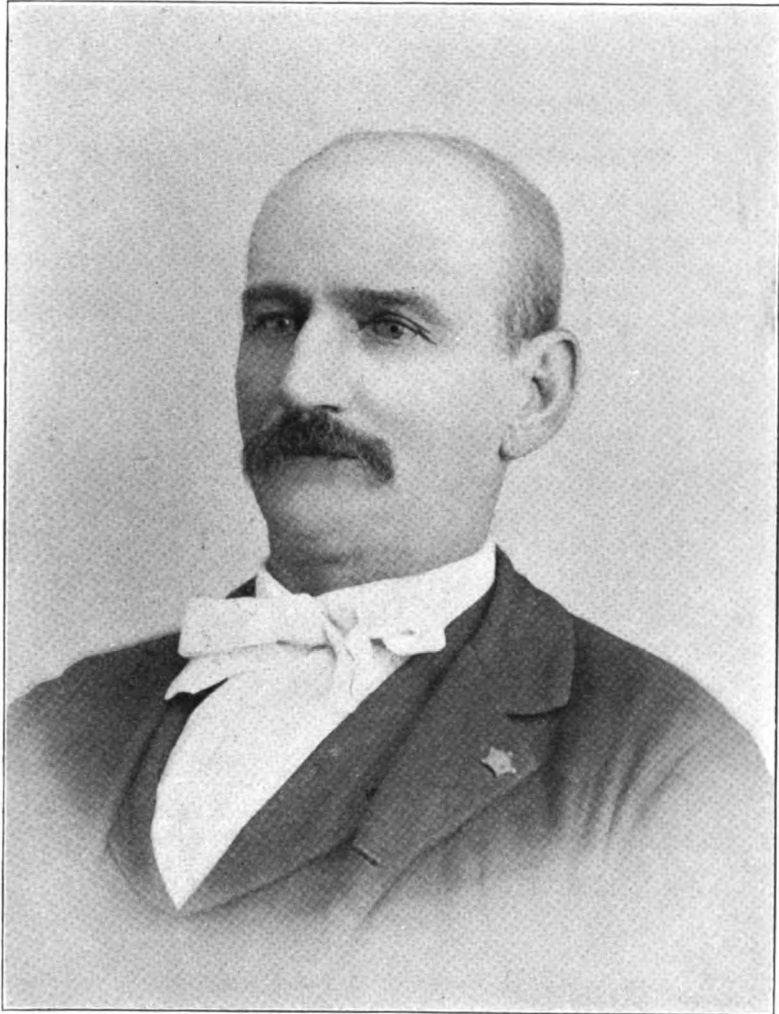
SHARP, WILLIAM E., Lincoln, Neb., president of the Royal Highlanders of the United States,

settled in Nebraska in 1884, engaging in the mercantile, grain, and coal business at Aurora. In 1896 Mr. Sharp, with his brother, F. J. Sharp, also a resident of Aurora, promoted and organized the Royal Highlanders, a fraternal insurance order, with a membership at the beginning of 319. This organization has grown until it now numbers 30,000 members in the United States, and has \$1,500,000 invested in four per cent first mortgages on Nebraska farms. In 1900 William E. Sharp removed to Lincoln, while his brother, F. J. Sharp, secretary of the Royal Highlanders, continues to reside in Aurora, where the head office is maintained in one of the finest buildings in Nebraska, built and owned by the order. Mr. Sharp, in organizing the Royal Highlanders, chose the name as one that would appeal to a race noted for their success in all their undertakings. Upon his removal to Lincoln he soon became one of the most active and aggressive business men of the city. He has been vice president of the Woodmen Accident Association since 1894. Mr. Sharp is president of the street railway company, of Lincoln, a member of the board of directors and chairman of the executive committee. This railway has sixty miles of track in Lincoln and suburbs, and is an important factor in the development of the city. The capitalization is \$5,000,000. Mr. Sharp is vice president of the Fidelity Building and Loan Association, organized in Lincoln in 1907. He is also half owner of the Fraternity building, one of the finest office buildings in the west. This building, which was erected in 1892, is equipped as the Lincoln headquarters of the Royal Highlanders and the head office of the Woodmen Accident Association. Mr. Sharp is secretary of the Nebraska Fraternal Congress, a member of three of the important committees of the National Fraternal Congress, and is officially connected with seven fraternal orders besides the Highlanders. He is president of the Commonwealth Power Company, a \$7,500,000 corporation, organized to build hydraulic plants on the Loup river. Mr. Sharp is a son of Rev. J. B. Sharp, a Congregational minister, and a graduate of Ann Arbor, Mich., who was for many years a minister of the gospel at Philadelphia, St. Louis, Pittsburg, and Zanesville, O.

SHEIBLEY, THOMAS JEFFERSON, deceased, late of Ponca, Neb., son of William Tressler Sheibley, was born in Duncannon, Perry county, Pa., July 12, 1845, and died June 26, 1908, and was taken to his former home in Pennsylvania for burial. He lived upon a farm until April 19, 1861, when he enlisted for the Civil War, in Company B, 1st regiment, Pennsylvania rifles (Bucktails). Mr. Sheibley participated in the battles of Mechanicsville, Va., June 26, 1862; Gaines Mill, Va., June 27th; Charles

City Cross Roads, Va., June 30th; second Bull Run, Va., August 29th and 30th; South Mountain, Md., September 14th; Antietam, Md., September 16th and 17th; Fredericksburg, Va., December 13th; Gettysburg, July 2 and 3, 1863; the Mine Run campaign; and the battles of the Wilderness and Spottsylvania Court House. In the latter engagement Mr. Sheibley lost his left leg, and was mustered out November 19, 1864, and returned to Duncannon, where he served as postmaster from October, 1866, to May 15, 1869. The following October he was elected register and recorder of Perry county, Pa., and held the office for three years. In June, 1873, Mr. Sheibley removed to Dixon county, Neb. He was elected county clerk for three successive terms, beginning January 29, 1890. Mr. Sheibley was married July 6, 1872, to Miss Sarah Wertz of Landisburg, Pa. He is survived by his widow and only child, Miss Anna Wertz Sheibley, who resides with her mother in Ponca. Mr. Sheibley was a member of Stoneman post, G. A. R., Ponca. In the State ex rel, Sheibley vs. School Board, 31 Neb., p. 155, Mr. Sheibley insisted on his right to select his daughter Anna's studies from the curriculum prepared by the school board. The case was decided in favor of parental rights and was epoch making and far reaching in effect. His death was sudden and occurred from heart failure while on a fishing trip with several friends. They left the camp in boats and while examining the nets Mr. Sheibley's end came with but a few moments' warning. Mr. Sheibley had resided continually in Dixon county for thirty-five years except two years, 1885-86, spent in Florida for Mrs. Sheibley's health. He owned and brought from its virgin condition to a high state of cultivation a large tract of land. He was a good official and a respected citizen whose death was mourned by hosts of friends.

SHELDON, CHAUNCEY H., banker and capitalist, of Columbus, Neb., was born in Jefferson, Ash-tabula county, O., the son of John B. and Sarah (Seeley) Sheldon, natives of New York. In April, 1861, Chauncey H. Sheldon enlisted in Company B, 20th Ohio volunteer infantry, for three months; in 1862 he enlisted in Company B, 88th Illinois volunteer infantry; was wounded at the battle of Perryville, Ky.; and in January, 1865, he was commissioned first lieutenant and adjutant of the 150th Illinois volunteer infantry. In 1866 he engaged in farming and stock raising at Clifton, Iroquois county, Ill.; removed to Nebraska in May, 1883, and settled at Columbus, where he has continued farming and stock raising. In 1887 Mr. Sheldon was elected president of the Commercial Bank of Columbus and is a member of the Masonic lodge of Columbus. He was married April 14, 1868, to Mary



Thomas J. Shelby

McDill. They are the parents of two children: Clarence C. and Elizabeth G.

SHELDON, GEORGE LAWSON, ex-governor of Nebraska, was born in Nehawka, Neb., May 31, 1870, son of Lawson and Julia A. (Pollock) Sheldon (see pp. 58 and 59, Vol. II, notes, and p. 266). He is a graduate of the University of Nebraska, class of 1892, B. L. degree, and of Harvard, 1893, A. B. degree. In 1895 he was married to Rose Higgins, of Roseville, Ill., and engaged in farming. He was captain of Company B, 3d Nebraska infantry, Spanish-American War, 1898, and was governor of Nebraska in 1907-09. He received ten votes for the vice presidential nomination in the republican national convention, Chicago, 1908. He is a member of the Masonic order.

SHEPHERD, MRS. HARRIET CURTISS, deceased, a daughter of Thomas J. and Nellie M. Curtiss, was born May 31, 1868, at Faribault, Minn., and early removed with her parents to Lincoln, where she began her education in the public schools and finished at the University of Nebraska. She was a member of the Kappa Kappa Gamma sorority, the first ladies' Greek letter society of the school, and was also a member of the Congregational church. December 13, 1893, she was married to Frederick Shepherd, a Lincoln attorney. Four years later, May 10, 1897, she died and was buried in Wyuka cemetery. A daughter, Helen Curtiss Shepherd, and her husband survive her. Upon finishing at the university, Mrs. Shepherd was for a time a teacher, but was later elected librarian of the Lincoln public library. The Lincoln library was then, as now, one of the large collections of the state, but therefore it had had little scientific management and no greatly effective means had been employed to extend its use and influence. To do this at once became the aim of the new librarian and in it she was aided by the wise counsel and direction of an efficient board, including Stephen L. Geisthardt, Mrs. A. J. Sawyer, Mrs. L. C. Richards, Mrs. S. B. Pound, Mr. N. S. Harwood and others. An associate and coworker with her was Mrs. John S. Reed (then Miss Carrie Dennis), who succeeded her as librarian and who, specializing in the best schools, brought the library to its later high development and usefulness. Mrs. Shepherd was a lover of books, who read widely and appreciatively and who counted no privilege so great as that of being able to introduce library readers to her old friends and teachers, the great masters of literature. Not all idealists are unpractical. This one had abounding faith in humanity and could meet all manner of people with a tact, perception, and winsomeness, which made her helpful to every class. An observing pa-

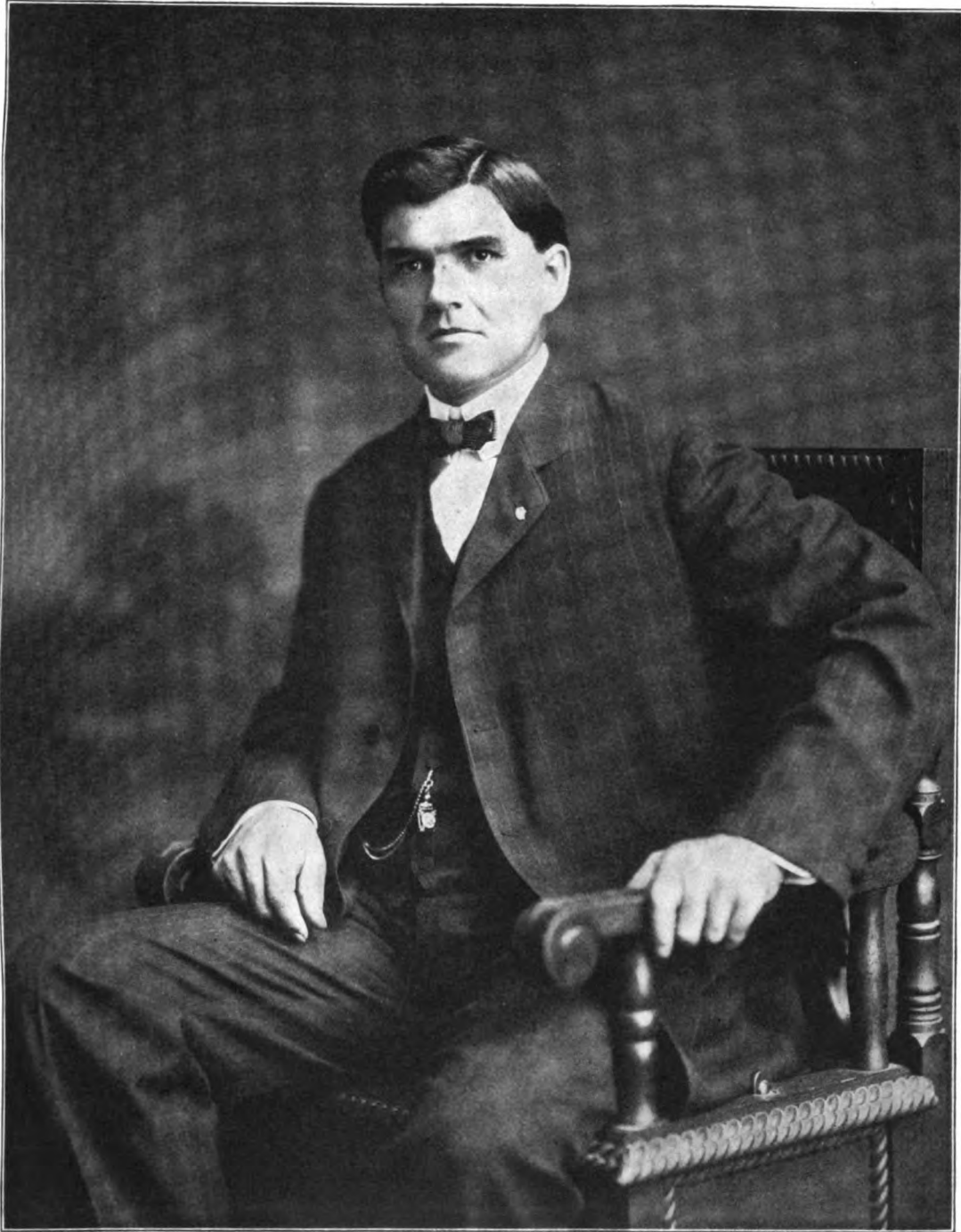
tron of the library once described her well when he said that in her contact with the public she was ever ready with sympathy and direction, never obtrusive, even with the humblest, and always inspiring. George Eliot truly said that the growing good of the world is largely due to unhistoric acts. Mrs.



MRS. HARRIET CURTISS SHEPHERD

Shepherd lived faithfully a life of no little service to her state. In library work she was a worthy Nebraska pioneer.

SHERMAN, CHARLES ROLLIN, senior member of the firm of Sherman & McConnell, retail and wholesale druggists, Omaha, is a native of Montgomery Center, Vt., son of Ezra Wright and Harriet Ann (Chase) Sherman. Mr. Sherman settled in Omaha in 1881. He is a member of the Omaha water board, and, in 1908, was appointed by Governor Sheldon as a member of the board of trustees of the deaf and dumb institution at Omaha, and the institute for the blind at Nebraska City. He is now president of and completing five years' term on the state board of pharmacy. While Mr. Sherman is a democrat in national politics, he is independent in local matters. He married Miss Maude Church, daughter of the late Judge Alonzo H. Church, of North Platte, Neb. (see sketch in this volume). Mr. and Mrs. Sherman are the parents of three children: Rollin Church, Harriet Chase, and Dorothy Maude.



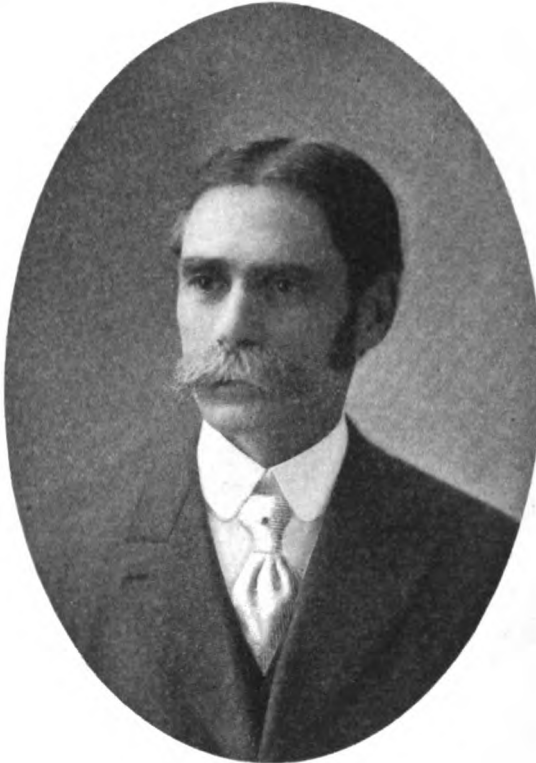
George Lawson Sheldon,

SHERWOOD, J. HARVEY, of Oxford, Neb., son of Augustus and Jane Wilcox Sherwood, was born in Morris county, N. J., August 7, 1851. In 1856 his parents removed to Marshall county, Ia. and in 1878 to Furnas county, Neb., where they took a homestead. He entered the Toledo high school, graduating in 1872, and at once located in Franklin county, Neb. When he became of age he took a preemption in Macon township, Franklin county, and after holding it two years sold it and took a timber claim on the Little Blue river. When the United States land office was opened at Bloomington he practiced before it, and in 1878 took a homestead in Furnas county. He opened a law and real estate office in Oxford, where he has since remained. He has always been a republican and for fourteen years held the office of justice of the peace in Furnas county. He is a member of the Masonic fraternity. May 26, 1881, he was married at Macon, Neb., to Miss Kate F. Clarke. They are the parents of seven children: George H., Grace E., Nellie K., Katie F., J. Harvey, Alice May, and Clarence C.

SHICKEDANTZ, HARRY, dealer in farm machinery, seeds and grain, St. Paul, Neb., was born in Hamburg, Germany in 1860. He received a college education in his native country, and emigrated to America in 1881, going direct to Omaha. The following year he removed to St. Paul, Howard county, and engaged in the grain and implement business, which he still continues. In 1887 he was elected a member of the city council of St. Paul, and was again elected to the same position in 1894. In the fall of 1894 he was elected as a member of the lower house of the Nebraska state legislature, from the 48th district, and served during the 24th session as chairman of the committee on apportionment, and a member of the committees on finance, ways and means, penitentiary, revenue and taxation, insurance, and irrigation. As a member of the legis-

lature he was a close student of the problems presented and a hard worker on committees. In 1908 he was a candidate for the state senate from the 17th district, including Hall and Howard counties. Mr. Schickedantz is a member of the Independent Order of Odd Fellows.

SHOEMAKER, CHARLES ALONZO, M. D., of Lincoln, Neb., was born in Pennsylvania, August 8, 1861, son of Burton H. Shoemaker and Martha J. S. (Brownell) Shoemaker. Burton H. Shoemaker served in the Civil War and came to Nebraska in 1863 and took a homestead in Otoe county. He was a carpenter and contractor. The father of Martha J. S. (Brownell) Shoemaker came to Nebraska and settled on a homestead in Otoe county. Dr. Shoemaker came to Nebraska in 1863 and located in Otoe county and graduated from the Syracuse high school in 1881 and the medical department of the Nebraska State University in 1886. He took post graduate work in the Chicago Homeopathic Medical College in 1895-97-98. He is the founder and owner of the Shoemaker Hospital, and gives his entire attention to general surgery. Dr. Shoemaker is a republican and served as coroner of Lancaster county in the years 1887 and 1888. He is a member of the Methodist church. He married Miss Mary Evans, of San Antonio, Tex., November 22, 1910.



CHARLES ALONZO SHOEMAKER, M. D.

SHRADER, CHARLES E., of Council Bluffs, Ia., formerly hardware merchant, Syracuse, Otoe county, Neb., and sheriff of Otoe county, 1901-5, is a native Nebraskan, son of Fred and Kate (Albright) Shrader. His father, Fred Shrader, was born in Mecklenberg province, Germany, September 20, 1843, son of Christ and Sophia (Harra) Shrader, the former born in 1795 and the latter in 1805. The grandfather of Henry Shrader was Jacob Shrader, who spent his entire life on his farm in Mecklenberg province. His son, Christ Shrader, served in

the Prussian army against Napoleon and after the wars resided in his native town, where he operated a customs weaving mill until October 15, 1862, when he started with his family to America. He settled in Lee county, Ill., where his death occurred in September, 1869. His widow, Sophia Harra Shrader, removed with her children to Nebraska, where she died at the age of seventy years. She was the mother of five children: Fred, of Dexter, Kan.; Sophia, Mary, John, of Valparaiso; and Henry, of Berlin precinct, Otoe county, Neb. Fred Shrader was married July 14, 1869, in Lee county, Ill., to Miss Katie Albright, a native of Somerset county, Pa., and who died March 9, 1888. In 1869 Mr. Shrader removed with his bride to Otoe county, Neb., and bought a farm in Berlin precinct. He added to his original purchase from time to time until he owned over 1,000 acres of farm land. In 1888 he invested in a general store at Berlin, and formed a partnership with his brother Henry, under the firm name of Shrader Brothers. Fred Shrader was a republican, and served many times as delegate to county and state conventions. He was a member of the local school board, county supervisor for eight years, and a trustee of the German Lutheran church. In 1901 he removed to Dexter, Kan. where he now resides. Fred and Katie (Albright) Shrader were the parents of six children: Charles E., Syracuse, Neb., Emma, Ella, Albert, Fred, Sarah, and Levi. Charles E. Shrader at the age of sixteen years entered his father's store at Berlin, Otoe county, and later became manager of an elevator and lumber yard which his father purchased at the same place. In 1897 he became a partner with his father under the firm name of Fred Shrader & Son, and in 1900 purchased his father's interest. In 1901 he was elected sheriff of Otoe county on the republican ticket. In 1903 he was reelected to the same office. In 1902 he sold out his Berlin business interests and after the expiration of his term as sheriff, in 1906, he purchased, in partnership with Judge M. C. Joyce, a hardware business at Syracuse. Mr. Shrader is a member of the Masonic order, and of the Lutheran church. He was married to Miss Sophia Knabe, daughter of Claus Knabe, who settled in North Branch precinct, Otoe county, in 1869. Mr. and Mrs. Shrader are the parents of three children, Harold Dean, Rosella, and Frances Shrader.

he gave his attention to his farming interests and to financial enterprises in which he was interested. For some years he was one of the directors of the State Bank of Blair. He held the office of school director for twenty-four years, and always took an interest in political affairs as a member of the republican party. He was married in 1866 to Miss Juliane D. Grotmark, from Chuhnstedt, Holstein, Germany. Mr. and Mrs. Sierk reared nine children: Jacob J., Chris C., Kate, now Mrs. Carl Feldhusen; Lena, wife of William Kruger, of Calhoun; Anna M., wife of Wm. Sievers, of Calhoun; William, Henry, Eda, and Charles Sierk.

SISSON, EDWIN F., of Arizona, Burt county, Neb., was born in Huron county, O., May 3, 1846, son of Sanford and Catherine (Wolcott) Sisson;



REV. GEORGE WASHINGTON SISSON

For biography see following page

the latter in 1901 was living at the age of eighty-five years. In 1876 Edwin F. Sisson located in Nebraska, on a farm near Riverside, Burt county, where he remained until 1884, when he removed to his present location. He is a republican and served as county commissioner for six years, and represented Burt county for two terms in the state legislature, in the sessions of 1893 and 1895. Mr. Sisson was married to Ursula, daughter of William and Jane (Burton) Cole. They are the parents of nine children: Minnie, wife of H. E. Austin, of Riverside, Neb.; Charles C., married to Clara Lester;

SIERK, JOHN JACOB, deceased, pioneer of Fort Calhoun, Washington county, Neb., was born in Embukren, Holstein, Germany, January 24, 1836, and died February 19, 1904. In the early sixties he came to America and in 1865 to Nebraska and purchased a farm about three miles northwest of Fort Calhoun. He was successful and became the owner of a number of fine farms. Until his health failed,

Eva, wife of Charles E. Shafer of Arizona, Burt county; Mary, wife of Charles E. Cram, of Riverside, Neb.; Foster N.; Carrie, wife of John Kelly, of Arizona; Walter; Hazel; and Edwin F. Sisson, Jr.

SISSON, REV. GEORGE WASHINGTON, retired minister of the Free Baptist church, Lincoln, was born in Bradford, Pa., March 13, 1837, son of Reuben J. and Rebecca (Pratt) Sisson. Mr. Sisson acquired his education at Kingsville, O., Millersville, Pa., and Hillsdale College. In 1862 he enlisted for the Civil War in Company F, 169th Pennsylvania volunteers, and for nearly six months was stationed at Fort Keys, opposite Yorktown, Va. With a comrade he established a Sunday school for freedmen in the old Baptist church at Yorktown. He was discharged from the army in 1863, and engaging himself to the American Home and Foreign Missionary Society of New York was sent to Beaufort, S. C., where he labored nearly two years. In 1865, under appointment from the Philadelphia Freedman's Aid Society, he took up the work in Nelson county, Va. He was ordained to the ministry of the Free Baptist church in 1867, at Latrobe, Pa. In 1868 Mr. Sisson was married to Miss Annie C. Griffith. He subsequently held pastorates at Latrobe, Jenner, Dunnings Creek, and Croton, Pa., and Sheffield, O. In October, 1871, he removed to Stockton precinct, Neb., where he was known as a pioneer preacher, school teacher, and justice of the peace. In 1879 Mr. Sisson removed with his family to Lincoln, where he now resides. Mr. Sisson is a republican prohibitionist, and a member of the Grand

Army of the Republic, Farragut post No. 25, Lincoln. To Mr. and Mrs. Sisson six children were born: Sarah Rebecca, wife of Norris Humphrey, Jr., who was drowned in Portland, Ore.; George William; Rosa M., wife of J. B. Moreland, Kansas City, Mo.; Evangeline, wife of F. A. Senter, Omaha, Neb.; Earle E., and Floyd Sisson.

SIZER, EDWARD R., of Lincoln, Neb., was born at Ottawa, Ill., August 25, 1850, son of Randolph



EDWARD R. SIZER

and Miranda (Root) Sizer, who removed from Massachusetts to Ottawa in 1833, where Randolph Sizer engaged in the lumber business. Edward R. Sizer came to Lincoln, Neb., in 1873. He served as clerk of the district court of Lancaster county from 1884 until 1892, as chief clerk of customs at Havana, Cuba, from 1899 to 1902, as state oil inspector from 1901 to 1902, and as postmaster of Lincoln, Neb., from 1902 until the present time (1913). In 1910 Mr. Sizer was vice president of the postmasters' association for the United States and in September, 1911, was elected president of this association. He was married in 1871 to Elizabeth C. Atkinson, daughter of David and Mary (Armstrong) Atkin-

son of Wheeler, W. Va. They are the parents of three children: Edward R. Sizer, Jr., East Orange, N. J.; Mrs. Fred E. Hurd, Lincoln, Neb., and William A. Sizer, Basin, Wyo.

SKILES, CHARLES McCLELLAN, of David City, Butler county, Neb., was born on a farm in Lee county, Ia., near Fort Madison, son of Alexander F. and Margaret (Morrison) Skiles, the former born in Illinois and the latter in Lee county,



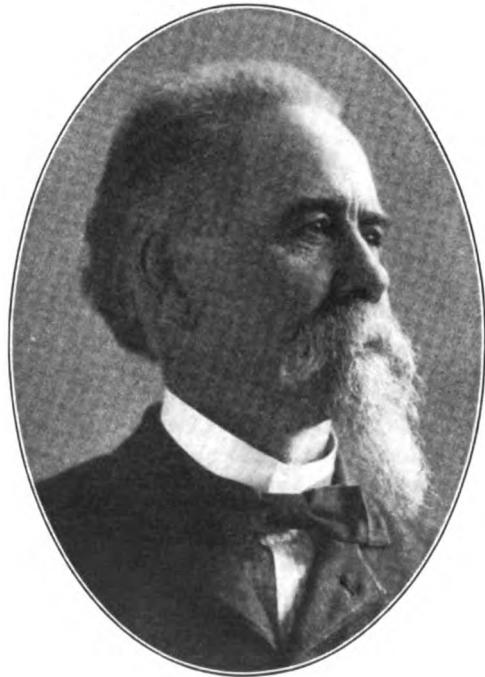
CHARLES M. SKILES

Ia. The ancestors on both sides came from the south, one from South Carolina and the other from Tennessee. Alexander F. Skiles in 1861 enlisted for the Civil War in Company A, 13th Iowa regulars, and served at Vicksburg, Lookout Mountain, the Atlanta campaign, and the march to the sea. In 1880 the family removed from Iowa to Cass county, Neb., and located on a farm, where the parents now reside. C. M. Skiles was educated in the public schools and graduated from the Nebraska State University, B. L., class of 1892, and LL. B., class of 1895. He was principal of the Cedar creek schools in 1893 and in 1897 began the practice of law at Ulysses, Butler county, and in 1900 removed to David City, having in 1899 been elected judge of Butler county, which position he filled for three terms. In 1910 he was elected to the state senate for the 19th district, and served in the 32d session. He was the author of the initiative and referendum bill, passed at that session, and was recognized as one of the leaders on the democratic side. He was chairman of the committees on accounts and expenditures, constitutional amendments, and federal relations, and was a member of the committees on highways, bridges and ferries, municipal affairs, railways, reform school, asylum for feeble minded and home for friendless, and university and normal schools. In 1912 Mr. Skiles secured the congressional nomination in the 4th district on the demo-

cratic ticket. He is a member of the Masonic order, lodge and chapter, and of the I. O. O. F. order, and a trustee of the Congregational church of David City. He married Miss Anna W. Swarr of Manheim, Pa., educated at the normal in Pennsylvania, and a teacher at Crete, Neb., prior to her marriage. They are the parents of one son, John Alexander Skiles.

SKINNER, JUDGE JOHN BLACKFORD, was born in Troy, O., November 6, 1840. His grandfather served in the Continental army from New Jersey. His great-grandfather was prominent in the development of the country, constructing one hundred miles of public road for the government. Mr. Skinner's parents, Azel and Frances Jane (Blue) Skinner, were pioneers of western Ohio, and in 1844 removed to Elkhart county, Ind.

John D. Skinner enlisted in the Civil War, but was rejected because of physical disability. In 1864-66, he was postmaster at Pierceton, Ind.; later he began the study of law in the office of Judge Jas. H. Carpenter of Warsaw, Ind. In 1869 he was admitted to the bar. In 1871 he and his wife came overland to Thayer county, Neb., where he resided until his death. He was the pioneer lawyer of Thayer county and from 1874 to 1876 was county judge. He was again elected to this office in 1905 and reelected in 1907. In 1884 Mr. Skinner was



JUDGE JOHN B. SKINNER

elected to the state senate from the 26th district. From 1903 to 1907 he was county attorney of Thayer county. It fell to his lot to prosecute a larger number of criminal cases than any previous county attorney. In 1872-73 he edited the *Hebron Journal* and later the *Hardy Clipper*.

Mr. Skinner was the author of a small volume of poems. He was active in the campaigns of the republican party; a member of the Masonic order, the Ancient Order of United Workmen, and Modern Woodmen of America. He was a member of the Presbyterian church, being an elder for many years.

In December, 1860, he married Sarah Richardson. One son, Morris W. Skinner, was adopted by them.

SLABAUGH, WARREN HENRY, of Los Angeles, Cal., formerly a physician of South Omaha, Neb., is a native of Elkhart county, Ind., born February 15, 1854, son of Amos and Julia Ann (France) Slabaugh. In 1857 his parents removed to Portage county, O., and he attended Mt. Union College, O., for several years. In 1880 he began the study of medicine at the Western Reserve Medical College in Cleveland. In 1882 he went to Bellevue Hospital Medical College in New York city, from which he graduated in 1883, and served for one year as physician at Charity hospital, Blackwell's Island. In 1885 Dr. Slabaugh married Miss Mary Eunice Brockett at Randolph, O., and practiced at Mogadore, O., until the fall of 1887, when he removed to South Omaha, where he resided until July, 1909, when he removed with his family to California. Two children were born to Dr. and Mrs. Slabaugh: Fannie May, a graduate of the Kearney State Normal in 1906; and Kenneth Warren Slabaugh. The latter died February 5, 1892, at the age of five months, and on May 23, 1894, Mrs. Slabaugh died. Dr. Slabaugh is a republican and a member of the Masons, the Knights of Pythias, and the Christian church. His brothers are: W. W. Slabaugh, late judge of the district court at Omaha; W. E. Slabaugh, a lawyer at Akron, O.; and F. W. Slabaugh, a dentist in South Omaha.

SLABAUGH, JUDGE WILLARD W., of Omaha, Neb., was born in Locke township, Elkhart county, Ind., February 29, 1856, son of Amos L. Slabaugh, born in Pennsylvania, and engaged in farming until his retirement a few years ago. His mother, Julia France Slabaugh, is a native of Ohio. Judge Slabaugh, at the of thirteen, attended a select school, and acted as tutor of one or more classes. In 1877 he attended the normal school at Valparaiso, Ind. During the winter of 1875-76 he taught his first term of school. In 1878 he attended Hiram College,

and graduated in 1883. While at Hiram he became acquainted with Professor Barber, now of the Nebraska State University, and Judge Hall, late of Lancaster county. They induced him to come to Nebraska in October, 1884, having in September resigned as clerk of the probate court in Ravenna, O. He soon secured a school in Sarpy county and taught during the winter of 1884-85, continuing the study of law. Returning to Omaha, he was admitted to the bar. In 1888 he formed a partnership with E. C. Lane at South Omaha, where they established a real estate exchange, and later they conducted a weekly newspaper in South Omaha, the *Times*, with Judge Slabaugh as editor. Later, the law firm of Slabaugh, Lane & Rush was organized and continued until Mr. Rush was appointed deputy United States attorney. In 1893 Mr. Slabaugh was appointed first assistant county attorney. When Mr. Baldrige was elected county attorney in 1895, Judge Slabaugh was retained as assistant and held the office until his election to the district bench in 1895, which he occupied for the eight succeeding years. During the years 1905 and 1906 he was county attorney of Douglas county. During that time he enforced the anti-trust law by criminal prosecution. Judge Slabaugh has always been a republican, and is a member of the Knights of Pythias and the Masonic fraternity. In 1900, before the real estate exchange, he delivered an address in favor of a more beautiful and attractive Omaha. His motto has always been, "Make Omaha a more beautiful, more healthful, more moral, and more progressive city to live in, and to work in." He later assisted in organizing an improvement club which combined in one federation all the local improvement clubs in the city. Later he assisted in organizing the Omaha Improvement Club, and was its president. Mr. Slabaugh is a trustee of Omaha general hospital, a member of the board of the Omaha city mission, and a trustee in the First Christian church of Omaha. October 15, 1890, he was married to Miss Anna Clayton, of Hannibal, Mo., and four children have been born to them: Willard, Ruth, Grace, and Eleanor.

SLATER, JOHN A., of Holdrege, Neb., formerly of Minden, was born in Lyndon township, Whiteside county, Ill., January 24, 1856. His father, Roswell Slater, enlisted in Company C, 75th Illinois infantry, in August 1862, and died at Cairo, Ill., July 13, 1863. His mother was Lahila L. (Brown) Slater. Mr. Slater's education was secured in the schools of Whiteside county, at Prophetstown and Lyndon, and at Knox college, Galesburg. He spent eight years as a teacher in Whiteside county, four years in the rural districts, two years in the grammar department of the Lyndon schools, and two

years as principal of the Erie schools. In June, 1883, he came to Nebraska and taught the Minden schools during the following fall, and then engaged in the real estate business in partnership with Will D. Hart. In 1885 Mr. Slater formed a partnership with Irwin Drake, which was terminated by the death of Mr. Drake in 1895. Mr. Slater has been successful and he now owns a large acreage of farming land in Kearney and surrounding counties. In 1906 he established the First National Bank at Bertrand and is its president. In 1910 he bought the City National Bank of Holdrege, of which he is vice president. The same year Mr. Slater established his home in Holdrege where he is in the real estate business. He is a republican and at Minden held the office of county surveyor for several years, was chairman of the county board for three years, and helped largely to supervise the erection of the Kearney county court house. He is a member of the Methodist church, was superintendent of the Sunday school at Minden, and is a trustee and president of the board of the Nebraska Wesleyan University, at University Place. In 1904 he was delegate to the general conference of the M. F. church. Mr. Slater is a member of the Masonic lodge. He was married at Lydcn, Ill., July 2, 1876, to Miss Eleanor A. Smith, and four children have been born to them: Alma L., of Minden; Roscoe J.; Edna A., wife of E. A. Lowell, of Kansas City, Mo.; and Loretta, a graduate of the Nebraska Wesleyan University, class of 1912. Roscoe, after his graduation at Wesleyan University, became a partner with his father in the real estate business, and is now cashier of the Bertrand Bank.

SLAWSON, EARL B., deceased, late of Lincoln, came to Nebraska in 1856, when his parents settled in Hendricks precinct, Otoe county. He was a son of Jesse and Rachael M. (Fuller) Slawson, and was born in Whiteside county, Ill., October 26, 1841, where his father, Jesse, settled as a pioneer in 1835. He was born in Utica, N. Y. His father, David Slawson, was a veteran of the Revolutionary War and the War of 1812. Rachael M. (Fuller) Slawson was a granddaughter of Colonel William Fuller. Six of the sons of Jesse and Rachael Slawson served in the Civil War: Ira, 55th Illinois, deceased; Hiram, 55th New York, deceased; Jesse, 8th Kansas; Charles, 8th Kansas, deceased; Howard, 75th Illinois; and Earl B., who enlisted in Company B, 34th Illinois infantry, early in 1865, and served till the close of the war. He was with Sherman's army on the march from Atlanta to the sea, and participated in the grand review at Washington, being mustered out July 12, 1865. In 1856, when Earl was fourteen years old, his parents removed to Nebraska and settled on a farm in Otoe county,

in what is now Rockford precinct. Among other settlers in that vicinity were John Knox, William Dorsey, Palmer Blake, William Townsend, William Powell, George P. Tucker, and the Holdens. A little west of there, on the creek, were Guy Shepherd and Thomas Hendricks, who came from Indiana. In 1858, while digging in Rockford precinct, Otoe county, Earl Slawson and Guy Shepherd found, at a depth of sixteen feet, parts of stoneware, crocks, and other pottery, well preserved. In 1867 Earl Slawson entered a homestead in section 12, Palmyra precinct, and lived there till 1885. In the latter year he bought a farm near Lincoln. Mr.



MR. AND MRS. EARL B. SLAWSON

Slawson was a member of Farragut post No. 20, Grand Army of the Republic, of Lincoln, and of the Masonic order, blue lodge, chapter, commandery, and Shrine. He was married August 24, 1862, to Miss Cordelia Brown, daughter of Vivalda and Ora T. (Lindley) Brown, of Whiteside county, Ill. Mrs. Slawson's paternal grandfather was Colonel Brown, of New York, formerly of Vermont. Her maternal grandparents were Jeremiah and Abigail (Hall) Lindley. Mr. and Mrs. Slawson are the parents of four children: Earl R., of Lincoln; Viletta L. Douglas, of Lincoln; Loretta L., wife of Sidney Smith, Denver, Colo., and Carrie, wife of John Fusha, of Denver. The Slawson name is frequently spelled Slosson, as it is by the champion billiard player. Earl B. Slawson died August 4, 1912.

SLOAN, CHARLES H., a sketch of whose life appears on page 774, Vol. II, has been active in the years intervening between the publication of Vol. II and III. He has continued the practice of law in southern Nebraska, being associated with Frank W. Sloan, his brother, and J. J. Burke, at Geneva, Fillmore county.

Faithful to his agricultural training, he has become interested quite largely in lands and for a number of years has been running a farm of about 700 acres in and adjoining the city of Geneva. His farm home residence he calls "Fairmonticello," a combination of his birthplace and his first residence after coming to Nebraska. He is interested in a limited way in the banking business with his brother.

His three eldest children, having graduated from the Geneva high school, are Nebraska University students.

In 1902 he was a candidate for the congressional nomination at the republican convention at Beatrice. This was one of the most memorable political contests in the history of Nebraska politics. At the close of the three hundred and forty-second ballot, Mr. Sloan withdrew and E. H. Hinshaw was then nominated on the succeeding ballot. Mr. Sloan was a member of the first platform committee of the republican party after the adoption of the primary system. In 1910 he became a candidate for the republican congressional nomination and was the unanimous choice of his party at the primary, and was elected by a majority of 1,267 over Judge B. F. Good, his nearest competitor, and was re-elected in 1912.

SLOANE, WILLIAM GREENE, deceased, son of George and Louisa (Lord) Sloane, was born in Sheldon, Franklin county, Vt., November 28, 1849, and died January 26, 1903, in South Omaha, Neb. His great-grandfather Sloane came from the highlands of Scotland. W. G. Sloane was educated in

New England, and in 1869 came west and prospected in New Mexico, but returned to New England and engaged in the drug business in Winooski, Vt. In 1885 he settled in South Omaha, and established a grocery and later a furniture business. He was one of the first settlers, pioneer merchant, first postmaster, and second mayor of the city. Although a democrat in politics he was appointed postmaster under a republican administration. He was associated with the formation of the public library and was connected with almost every public enterprise. He was a member of the Knights of Pythias, and of St. Martin's Episcopal church, of which he was warden. He was married in September, 1879, to Ella M. Mason, of Richmond, Vt., and one son, William Henry, was born to them.



W. G. Sloane

SMITH, CLAUDE EMIL, former county superintendent of schools, Lexington, Dawson county, Neb., was born in Van Buren county, Ia., March 1, 1867. His father, J. D. Smith, was born in Camden, Grafton county, N. H., and in 1860 moved to Van Buren county, Ia., where he engaged in farming. He married Martha Percival, born in Camden, N. H., November 1, 1865. Their three children are: Claude Emil, Earl Laurence, and Ola Clare. Mrs. Smith died October 11,

1876, and on March 20, 1878, Mr. Smith married Fannie Piper, who is the mother of two children, Ethel May and Howard Dixie Smith. In 1881 the family came to Nebraska and settled on a homestead in Dawson county. Claude E. Smith for some terms taught school and in vacation worked on his father's farm, near the town of Overton, in Dawson county. He entered the Western Normal College, at Lincoln, Neb., and August 11, 1893, was graduated after taking the scientific course. For a number of years he taught the school at Overton, and in November, 1897, was elected on the populist

ticket to the office of county superintendent of schools, and reelected in 1899. Mr. Smith is a member of the I. O. O. F. He was married June 22, 1898, to Rebecca A. Smith, of Center, Wis., and to them have been born two children: Dixie Field Smith, and Haxen Dow Smith. Mr. Smith, since 1904, has resided on his farm near Lexington.

SMITH, GEORGE C., Nelson, Neb., removed from Peoria, Ill., to Nebraska at the age of eighteen years. He engaged in farming in 1877, upon 640 acres of land one mile from Nelson, and devoted much of his attention to stock raising, especially of roadsters. He had a great love for horses, and was a member of the state breeders' board for ten years, with Senator Hayward and Ed. Gould. Mr. Smith has sold Nebraska bred roadsters in many parts of the United States. His trotting stock for speed has been exceedingly good, and he states that the climate of Nebraska is one of the best for raising fine stock. In 1877 Mr. Smith exhibited in Nelson, Neb., farm machinery, live stock, etc., which he had brought from Peoria, Ill. This exhibition was practically the beginning of the Nuckolls county fair. In 1880 the fair association bought forty acres of land south of Nelson and established a permanent county fair, with fine buildings, and a track. Mr. Smith served on the board of directors for twenty years, part of which time he was secretary. He had charge of the horse department each year. The fair association has been a great factor in the growth of Nuckolls county. Mr. Smith at one time sold three horses for over \$11,000, which had records of 2:13, and a horse named Smith was sold for \$2,000.

SMITH, MRS. CORA MAY ALBERTSON, deceased, of Fremont, Neb., was born on Shell creek, in what is now Colfax county, Neb., May 9, 1858. Mrs. Smith was a daughter of Alexander and Sarah (Toncray) Albertson, who settled on a farm in what was then Platte county, Neb., in July, 1856 (see pp. 462, and 476, Vol. I). Mrs. Smith acquired a common school education in the pioneer schools of Nebraska, and at an early age united with the Methodist Episcopal church. She was married March 26, 1878, to Dr. Leander B. Smith, and two children were born to them: Victor B. and Floyd A. Mrs. Smith died December 31, 1906. Mrs. Albertson, her mother, died May 31, 1907.

SMITH, HIRAM L., M. D., late president of the Citizens Bank of Geneva, Fillmore county, Neb., was born in the town of Malone, Franklin county, N. Y., October 19, 1828, son of John Curtis Smith, who was born in Rutland county, Vt., and having located in Ohio in 1835, was for a term steward of Granville College (later named Dennison University),

at Granville, O. On his mother's side, John Curtis Smith was a nephew of Colonel Curtis, a soldier of the Revolutionary War. Hiram L. Smith's mother was Esther Parker Culver, a native of the town of Eden, Vt. Her father, Samuel Culver, served in the Revolutionary War with the Connecticut troops. During the War of 1812 Samuel Culver operated a grist mill near Malone, N. Y., and during the British invasion he sent away all the grain and sank a large quantity of flour in barrels in the mill flume, until the British troops departed. Esther Culver's mother was an Adams, closely related to John Adams and John Quincy Adams. She was also related to the Rev. Mr. Culver, long a well known Baptist clergy-



MRS. CORA M. A. SMITH

man in Boston. Hiram L. Smith's parents were Baptists. Mr. Smith attended the preparatory classes at Granville College and one term at the academy. Later he taught school, then attended medical lectures, and graduated in medicine in the winter of 1855. He began the practice of medicine in Steuben county, Ind., which he continued for twenty years. He was at length compelled to seek a new location on account of overwork in his large practice. In the fall of 1875 he removed to Geneva, Neb., and found that he could not entirely relinquish practice, as many of his former patients in Indiana had settled near Geneva. He invested heavily in farm lands, owning at one time about 4,000 acres. He also engaged in banking and was for many years president of the Citizens Bank at that place, retiring in 1905. In Indiana Dr. Smith was for thirteen consecutive years one of the trustees of the North-eastern Indiana Institute, of Orland, Ind. During

the Civil War he was commissioned by Governor Oliver P. Morton as captain of a company, in which he drilled over forty men who entered active service. Dr. Smith has always been a republican in politics. He served one term in the Nebraska state senate, in 1885, and was four times elected mayor of the city of Geneva, the last three terms consecutively. He belongs to the Masonic orders, Mount Moriah commandery No. 4, of Lincoln, the 32d degree Scottish Rite, Nobles of the Mystic Shrine, and the veteran order of Masonry, and is a member of the Lincoln Elks lodge. He is also an Odd Fellow and was noble grand of the subordinate lodge at Geneva. Dr. Smith established a city library at Geneva, known as the "H. L. Smith Library," and gave it into the charge of the Masons and Odd Fellows of that city. In the city of Mansfield, O., in 1853, Mr. Smith was married to Miss Phoebe A. Williams. They have two children, a daughter, who is now the wife of Mark J. Butler, of Geneva, and a son, Curtis A. Smith, of Geneva.

SMITH, HORACE MANNING, formerly of Friend, Saline county, Neb., now of Lodi, Cal., was born in Port Washington, Wis., March 20, 1855. His father, Harvey C. Smith, was born in New York in 1822 and removed to Port Washington in 1847. He was a member of the Lumber Exchange of Chicago for a number of years. He enlisted for the Civil War in the 22d Wisconsin infantry in 1861 and was discharged in 1863 for disability. After the war he settled in Chicago, Ill., where he died in 1878. His wife, and the mother of H. M. Smith, was, in maidenhood, Lydia Chapman Manning. She was born in 1824 and was the daughter of a minister. Horace M. Smith received his early education in the public schools of Palmyra, Wis., and finished at Beloit, and was assistant postmaster for two years. He removed to Chicago with his father's family, and for two years was employed in a grocery store, then spent two years in the city engineering department, on the surveying force, and resigned this position to accept a place in the bank of Preston, Kean & Co., where he rose to the position of clearing house clerk, which he resigned, and on April 2, 1880, removed to Friend, Neb., where he bought the lumber yard of Saunders & Callahan, which he conducted for five years and then sold to Tidball & Fuller. Mr. Smith has always been a republican. He was elected to the state legislature of Nebraska in 1898. Mr. Smith is a member of the Congregational church. He was married in February, 1878, to Fannie C. Gardiner, of Chester, Conn., and they have five children: Lena L., wife of M. M. Brown, of Hardy, Neb.; Frank G.; Blanche Matilda, who died at Colorado Springs, Colo., March 28, 1906; Helen Mildred, and Elizabeth C. In April, 1900, Mr. Smith

and his family removed to Corning, Cal., where he engaged in the lumber business. In 1904 he removed to Lodi and started the Smith & Bryant Lumber Company, the business of which increased rapidly. In January, 1911, Mr. Smith sold his interests and retired from active business. He is heavily interested in land and in growing table grapes for the eastern market. He has thirty-four acres of the famous flame Tokay grapes adjoining the town of Lodi.

SMITH, JEROME H., deceased, Lincoln, Neb., attorney at law, was born in Waterford, Westmoreland county, Pa., March 2, 1853, son of Thomas and Parmelia Hill Smith. His father and paternal grandfather were both mechanics, industrious, of high character and strict integrity. His maternal grandfather, Thomas Hill, was a highly respected farmer of the well-to-do class.

Judge Smith's father moved with his family to the state of Illinois in 1855, where the son received his early education in the common schools of Arlington and Princeton. From the latter place Thomas Smith enlisted in Company A, 69th Illinois infantry, and served honorably until the close of the war.

In 1868 the family removed to Osceola, Ia., and there the subject of this sketch worked at the carpenter trade as an apprentice to his father, who at that time had a large family and was a man of very limited means, requiring the proceeds of the labors of the father and son to support them. Poverty, however, served only as a spur, and from early boyhood it was the ambition of the son to become a lawyer. As he grew that ambition was strengthened, and he availed himself of every opportunity offered in the small country town to pursue his studies, while yet loyally aiding his father in the support and education of the other members of the family. In his efforts he was assisted by educated friends then residing at Osceola. Later he entered the law office of Cheney & Temple, who were his preceptors until June 2, 1875, when he passed the requisite examination and was admitted to the bar of Clarke county, Ia. He was married to Miss Rozeltha Likes, daughter of Phillip and Harriet (Agar) Likes, of Osceola, Ia. He immediately entered upon the practice of his profession at Osceola, where he remained until March, 1879, in partnership with Phillip Likes, one of the famous criminal lawyers of Iowa, when, attracted by the opportunities offered by Nebraska, then entering upon its first great era of prosperity, he removed with his wife and one child to Aurora, Neb., and engaged in the practice of his profession. His business soon became large and lucrative, and with the years he established a practice second to that of no other lawyer in the district, either in point of character or extent.

In 1888 he was elected county attorney and as-



THE NATIONAL ENGRAVING COMPANY

J. F. Smith

sumed the duties of his office at a time when an unusual amount of very important litigation required his attention. His services were so ably and successfully performed as to attract special notice. In the fall of 1889 Hon. T. L. Norval, judge of the district as then constituted, was elected judge of the supreme court, thus causing a vacancy on the district bench. Governor Thayer, after visiting the district and carefully looking over the field, appointed Judge Smith, who had not been a candidate.

He was nominated for the position by the convention at Nork, Neb., August 25, 1893, by acclamation.

Upon leaving the bench in 1901 he immediately became associated with Eugene J. Hainer and continued the practice of law in Aurora as the firm of Hainer & Smith, until 1904, when they moved to Lincoln, Neb. After his removal to Lincoln, Judge Smith assumed as important a part in the activities of his large sphere as he ever did at Aurora. In addition to these, he entered into important business enterprises.

He became a member of the board of directors of the Lincoln Traction Company and was secretary of the company. He was chief counsel of the Royal Highlanders and one of the influential men in that organization. He was a member of the board of directors of the Fairmont Creamery Company. Judge Smith was one of the best lawyers in the state of Nebraska.

Judge Jerome H. Smith died at his home in Lincoln, at 2:15 o'clock on the afternoon of Wednesday, January 31, 1912, after an illness of several months.

Mr. and Mrs. Smith were the parents of six children: Herbert H., of Lincoln, Neb.; Harry Leslie, Des Moines, Ia., LL. D., 1904; Dr. Roscoe L., of Lincoln, a graduate of Creighton Medical College, 1908; Jerome H., with the Lincoln Traction Company; Frederick F., and Phillip T., of Aurora, Neb., farmers.

SMITH, JOSEPH TOWNER, deceased, Fremont, Neb., was born November 28, 1831, in Wyoming county, Pa., and died at Fremont, Neb., November 12, 1902. His father, Tilton Smith, was a native of Orange county, N. Y., and his mother, Catherine Draper, was born in Otsego county, N. Y. They were married in Luzerne (now Wyoming) county, Pa. Joseph T. Smith crossed the Missouri river into Nebraska at Omaha, October 28, 1856. He soon came to Fremont, which continued to be his home up to the time of his death. During the first winter he lived in a dugout on what is now block 125 of the city of Fremont. In 1861 or 1862 Mr. Smith entered the mercantile business in partnership with his brother, Hon. James G. Smith, which he followed for about twelve years. After

the abandonment of that enterprise he was not engaged in any active business. He was always a republican and active in his party's affairs. He was the first chief of the Fremont fire department, and was a member of the city council from 1895 to 1900. He was married March 18, 1866, to Charlotte Adelia Miller, of Fremont. He was again married, November 25, 1882, to Augusta Wilhelmina Knopp, who bore him three children: Charlotte May, wife of Carlos Morehouse, with the firm of Wiley & Morehouse, Fremont; Joseph Towner, Jr., and Franklin Perry Smith.

SMITH, LEANDER BANNATYNE, M. D., Fremont, Neb., was born at Vosburg, Pa., January 27, 1846, son of Isaac O. and Sarah (Bunnell) Smith,



LEANDER BANNATYNE SMITH, M. D.

deceased (1908). Leander B. Smith, at the age of twenty-one years, migrated to Nebraska, settling at Fremont April 12, 1867, where he became a clerk in Smith Bros.' general merchandise store. Two years later he entered the drug store of his uncle, Charles A. Smith. He there studied medicine and graduated from the College of Physicians and Surgeons, Keokuk, Ia., in 1878. Dr. Smith commenced the practice of medicine at Fremont, Neb., in 1878, and has since continuously devoted his attention to general practice. He is a republican in politics, has served as county coroner, as city physician of Fremont, and was formerly a member of the United States pension board of examining surgeons. He is also a member of the American Medical Association, and of the Nebraska State and Dodge County Medical societies, and the Elkhorn Valley Medical Associa-

tion. Dr. Smith was married March 26, 1878, to Cora M. Albertson (see sketch of her in this volume). They have two children: Victor B. and Floyd A. Dr. Smith is a member of the Masonic order, and of the Independent Order of Odd Fellows.

SMITH, PIERSON DAVID, of the Smith National Bank, and the Nebraska Land and Live Stock Company, of St. Edward, Neb., was born in Fort Plain, N. Y., in 1845, son of Adam and Nancy (Pierson) Smith. The family was founded in America prior to 1775, by Dr. William Smith, father of Adam Smith, and himself, the son of George Smith of Edinburgh, Scotland, noted as a teacher and a merchant.

Adam Smith was born in Montgomery county, N. Y., in 1815. He engaged in the milling business, later in the general mercantile business, and was a contractor on the construction of the Erie canal. He went to New York city and engaged in the shipping business and early in the fifties was the owner of seventeen vessels sailing to California, and owned and operated the first steamship that went from New York to Australia. In 1857 he removed to Chicago, and purchased from the Illinois Central Railroad Company forty thousand acres of land south of Chicago, upon which he founded a number of towns. For some years he resided at Loda, Ill., where he operated one of the largest farms in the United States. In 1869 he settled in Chicago, where he acquired large realty interests, and was one of the principal promoters and owners of the Swansie & Brighton Silver Smelting and Refining Works, and was the founder of the private banking house of Adam Smith & Son.

In 1877 he purchased from the Burlington & Missouri Railroad Company 100,000 acres of land in Boone county, Neb., with an option on 74,000 acres. In 1877 he settled about a mile west of St. Edward, Neb., twenty-one miles from the nearest point on the Union Pacific railroad. From the town of Silver Creek on the Union Pacific main line, to Albion, he built a road, with a bridge over the Loup river. He had made elaborate plans for the settlement of the lands he had acquired, by an industrious class of farmers, when he died in Chicago in 1880. His plans were then taken in hand by his son, Pierson D. Smith. Tracts of land were sold to Samuel W. Allerton, N. K. Fairbanks, Franklin W. Head, Charles S. Dole, and Lyman J. Gage, all of whom opened large ranches, and rapidly brought into the county a number of settlers, who have become recognized as prosperous farmers and stock raisers.

Eventually, all of the tracts purchased by Adam Smith were disposed of, with the exception of the homestead of ten thousand acres, which is retained and operated by Mr. Pierson D. Smith.

Adam Smith was a life-long member of the Bap-

tist church and was active in church and Sunday school. He was charitable, an advocate of temperance, and one whose private as well as business life was above reproach. His wife, Nancy Pierson Smith, was a native of Montgomery county, N. Y., and finished her studies in the Emma Willard Seminary of Troy, N. Y. They were married in 1840, and became the parents of five children, of whom Pierson D. Smith was the second born. She was active in church and benevolent societies, and was a woman of refinement and character, and was loved by all. She died in Chicago in 1885.

Pierson D. Smith attended the University of Chicago, and for eighteen months studied in Europe. He studied law at Union College of Law and was graduated from the same. He commenced his business career in the banking house of Adam Smith & Son, was interested with his father in the real estate business, and became treasurer and secretary of the Richard Iron Works, and the Swansie Smelting and Refining Works, of Chicago. Upon locating in Nebraska in 1878, he assumed full control of the enterprises which his father had inaugurated, and carried them out in a successful manner. He is one of the chief organizers of the Nebraska Land and Live Stock Company of which he is president; was the founder, owner, and president of the Smith National Bank of St. Edward, and is largely interested in the grain business, having at St. Edward an elevator of 125,000 bushels capacity. On his farm of 10,000 acres he has many tenants, and the farm is one of the best cultivated in the state. Mr. Smith is a republican, and a member of the Omaha Club, of Omaha. He was married in 1878 to Martha Shaw McMillan, a native of Scotland. Mr. and Mrs. Smith are the parents of three children, Aubrey Adam Smith, president of the Smith National Bank, William Redding Smith, and Pierson D. Smith, Jr.

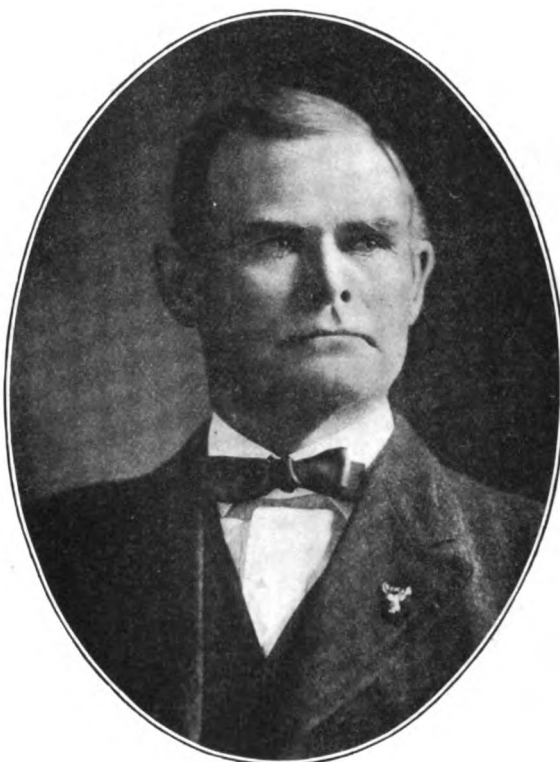
Aubrey A. Smith, after five years' study in Europe at Geneva, Switzerland, and Heidelberg, Germany, entered Yale University and graduated in the class of 1902. In 1906 he was elected to the Nebraska legislature, serving in the house in the 30th session. In 1910 he was elected to the senate of Nebraska.

SMITH, THOMAS W., of York, Neb., late warden of the penitentiary at Lincoln, was born November 12, 1853, near Montreal, Canada, son of Patrick and Catherine (Coughlin) Smith. His parents were natives of Ireland, emigrated to Canada during their youth, and were married there. The father died in 1863, and his widow at Ormstown, Canada, in October, 1899, at the age of ninety-three years. In 1869 Thomas W. Smith came to Grundy county, Ill., and was married in 1873, to Francelia Lincoln, a direct descendant of Israel Sanford, of the Mayflower, and born in Canton, N. Y., a daugh-

ter of Myron and Sylvia (Page) Lincoln, the former a native of Vermont, and the latter of New York. Ten children have been born to Mr. and Mrs. Smith: Gertrude, Myron, Otis M., Roy, Leo, Mary, Clifford, Ora, Louise, and Nellie, deceased. In 1874 Mr. Smith removed to York county, Neb., where he engaged in farming and stock raising and in buying and shipping grain and live stock. For many years he was vice president of the Blue River State Bank at McCool and a director of First National Bank at York. In 1902 Mr. Smith removed to York, where he organized the York Brick Company, of which he is manager. The plant of this company has a capacity of 35,000 brick per day, and most of the product is sold in the immediate vicinity. Mr. Smith is a democrat and served as a member of the York county central committee for years. He was a member of the York county board of commissioners for two terms, serving one term as chairman. In 1878 he was the democratic candidate for the lower house of the state legislature. In 1896 he was nominated for the state senate and was a candidate for commissioner of public lands and buildings. Mr. Smith has been a member of the democratic state central committee for several years and in 1892 was chairman of the congressional committee. He also served several terms as a member of the village board of McCool Junction during his residence there. In 1908 he was appointed warden of the penitentiary at Lincoln and served until April, 1911.

SMYTH, GENERAL CONSTANTINE J., attorney at law, Omaha, Neb., son of Bernard and Rose (Clark) Smyth, was born in County Cavan, Ulster, Ireland, December 3, 1859. An uncle who was a widower and childless, went from the United States to visit the land of his birth, and taking a fancy to his nephew, Constantine, urged that he be allowed to take him to the United States and educate him for the bar. In 1870 Mr. Smyth, with his uncle,

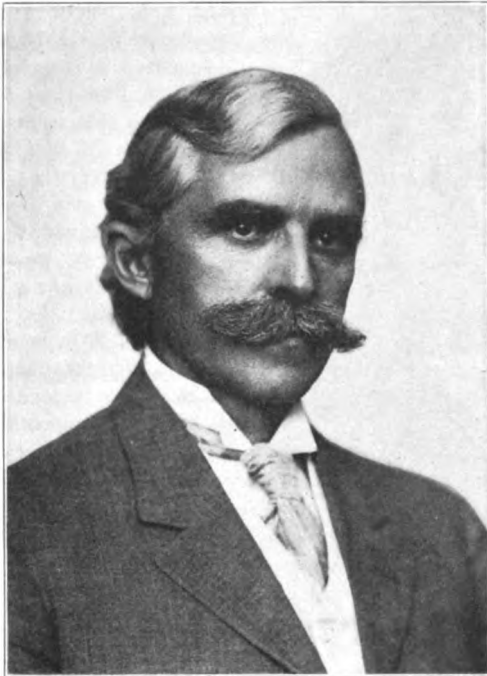
landed in New York, and he entered a private school in Brooklyn. He decided, however, that he preferred work to study, and leaving school secured a position in a rubber factory, being at the time fourteen years of age. He was induced to return to his school through the promise of an appointment to the West Point Military Academy, but the congressman from whom the appointment was to come, failed of reelection. Much disappointed and without the leave of his uncle, he proceeded to Chicago. He invested fifty dollars, the only money he had, in an agency which promised him a fortune in a few weeks, but on the contrary lost him what little he had invested.



THOMAS W. SMITH

After some time he secured a position as collector for a book house, and while pursuing this employment he became acquainted with a young man of literary tastes, and from this acquaintance much of his after life took character. He returned to his books, firmly determined to fit himself for the position for which his uncle had intended him. In the spring of 1878 he reached Omaha, and in the fall of that year became one of the first students of Creighton College, earning his living meanwhile by work in the morning and evening as mailing clerk for the *World-Herald*. In 1880 he secured a position in the freight auditor's office of the Union Pacific railroad, through the efforts of Dr. George L. Miller, and the day he went to work for the railroad company he had, in addition to the clothes which he wore, just one penny. During the evenings of the next two years he pursued a special course of study in science and the classics in Creighton College, and then took up at night the study of law. He was admitted to the bar of Nebraska in 1885 and resigned his position with the railroad company to begin the practice of law. The first ten years of his professional career was a trying period, followed by a fair measure of success. The two most important cases in which he participated as counsel, were the ones involving the validity of the eight hour law, which he lost, and the case of the

St. James Orphan Asylum vs. Shelby. In the latter case he contended, and the court agreed, that the doctrine of charitable uses as applied to the construction of wills was not founded on the 43d of Elizabeth, but was a part of the general body of equity jurisprudence, and consequently a part of the law of this state. As a result, many wills providing for charitable purposes have, and will be, sustained which would be declared void if the opposite contention had prevailed. During his four years of service as attorney general of Nebraska, Mr. Smyth conducted for the state many important cases, some of the most notable of which are the following: State of Nebraska vs. Joseph S. Bartley, former



GEN. CONSTANTINE J. SMYTH

state treasurer, who had embezzled over \$500,000 of the state's funds and who was convicted and sentenced to a term of twenty years in the penitentiary; State of Nebraska vs. Eugene Moore, former state auditor, who was convicted by the trial court and sentenced to eight years in the penitentiary, reversed by the Supreme Court on the ground that the statute under which Moore had received the state's money was abrogated more than twenty years before by the constitution of 1875, although it had been treated as valid by every auditor and by every other state officer who had occasion to act under it during all those years; State of Nebraska vs. Mc-

Donald, receiver of the Capital National Bank, tried in the Federal court and judgment rendered in favor of the state, affirmed by the Circuit Court of Appeals; State of Nebraska vs. the Standard Oil company, in which the anti-trust law of the state was sustained and the company directed to expose its books to the examination of the attorney general; State of Nebraska vs. former Oil Inspector Hilton and his sureties, judgment recovered by the state for the entire amount of Hilton's shortage which was afterwards paid; State of Nebraska vs. the Bee Publishing Company, the latter fined \$500 for contempt of court in attempting to improperly influence the judgment of the supreme court; State of Nebraska vs. Omaha National Bank and Joseph H. Millard to recover \$201,000 on the theory that the defendants had converted that amount of the state's money to their own use; Higginson vs. the State Board of Transportation, which was a contest between the railroads of the state, represented by Higginson as a stockholder, and the state authorities, with respect to the power of the state to regulate freight rates, tried in the circuit court and won by the state, appealed by the railroads to the circuit court of appeals, where the judgment of the lower court was affirmed, being one of the very few cases involving the power of the state to regulate the rates of railroads, won by the state authorities; the maximum freight rate case in the supreme court of the United States, a case in which judgment had been entered against the state before Mr. Smyth entered office, which contained a provision prohibiting the railroads and the state officers from reducing rates below those in force in 1894; if this provision had been permitted to stand, the railroads would be safe for many years so far as having their rates interfered with by the state was concerned, but Mr. Smyth after a somewhat spirited contest, secured the elimination of the provision from the decree; Bolln vs. State of Nebraska in which former treasurer of Omaha, who had been sentenced to the penitentiary, asked the supreme court of the United States to say that the statute providing for the trial of persons accused of crime on information of the county attorney rather than on an indictment of the grand jury was unconstitutional; Bolln lost. If his contention had been sustained it would have resulted in turning loose nearly all those who were then confined in the state penitentiary. Upon retiring from his term of office, Mr. Smyth formed a partnership with Edward P. Smith, under the firm name of Smyth & Smith, and has appeared in some of the most important litigation of Omaha and Nebraska. Later, Mr. William A. Schall was admitted and the firm is now (1911), Smyth, Smith & Schall. Mr. Smyth is a democrat in politics, and has taken active part in the interest of his party. In 1886 he

was elected a member of the lower house of the state legislature, from Douglas county. In 1890 he was chosen a member of the Omaha school board, and served four years. In 1896 he was elected attorney general of the state, on a ticket composed of one democrat (himself) and seven populists, and re-elected in 1898. During the controversy upon the money question, beginning in 1892, he took an active part as a speaker and writer in behalf of the free coinage of gold and silver. In 1894 he was made chairman of the democratic state central committee, and in 1896 was one of the four delegates-at-large, and chairman of the delegation, to the national democratic convention at Chicago, which nominated William J. Bryan for president. In 1898 he was nominated by the democratic state convention for governor, but the populists refusing to endorse him, he withdrew. Again, in 1902, he was named for governor by the democratic state convention, but again withdrew on account of the lack of support from the populists. In 1899 he was made a member of the Nebraska-South Dakota commission, which fixed that part of the boundary line near Vermilion, S. D. Mr. Smyth is a member of the Omaha Club, Knights of Columbus, Creighton College Alumni, and associate dean of the law school of Creighton University, and a member of the Catholic church. In 1899 he was married to Miss Katie Murphy, of Omaha, and five children have been born to them: Rose, Katherine, Bernard, Edward and Constantine.

SNIDER, CHARLES HENRY, postmaster of Tilden, Madison county, Neb., was born in Marion county, O., September 17, 1844, and lived in the city of Columbus until 1852, when his parents removed to Grant county, Wis., where they settled on a farm. When he was seventeen years old, he enlisted in Company I, 20th regiment, volunteer infantry, served as a non-commissioned officer in the different battles in which his regiment participated, and was wounded in the battle of Prairie Grove, Ark., in December, 1862. He was mustered out at Galveston, Tex., July 13. February 21, 1867, he was married to Sarah J. Gardner, and in September, 1871, with his wife came by wagon to Nebraska, and the following spring settled on a tract of land near what is now the town of Tilden. In 1882 he sold his farm and started in the general merchandise business at Burnett (now Tilden), in which he continued for eighteen months, when he sold out and started a hotel. Later, he was made assistant postmaster under George W. Honeysett for two years and then engaged in the agricultural implement business, in which he continued for a number of years when he again retired. In 1899 he was appointed postmaster and is now in his twelfth year of service. Since

1867 he has been a member of the I. O. O. F. and is also a member of the Masonic order. Seven children have been born to Mr. and Mrs. Snider: Alden S., deceased; Sherman; Charlotte M., the wife of W. G. Erskin; George W., a student in medicine, and now in the real estate business at El Paso, Tex., who was a sergeant in Company B, 1st Nebraska regiment, and served throughout the Philippine campaign; Laura Belle, a trained nurse, wife of F. E. Mindenhall; Charles A., engaged in the insurance business at Tilden; and Glendoris, who studied music in Chicago and is now (1911) a teacher of music at Tilden.

SNYDER, JOHN RAESLEY, deceased, late of Omaha, Neb., president and treasurer of the Snyder-Trimble Company, was born October 13, 1850, in Northampton county, Pa., son of Andrew and Matilda Snyder. He came to Fayette, Ia., from Pennsylvania and was in the grocery business there for six years, then in 1884 moved to Council Bluffs, Ia., and was in the retail grocery business for some time and then engaged in the wholesale fruit and produce line and in 1897 came to Omaha and engaged in the wholesale fruit and produce business, and was the founder of the Snyder-Trimble Company of Omaha, in which business he was very successful and attained marked prominence in the wholesale district. Mr. Snyder was a 32d degree Mason and also belonged to the order of Elks, and was a member of the Commercial Club and of the Ak-Sar-Ben, and was an important factor in promoting the business welfare of the city of Omaha. He was first married November 2, 1876, to Mrs. Helen (Gardner) McBride, of Fayette, Ia. They were the parents of two daughters: Belle, wife of J. J. Hess, attorney at law, of Council Bluffs, Ia.; and Mae, wife of T. C. Salveter, a merchant of Atlantic, Ia. In 1904 Mr. Snyder was married to Agnes Vennetta, of Chicago. To this union one child was born—Ruth Vennetta Snyder. Mr. Snyder died January 23, 1911, aged sixty years. Mrs. Snyder and her daughter reside at the home in Omaha.

SOLOMON, SAMUEL EDWARD, late of Culbertson, Neb., and now (1913) residing in Omaha, is a son of Henry and Margaret (Shaffer) Solomon and was born in Williamsport, Pa., April 7, 1859. His father, Henry Solomon, a native of Saxe-Weimer, Germany, came to America in 1846 at the age of twenty-five years. His ancestors were Saxons who dwelt on the Werra near the ancient castle of Wartburg, where Luther was concealed and translated the Bible into German. On his mother's side Samuel E. Solomon is descended from German ancestors who emigrated from Wurttemberg to Amer-



J. R. Snyder

ica at the beginning of the nineteenth century, on account of religious persecution. They belonged to the sect known as Tunkers or Dünklers. Samuel E. Solomon attended a county normal school and then entered the teaching profession and taught until the spring of 1884, when he removed to Nebraska and settled at Culbertson, Hitchcock county. He engaged in the newspaper business and published the *Culbertson Sun* until 1888, when he sold the paper and engaged in the real estate and loan business with W. J. Wheeler, then county attorney. Two years later he purchased Mr. Wheeler's interest in the business and has been engaged in the real estate business the greater portion of the time since. He is at present devoting his time looking after his interests at Culbertson which consist of large holdings of irrigated lands in the Culbertson irrigation district. In politics he has always been a republican. He is a charter member of the I. O. O. F., K. O. T. M., and A. O. U. W., of Culbertson. He was married in Williamsport, Pa., to Emma J. Smith, of Maple Hill, Pa., April 20, 1882. In 1910 Mr. Solomon moved with his family to Omaha. Their children are: Ida Fern, a teacher in the Omaha public schools; Ralph Edward, a dentist in Omaha; Margaret Julia, in the junior year at the State University; John McDonald, Dorothy Frances, and Emma Laurine.

SOOST, CARL FREDERICK WILLIAM, of Magnet, Cedar county, Neb., president of the Magnet State Bank, was born at Eutin, Germany, on August 9, 1865. His parents were John and Hanna (Hagedorn) Soost. He was educated at the grammar school and at the college in Germany. They emigrated to Iowa in 1880. Mr. C. F. W. Soost came to Nebraska and settled near Plainview in March, 1886, and engaged in farming. He is a democrat and served as county commissioner from 1906 to 1909. He is a member of the I. O. O. F. and president of Magnet State Bank. Mr. Soost was married on December 1, 1888, to Miss Adella Leuenhagen. They have five children: Mrs. Irene Swanson, of Magnet, Neb.; Frederick, of Wayne, Neb., in the First National Bank; Edward, Harry, and Minnie, at home.

SPANOGLE, MARK, cashier Bridgeport Bank, Bridgeport, Morrill county, Neb., was born at Lewistown, Pa., April 27, 1868, son of Andrew J. Spanogle, deceased, and Margaret (Rice) Spanogle, both natives of Pennsylvania. Andrew J. Spanogle was a farmer and banker and removed to Hamilton county, Neb., in 1879. He was elected from Hamilton county to the lower house of the state legislature of Nebraska, serving in the 18th session. He died January 13, 1892. Mark Spanogle was graduated

from the law department of Drake University, Des Moines, Ia., in 1895. He entered the banking business in Hamilton county in 1889, but after being admitted to the bar he removed to Clay county and formed a law partnership with L. C. Hurd, of Harvard, and was county attorney of that county in 1898. After removing to Cheyenne county in 1901 he engaged in banking and the practice of law, and was (1904) county attorney. Mr. Spanogle is a democrat in politics. He was married April 27, 1899, to Miss Gertrude L. Hurd.

SPELTS, WILLIAM T., of Kearney, Neb., formerly president and treasurer of the Wood River Nursery Company, has been a dealer in lumber and coal at Wood River for eighteen years. Mr. Spelts is a son of George A. Spelts, who homesteaded in Butler county, four miles south of David City, in 1870, coming from Tazewell county, Ill. He was one of the first settlers of Butler county and lived (1908) on his original homestead. He is a veteran of the Civil War, having served in the 26th Illinois infantry. Wm. T. Spelts moved to Wood River, Hall county, in 1893, and engaged first in the lumber and coal business. In 1905 he started the Wood River Nursery Company, of which he is president and treasurer. This company makes a specialty of growing grapes, and employs many men, with agents all over the United States. Eighty acres near Wood River are devoted to stock. The business has grown remarkably from the first, especially in the several varieties of grapes handled by the company, all of which are adapted to high altitudes. Wood River is located near the geographical center of the continent, and the altitude is 2,200 feet. Mr. Spelts is a republican in politics, and has been active in party affairs. He has served two terms as postmaster of Wood River, and was chairman (1908) of the republican county central committee, of which he has been a member for several years. He is a member of the Masonic order and the Independent Order of Odd Fellows. He married Miss Carrie B. Chidester, of David City, on September 16, 1886. They are the parents of eight children: George A., William J., Nellie, Ernest, Fern, Chester, Jerry, and Willis T.

SPENS, C. E., assistant traffic manager of the Chicago, Burlington & Quincy railway system, was born August 14, 1875, at Princeton, Ill. He has his headquarters at Chicago, Ill., where he resides. Mr. Spens entered the local freight office of the Chicago, Burlington & Quincy railway at Chicago, February 22, 1892. He was later promoted to the general freight offices of the same city, and April 1, 1903, became assistant general freight agent at Chicago. August 1, 1905, he became assistant freight

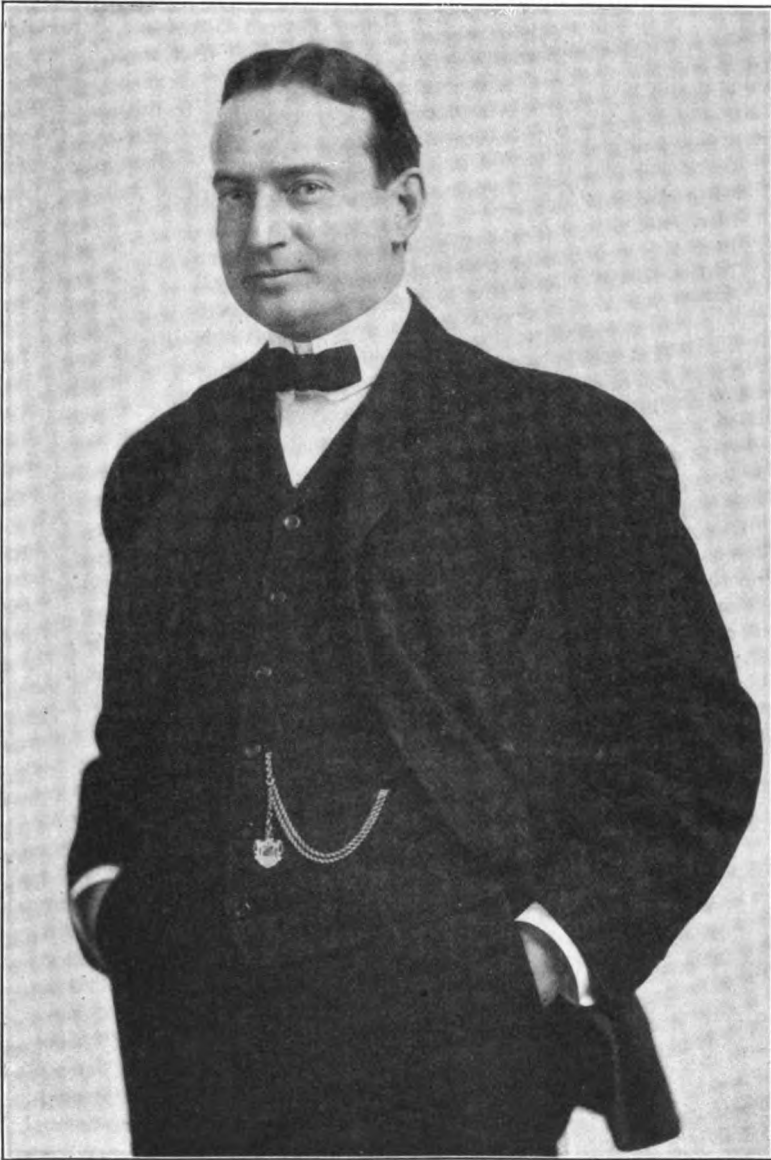
agent west of the Missouri river with office at Omaha, Neb. He was appointed to his present position in 1912. Mr. Spens was a member of the Omaha Club and the Commercial Club of Omaha. He married Miss Edna Louise Keeline on October 23, 1909. They are parents of two children, Jean and Conrad Keeline.

SPRATLEN, LEE W., Chicago, Ill., is a son of Sanford W. and Mary (Ellison) Spratlen. He was educated at the Omaha high school and graduated in 1886. He has been on the staff of the general manager of the C. B. & Q. railway since 1890, and was fire and police commissioner of Omaha from 1902 to 1907. He is a director of the Union Stock Yards Company of Omaha, taking the place on the board formerly occupied by the late John A. Creighton. He was one of the leaders in the gold democratic movement during the agitation of the money question, and is a member of the Omaha Club, the Field Club, and the Chicago Athletic Club. His parents came to Omaha in 1873 where S. W. Spratlen engaged in the wholesale grocery business. His death took place in Omaha in 1890, at the age of fifty-eight. He came from South Carolina and Mrs. Spratlen from Missouri, both families being identified with these respective states from the time of their earliest settlement.

SPURLOCK, GEORGE M., of York, Neb., attorney at law, was born in Plattsmouth, Neb., son of Burwell and Isabella S. (Davis) Spurlock (see note 1, pp. 549 and 551, Vol. II of this work). George M. Spurlock was educated at the public schools in Plattsmouth and at the Nebraska State University and graduated from the law department of DePauw University, class of 1892. He began practice at Plattsmouth, where he resided up to 1904, when he located at York and has been in active practice since. He was elected probate judge of Cass county for two terms and served from 1895 to 1899. He was elected to the lower house of the legislature for Cass and Otoe counties in 1902 on the republican ticket and was a delegate to the republican national convention for the first congressional district of Nebraska in 1900. He esteems as his greatest honor his election by the Nebraska conference as a delegate to the general conference of the M. E. church at Baltimore in 1908 and his reelection to the general conference at Minneapolis in May, 1912. He was appointed referee in bankruptcy in 1908 for York and three nearby counties. Mr. Spurlock is a member of the A. F. and A. M. lodge, chapter, and Consistory No. 2, Scottish Rite. He married, at Maysville, Mo., Miss May Bird Smith, daughter of J. Woodson Smith. Mr. and Mrs. Spurlock are the

parents of two children: Woodson S. and Burwell.

STAPLE, RALPH L., attorney at law, and abstractor, Ord, Valley county, Neb., was born near Hustisford, Dodge county, Wis., December 20, 1862, son of Levi M. and Matilda P. (Castle) Staple, the former born in Maine, a pioneer in Minnesota in early manhood, a settler in Iowa in 1865, a homesteader in Nebraska, and a pioneer farmer and stockman in Wheeler county in 1879, where he resided until 1899, when he retired from business and moved to Neligh, where he died November 2, 1900. His wife, whom he married in Wisconsin, was a native of New York state. She died at Bartlett, Neb., July 11, 1891. Ralph L. Staple left school when he was seventeen years old on account of the removal of his parents to Wheeler county, Neb., where he remained on the ranch for nearly three years. Then he went to Albion, Neb., where he secured employment as a clerk in the postoffice, until the spring of 1884, when he was given a clerkship in the office of the county clerk of Boone county. In 1884 he left Albion, and joined his brother, William L. Staple, in the real estate business at Cumminsville, Wheeler county, and was appointed county clerk of Wheeler county, holding the office until January, 1886, when he went to Bartlett, the new county seat of Wheeler county, and there erected the first building. He occupied it as a real estate office, opened up a set of abstract books, carried on a general fire insurance business, and continued all his enterprises until 1892. He studied law and was admitted to the bar at Albion, September 29, 1889. In 1890 he was elected county attorney of Wheeler county, but at the expiration of his term he declined renomination. In 1892 he moved to Ord and in 1893 became secretary of the Valley County Abstract Company. In 1895 Mr. R. L. Staple was elected county judge of Valley county, reelected in 1897, 1899 and 1901. In addition to his abstract and law business he deals in real estate. Mr. Staple was a republican until 1891, and since then has worked with the populist and prohibition parties. Since 1893 he has been a member of the I. O. O. F. He was married September 29, 1886, at Ericson, Neb., to Margaret Erickson, a native of Sweden and a resident of Nebraska since she was seven years old. They are the parents of five children, two sons and three daughters, a daughter and their second child dying in infancy. Their daughter, Myrtle Elizabeth, is the wife of Evert H. Petty of Myra Valley, Neb.; they are the parents of one daughter, Margaret Elizabeth Petty. Ralph M. Staple is in business with his father. Mildred V. and Cecil M. Staple are graduates of the Ord high school.



LEE W. SPRATLEN

STARTZER, SAMUEL, Papillion, Neb., ex-sheriff and ex-member of the legislature, was born in Johnson county, Ia., son of Rudolph and Sarah (Fackler) Startzer, both of whom were born in Baden, Germany. The family consisted of five brothers and eight sisters. Samuel Startzer came to Sarpy county in June, 1872, and located with his brothers and went into business in Springfield, in which he continued for thirteen years. He was active in public affairs and was elected on the democratic ticket county commissioner in 1888, serving three years. He was elected sheriff in 1893 and twice reëlected, serving three terms. He and County Attorney Leffler took up the prosecution of the worst gang of robbers that ever infested eastern Nebraska. They arrested Tom and Vick McCarthy and Simpson and Gallagher, the latter two being strangers in the community. They lodged Vick McCarthy in jail and sent Tom to the pen. Vick escaped from the Omaha jail. Gallagher and Simpson were also sent to the pen. Mr. Startzer was elected to the lower house of the legislature in 1902 as a democrat against a republican and a populist. He is an active member of the I. O. O. F. and K. of P. Mr. Startzer came to America when sixteen years of age. He married Miss Caroline Eppenbach of Johnson county, Ia. Their children are: William, of Omaha; Charles, of Omaha; and Clara, at home.

STEARNS, ROYAL D., attorney at law of Lincoln, Neb., is a native of Canton, Fulton county, Ill., where he was born June 20, 1850, son of S. S. and Clarissa (Folliotte) Stearns. His parents were among the pioneers of that section of Illinois, having come from near Rochester, N. Y. The ancestors of the Stearns family came to Massachusetts with the Winthrop fleet, under Governor John Winthrop. Phineas Stearns, the grandfather of Royal D. Stearns, served in the War of 1812. The parents of Clarissa Folliotte Stearns emigrated from New York

to Ohio, thence to Fulton county, Ill., where the daughter married S. S. Stearns. While R. D. Stearns was quite young his parents removed to La Harpe, Ill., and after remaining there a short time went to Prairie City, Ill. Here the son was graduated in 1866, from the Baptist Academy. He then entered Michigan State University, at Ann Arbor, where, after three years, he was graduated from the law department with the class of 1868-9. He was admitted to the bar in 1872, in McDonough county, Ill. He practiced in Prairie City, Ill., until 1876, and then for about two years was engaged in practice at Chariton, Ia., and in December, 1878, settled at Lincoln, Neb., where he became associated with D. G. Hull, who had been engaged in practice in Lincoln since January 1, 1869. In 1886 Mr. Stearns was elected county attorney of Lancaster county, and reëlected in 1888, serving two full terms, having previously served as deputy prosecuting attorney. He is a member of the state and county bar associations and is still (1911) actively engaged in general practice. He is a member of the Knights of Pythias, and in politics a republican. Mr. Stearns is a member of the Christian Science church, and is the Nebraska member of the national publication committee of Boston. He was married in 1887 to Mrs. Alma Smith.



ROYAL D. STEARNS

STEELE, ROSS R., breeder of Duroc-Jersey hogs, Wood River, Neb., dates his settlement in the state from 1881, when he located at Yutan, Saunders county, with his father, Samuel Steele. He was born February 12, 1876, at Neoga, Ill. Mr. Steele started in his present business in 1903. One of his prize hogs, "Steele Chief," exhibited at the Nebraska state fair in 1907, sold for \$950 to O. G. Clark, of Belvidere, Neb. At every sale which he has held the prices received for his stock have averaged extremely high. In the fall sale of 1907 he disposed of fifty-seven head at an average of over \$50. Mr. Steele has a farm of forty acres and keeps an average of seventy-five to ninety hogs. At the state fair

of 1908 he won sweepstakes, having the best hogs on exhibition. In politics Mr. Steele is a republican, is a member of the A. O. U. W. lodge, and of the Masons. He married Martha M. Zwiebel, a native of Ohio, daughter of Louis Zwiebel, of Waterloo, Ia., March 20, 1900. Mr. and Mrs. Steele are the parents of one boy, Russell Steele.

STEIN, HERMAN E., of Hastings, Neb., merchant, was born in Bloomington, Ill., July 19, 1862, son of Louis and Caroline (Frey) Stein. His father is a retired merchant now living in Harvard, Neb. His mother died in 1865. In 1872 his parents removed to Harvard. Here he attended the public schools until 1878, when he attended the Western Normal school for two years. He was with his father in the grocery, meat, and implement business until the summer of 1880, when he engaged with a local grain dealer. In January, 1881, he entered the employ of the McCormick Harvester Company at its Hastings agency. Two years later he went to Lincoln and was in the employ of this company until the fall of 1885. Returning to Harvard he was appointed deputy county clerk in January, 1886, and held that position for four years. In the fall of 1889 he was nominated by acclamation for county clerk by the republicans of Clay county and was elected. In 1891 he was reelected county clerk. During his second term he formed a partnership with his younger brother, Edmund, and they engaged in the dry goods business at Clay Center. In 1898 a better location was offered at Friend and the business was transferred. The business continued to grow and larger quarters became imperative. The new building is a handsome structure and modern in every respect. In 1902 Stein Brothers sold their business at Friend and opened a store at Hastings, Neb., which has developed into one of the best equipped department stores in middle Nebraska. Mr. Stein is a staunch republican. He is a Mason, and was W. M. of his lodge for seven terms. He is a member of the Knights of Pythias and was chancellor commander for two terms. He was married at Eddyville, Ia., August 8, 1888, to Miss Jennie F. Shane. They are the parents of three children: Louis H., Helen L., and Riley.

STEINAUER, JOSEPH A., deceased, of Steinauer, Pawnee county, Neb., banker (see page 780, Vol. II), died at his home October 18, 1907, in his seventy-fourth year and is survived by his widow and nine children, the fourth child, John, having died June 10, 1910. He was cashier of the Bank of Steinauer. The surviving children are: Margaret, wife of Gottlieb Sommerholder; Josephine, wife of Ignaz Kalin; Joseph, vice president of the Bank of Steinauer; John, of Steinauer; Mary, wife of John

Oberest; Nicholas A., cashier of the Bank of Steinauer, who in 1906 was elected to the lower house of the state legislature on the republican ticket; Emma, wife of Henry Rucker; Frank M., president of the Bank of Steinauer; William A., assistant cashier of the Bank of Steinauer; Meinrada, wife of Truman Williams, of Lincoln, Neb. One daughter, Marcelena, wife of Michael Walsh, died March 20, 1900.

STEINHAUSER, FRANK MICHAEL, deceased, settled in Omaha, Neb., November 8, 1879, coming from New York city, where he spent one year with the Thomas orchestra, and five years with Gilmore's band, as assistant bandmaster. Mr. Steinhauser was the composer of the overture to the Princess of Wales; the Garfield Memorial Hymn, Prima Donna Lancers, Apollo Lancers, Grand Excursion Lancers, Elite Lancers, and Leavitt Arbuckle's Cornet Solo, all published by Carl Fischer, of New York. These were among his earlier productions, and were followed by many that became better known to those of the later generation. Under date of October 15, 1879, Gilmore, the great band leader, said of Professor Steinhauser's compositions of military marches, lancers, and songs, that they were melodious and effective pieces, and that they were played by his band with great success. Mr. Steinhauser was born at Bernau, Bavaria, Germany, son of Nicholas and Margaretha Steinhauser. Nicholas Steinhauser was an organist and choir director. The ancestors for several generations were musicians of note. Frank M. Steinhauser was educated at the Jesuit College in Munich, intending to enter the priesthood. However, at the age of fourteen he entered the Conservatory of Music at Munich, and studied harmony under Professor Ett. He made rapid progress in music, for which he had shown his aptitude at the age of seven years, when he played the church organ. Mr. Steinhauser and several comrades were, by special permission, allowed to attend one of the Wagner rehearsals of Tristan and Isolde, Herr Vogel and Frau Vogel singing Tristan and Isadore respectively. While a student Mr. Steinhauser had joined the military band at Munich, and in 1861 he was advanced to the position of director of the band and in 1867, was made first bandmaster in the 4th infantry regiment, and was decorated by King Carl of Wurtemberg, to whom he had dedicated a march. In 1866 and 1867 his regiment was in the German-Austrian War, and for his distinguished services during the Franco-Prussian War he was awarded the iron cross. In 1874 he resigned from the army. On first coming to Omaha he accepted a position as director of a concert band of thirty-five pieces, which he perfected. In May, 1881, he directed the first musical festival in Omaha, where he taught music, organized bands, and engaged in con-

cert work up to the time of his death, January 26, 1909, aged almost seventy-nine years. He continued active and vigorous to the last. He was a member of the Landwehr Verein, and the society gave him a fitting military burial. He was a member of the Musical Union, which he organized in 1879. For many years he was musical director at Boyd's Opera House. Mr. Steinhauser was married in Germany to Miss Lena Kimmell, a native of Bavaria, daughter of Henry Jacob and Catharine (St. Remy) Kimmell, the former a merchant. To Mr. and Mrs. Steinhauser six children were born: William, Omaha; Henry, Norfolk, Va.; Frank, Des Moines, Ia.; Pauline, wife of Gustave Brans, of Bischwiler Elsass, Germany; Frederick, Omaha; and Bertha, wife of Leo Grotte, of Omaha. As a citizen and in social and musical circles Mr. Steinhauser established an enduring reputation in his adopted city and country.

STEPHENS, DANIEL VOORHEES, president Hammond & Stephens Company, educational publishers, Fremont, Neb., was born in Bloomington, Ind., November 4, 1868, son of Richard L. and Martha (Lamkins) Stephens. The father was a farmer by occupation, and the mother was a native of Kentucky. Daniel V. Stephens was educated in the public schools of Bloomington, Ind., and at Valparaiso (Ind.) College. He arrived in Nebraska March 21, 1887, and at once engaged in public school teaching. He was elected county superintendent for Dodge county in November, 1889, and reelected in November, 1891, serving four years. Mr. Stephens studied law, but was never admitted to practice. He established the business of Hammond, Stephens Company, educational publishers, in 1894, and is still president and business manager of the company. He also operates a large farm near Fremont. Mr. Stephens is a democrat in politics, and has taken an active part in political affairs. He served as delegate to the democratic national convention at St. Louis, in 1904, when Alton B. Parker was nominated for the presidency. He was also a delegate and chairman of the Nebraska delegation to the democratic national convention at Denver, which nominated Bryan in 1908. For many years he has been the active manager of the political campaigns in the 3d Nebraska congressional district, and was elected to Congress November 7, 1911, to succeed Congressman Latta, deceased, and was reelected in 1912. Mr. Stephens is a member of the Independent Order of Odd Fellows, and Modern Woodmen of America. He was married June 24, 1890, to Miss Hannah Boe. One child was born to them, and is now deceased.

STEPHENS, EZRA F., of Crete, Neb., was born in Sumner, Oxford county, Me., on February 27,

1844. His father, Edwain F. Stephens, was a cabinet and carriage maker. His mother's maiden name was Robinson, and she was a lineal descendant of John Robinson of Pilgrim fame. When E. F. Stephens was ready to enter college the Civil War began. The family was loyal and anti-slavery, and it was decided that one member should enlist. Ezra, the second son, could best be spared, and in 1861 he enlisted in Company H, 10th Maine volunteers. Every dollar of bounty and wages was given to the family. When discharged, he returned home with impaired health, but soon joined some relatives in California in mining and farming operations. In the winter of 1870 he was called to Illinois by the death of a younger brother, and in 1871 came to Nebraska to engage in commercial orcharding. He located at Crete because Doane College had just been established and personal friends were members of the faculty. He preempted in Brush Creek precinct and purchased 240 acres of the Burlington railway lands for nursery purposes. In 1873 he planted 750,000 trees and opened the Crete nurseries. From 1874 to 1877 he gave most of his stock and time to the grasshoppers. In 1887 to 1890 he planted and warranted for four years 7,000,000 trees, and carried 40,000 acres of timber land under the timber culture law upon which he obtained a patent. He has grown 13,500,000 trees in the Crete nurseries in one season, and purchased 5,000,000 more to supply the demand. He contracted orchards, cultivating and warranting them for a space of three years, and so gave an impetus to this industry. Mr. Stephens was president of the Nebraska Horticultural Society from 1892 to 1897.

STEPHENS, WILLIAM L., of Long Beach, Cal., ex-superintendent of Lincoln public schools, was born in Newport, Perry county, Pa., July 16, 1866. His father, Alexander Stephens, was a teacher for many years. Alexander H. Stephens, of Georgia, was a cousin of William L. Stephens. Mr. Stephens's mother was Mary Leonard, of Cumberland Valley, Pa. Wm. L. Stephens was educated in the public schools of Aledo, Ill., his high school work being done under the supervision of his father. His preparatory work for college was done at the preparatory school of Northwestern University at Evanston, Ill. He entered the freshmen class of the university but was compelled to withdraw on account of ill health. He came to Nebraska in 1885 and entered the University of Nebraska, graduating from the classical course in 1889. While a student at the university he was a member of the Phi Delta Theta fraternity and was elected to the presidency of his class during his sophomore year, and was made editor-in-chief of the *Hesperian*. He also became a member of the Phi Beta Kappa fraternity and

for four years was captain of the university base ball club. At graduation he was chosen one of six by the faculty to represent the class. His career as a teacher began as principal of an academy at Bennet, Neb., which position he resigned to become assistant principal and then superintendent of the public schools at Fullerton, Neb. He was then elected to the superintendency of the public schools at Fairbury, Neb. He was elected superintendent of public schools of Beatrice, where he served a number of years. He has performed work in county institutes throughout the state and has been a member of the State Teachers' Association. He served one term as president of the State Association of Superintendents and Principals and was a member of the educational council for three years, serving one year as clerk of the council. He has taken a great interest in high school athletics, and served for some time as secretary-treasurer of the State Interscholastic Athletic Association. He is also a member of the Nebraska Schoolmasters' Club. In December, 1892, he was married at Davenport, Ia., to Miss Veda Maud Shaffer, and to them have been born four children: Dorothy, Irma, Ariel, and Lea. Mr. Stephens is a republican and was appointed by Governor Savage in 1902, to membership on the board of education of the State Normal School at Peru.

In July, 1912, Mr. Stephens resigned his office in the Lincoln schools and was appointed superintendent of schools at Long Beach, Cal.

STEPHENSON, WILLIAM H., of Hartington, Neb., was born in St. Thomas, Ontario, January 19, 1848, son of William Stephenson, who was born in New York in 1792. His mother, Hulda (Warner) Stephenson, was born of Welsh parentage in Canada. His schooling was limited to the district schools in Canada and the Commercial College, London, Ontario. July 30, 1864, he enlisted in Company A, 19th United States infantry, and was discharged at Fort Arbuckle, Indian Territory, July 30, 1867, by reason of expiration of term of service. He is a member of the Grand Army of the Republic and was for four years post commander and for seven years adjutant of Ossawatami post No. 179, department of Nebraska. He located, in 1871, at Fremont, Neb., but returned to Ontario and in 1874 went into the grain and produce business at Iona. He removed to Harlan county, Ia., in 1879, and engaged in the grain and live stock business until February, 1885, when he located in Hartington and started in business as an abstractor, real estate, and insurance agent and loan broker. In politics he is a republican. He is past chancellor commander of the K. of P. order and a member of Moquaddem temple No. 86, D. O. K. K., Omaha and of the Presbyterian church. A member of his family has

served in every war for this country. His grandfather, Samuel Stephenson, was a soldier in the Revolutionary army; his father was a soldier in the War of 1812; he served in the army during a part of the Civil War, and his son, Hugh L., was a member of Company A, 3d Nebraska, during the Spanish-American War. He was married at Southwold, Ontario, September 10, 1874, to Agnes Lynn, and six children have been born to them: William L.; Hugh L.; Helen Hope, a graduate of Larkin College, Mo., 1909, wife of Professor W. J. Guthrie of Orange City, Ia.; Blanche A., a graduate of Macomb (Ill.) Conservatory of Music, 1911; Samuel G., who is in the U. S. Navy, S. S. Montana; and Walter I.

STEVENS, HENRY, manager for some time of the Hord Grain Company, Genoa, Neb., is a native of Adams county, Ill., son of Williston Stevens, who went there from Ontario, Canada. In 1862 Mr. Stevens enlisted for the Civil War in Company F, 99th Illinois infantry, and served until the close of the war. He participated in the battle of Vicksburg, under Grant, and under General Canby in the last battle of the war. Henry Stevens settled in Platte county, Neb., in 1882, coming from Adams county, Ill. In 1890 Mr. Stevens was nominated and elected as float representative for Nance and Platte counties, serving in the 22d session. During this session the principal contest was over the Newbury bill, or maximum freight-rate bill. Mr. Stevens was chairman of the committee on state militia and a member of the committee on claims. He has been a republican in politics, but was elected to the state legislature on the populist ticket. He was prominent in the farmers' alliance movement, and served as vice president for Platte county during the first year of the organization. While a resident of Platte county Mr. Stevens served as justice of the peace four years. One son, James, resides on the home farm. Mr. Stevens is a member of the Grand Army of the Republic, and of the Masonic order.

STEVENS, TRUMAN ELLSWORTH, formerly of Blair, Washington county, Neb., and now (1911) of Omaha, is a son of James R. Stevens, a retired farmer of St. Johnsbury, Vt., and Susan (Field) Stevens, deceased. He was born July 15, 1861, at St. Johnsbury, Vt., and attended the academy at that place. He removed to Omaha, Neb., in 1884, and entered the Omaha National Bank as receiving teller, serving for one year and a half, when he became paying teller in the Omaha Commercial Bank. In 1887 with others he organized the Blair State Bank, and was made cashier, which position he held until his removal to Omaha, where, on the organization of the Corn Exchange Bank (formerly Hayden

Bank), he was made vice president. In 1900 he organized the State Bank at Arlington and became president of that institution. He is a republican in politics and a member of the Masonic order. Mr. Stevens was married, August 4, 1882, to Miss Bell C. Weeks, a native of Vermont. They have one child, Dorothy Stevens.

STEVENS, WILLIAM T., attorney at law, and justice of the peace, Lincoln, Neb., was born in Mt. Pleasant, Ia., February 8, 1862, son of Thomas E. and Elizabeth (Cox) Stevens. His paternal family for more than a century were residents of Maine, where several enlisted for the Revolution and the War of 1812. Mr. Stevens received his early education in the public schools, and finished his studies in the Iowa State University. In 1885 he came to Lincoln, where he commenced practice. He is a republican, and is a member of the Masonic, Odd Fellows, Elks, and Woodman orders. He was married June 15, 1886, to Miss Dora Maiden, and has one daughter, Helen.

STEVENSON, FRANK N., proprietor and manager of the Columbus Cream Company, organized by him in 1886, came to Nebraska in 1882 from Otsego county, N. Y. He first settled at Fremont, Neb., and in 1886 removed to Columbus, where he organized the Columbus Cream Company. Before this, the plant had been operated by a local stock company. The first eight months under the management of Mr. Stevenson, 41,620 pounds of butter were turned out. From that time the increase has been steady up to the present year (1908), when the output will amount to 750,000 as against 610,000 pounds in 1907. The company has built an entirely new plant, using brick in the construction, and equipped with every modern appliance. The product is shipped to all parts of the United States, and the "Columbus Brand" is familiar to the trade north, south, east, and west. Mr. Stevenson has twenty-two sub-stations for collecting cream, besides fourteen routes, which cover Platte and adjoining counties. About twenty hands are employed. Mr. Stevenson gives all his attention to this business.

STEWART, JOHN B., Benedict, York county, Neb., was born in York county, Pa., April 14, 1850, son of Isaac and Hannah (Urey) Stewart. His grandfather Stewart was English by birth. His grandfather Urey emigrated from Germany. John B. Stewart received his early education in Pennsylvania, and for a short time followed farming in that state. In 1869 he located in Iowa, came to Nebraska in 1873, and homesteaded 160 acres, on which farm he has lived ever since. Mr. Stewart has filled some local offices. In 1890 he was

elected to the lower house of the Nebraska state legislature. In 1898 he was one of the organizers of the Nebraska Mutual Life Insurance Company, with headquarters at Hastings, but which was at Stromsburg prior to 1906, of which he has ever since been a director. He is now president of this company.

Mr. Stewart is a Mason. In 1869 he was married to Miss Mary Meads. To them three children were born: Eva, deceased, Clyde, and Laura, deceased. Mrs. Stewart died in 1877. Mr. Stewart was married a second time, in 1878 to Mrs. Maggie Call Babo. Four children were born to them: Bertha E., wife of Henry Segmore; Dora P., Etta, and Morris E. The family are members of the United Brethren church.

STEWART, REUBEN E., ex-superintendent of the Nebraska School for the Deaf, Omaha, Neb., began teaching in this institution in 1890. He is a grad-



REUBEN E. STEWART

uate of Westminster College, Pa., class of 1885. From 1898 to 1901 he taught in the Iowa School for the Deaf. In 1901 he came back to Omaha, as superintendent of the school for the deaf, and has held this position up to the present time (1911), except one term, 1907-08. He was reappointed by Governor Shallenberger 1909. In 1901 Mr. Stewart instituted a system of education for the deaf which has placed the Nebraska school among the foremost of its kind in the United States. This is a combined system, recognizing the best features of other systems and schools. The idea is to suit the method to the child, and not try to force the child to a fixed method.

The main credit to Mr. Stewart is the course of language work. This is the hardest subject for the deaf child to master. He starts the child with objects and actions which he can see and understand, and learns to express himself in these things. This expression must be in oral or spoken language and in written language. All deaf children can learn to express themselves in writing. Some may learn speech in a limited degree.

Mr. Stewart married Miss H. E. Campbell, of New Wilmington, Pa., in 1893. Mrs. Stewart died in 1900. One daughter, Eleanor Stewart, was born, 1897, and is now attending high school in Bloomington, Ill.

In 1909 Mr. Stewart organized the Loretto State Bank at Loretto, Neb., and is now cashier of this bank.

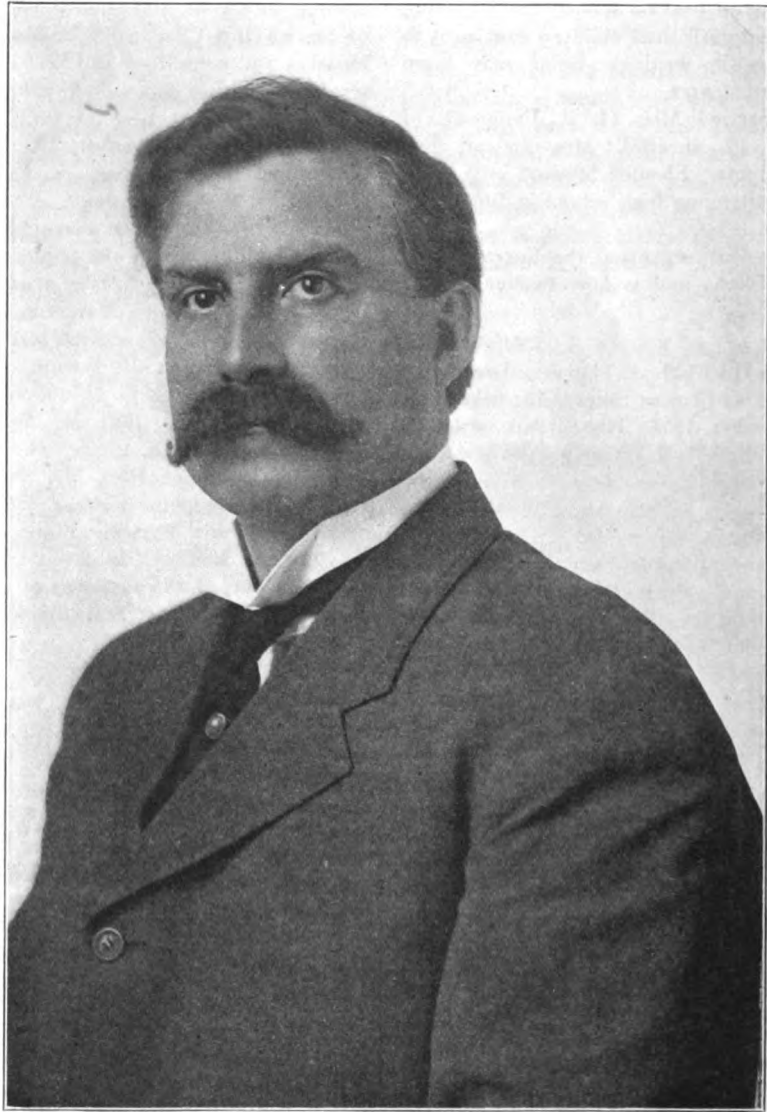
STEWART, WILLIAM A., lawyer, Lexington, Neb., is a native of Benton county, Ia., where he was born in November, 1863. His parents settled in Iowa in 1854 and were farmers by occupation.

Mr. Stewart received his early education on the farm and at the country schools, and attended school at Tilford Academy, in Vinton, Ia. In 1886 he removed to Nebraska and located on a homestead in Wood River valley in Custer county. He taught and was principal of the Gothenburg schools until the fall of 1887, when he was elected county superintendent of schools in Dawson county, Neb., serving two terms as such; studied law in the office of Hon. T. L. Warrington in Lexington, Neb., was admitted to the bar in 1891, and has since been engaged in the active practice under the firm name of Warrington & Stewart. He is a republican and has served two terms as chairman of the Dawson county central committee and is a member of the Congressional committee for the 6th district. He is a member of the Masons and the I. O. O. F. He was married June 19, 1890, to Jennie Appleton, of Vinton, Ia. They have two children, Helen and William A., Jr.

STOCKWELL, HARLAN M., banker, of La Veta, Colo., formerly of Clearwater, Antelope county, Neb., son of L. Carlton and Charlotte Hopkins Stockwell, was born at Nelson, Portage county, O., January 28, 1858. His father was a native of Vermont. His mother's father went from Connecticut to Ohio in a covered wagon when the northeastern section of Ohio was yet a wilderness. His grandfather was a commissioned officer in the American army during the War of 1812. He was educated in the common schools and the academy in his native town. He spent one term at college, leaving it to teach school. In October, 1886, he came to Nebraska, locating first at Ewing, but in 1887 located

in Clearwater and engaged in the insurance business. He was elected principal of the Clearwater schools and served two years, giving complete satisfaction to the patrons of the school. In 1892 he engaged in the implement business, and in 1896 formed a partnership with J. H. and F. W. Chace. Later the firm of Stockwell & Chace engaged also in the live stock business and collections and real estate. In the latter business they have done much to develop the agricultural resources of the state by locating desirable settlers. In December, 1901, the firm discontinued and Mr. Stockwell engaged in banking as cashier of the State Bank of Clearwater. Mr. Stockwell was formerly a republican, but in 1896 he allied himself with the populist party. He has held numerous local offices of trust, and in 1900 was the fusion nominee for representative from the 21st legislative district, was elected and served as a member of the house in the session of 1901. He is a member of the I. O. O. F. and has filled offices in the order. June 26, 1889, Mr. Stockwell was married to Miss Lillie E. Chace, who died January 20, 1893. December 24, 1896, Mr. Stockwell was married to Miss Josephine Patras. They are the parents of two children: Marjorie Emily and Helen Artie. In 1906 Mr. Stockwell removed from Clearwater to LaVeta, Colo., and is president of the La Veta State Bank and of the First State Bank of Aguilar, Colo.

STODDARD, VOLCOTT D., deceased, a late resident of Fremont, Neb., was born at Lisle, Broome county, N. Y., July 13, 1828, and died at Fullerton, Neb., June 20, 1906. He was a son of Elijah Woodard and Alethia (Coye) Stoddard, both natives of Connecticut; the former a minister of the Congregational church. His ancestry line extends back to Jonathan Edwards. His paternal grandfather was with General Putnam on his famous hunt and also in the Revolutionary War. Elijah Woodard Stoddard died in Ohio, where the family had settled in his infancy. His widow then returned to Windsor, N. Y. While a young man Volcott D. Stoddard took up the study of law, and was admitted to the bar. Soon afterwards he moved to Galesburg, Ill. From Galesburg he went to Muscatine, Ia., and during the Civil War was engaged in buying and selling hay to the United States army and after the war continued buying grain, hay, and farm produce. In 1870 he moved to Red Oak, Ia., where he established the first bank, known as the V. D. Stoddard banking house. During the years when lands were cheap in Nebraska, he bought five thousand acres in Nance county. In 1899 he disposed of all his interests in Red Oak, Ia., and moved to Nebraska, settling at Fremont. His remaining years were devoted to his interests in his estate, and he was at Fullerton, looking after those interests,



W. Stewart.

when he was suddenly stricken, and died June 20, 1906. Mr. Stoddard was married at Galesburg, Ill., May 24, 1862, to Miss Mary Eager. For many years she was his assistant and bookkeeper in the bank at Red Oak, and in many ways worked with him in his various enterprises. They were the parents of one daughter, Alethia, who died at the age of ten years. Mrs. Stoddard is in active charge of all her extensive farm interests in Nance county, and makes her home in Fremont. When a girl, Mrs. Stoddard attended the Lincoln-Douglas debates in Galesburg, Ill., and recalls many incidents of that memorable campaign. Mr. Stoddard was a republican and a pronounced abolitionist.

STONE, EMERSON L., deceased, Omaha, Neb., was born in 1841, son of Payson Cooledge Stone, who went to Mt. Vernon, O., and then to Rockford, Ill. He later came to Omaha, where he died. Emerson L. Stone came to Omaha in 1866 and bought an interest in the firm of Dewey, Trimble & Company, furniture dealers. This firm in 1870 became known as Dewey & Stone. In 1888 it became the Dewey & Stone Furniture Company, capitalized at \$500,000, with Mr. Dewey as president and Mr. Stone as vice president. The business was started at 1115-17 Farnam street, in a frame building brought from Florence by Louis Hax, of St. Louis, with John Trimble as manager. The business rapidly expanded and the firm built a four story brick building on Farnam street in 1876, and in 1882 a five story brick building on Harney street and a large warehouse on Leavenworth street. The business extended to the Pacific coast. Mr. Stone was a Mason and an official of the savings bank. E. L. Stone married in Mt. Mores, Ill., Miss Martha Blair, daughter of William Stuart Blair, of Pennsylvania, a pioneer of Illinois. They were the parents of one son and one daughter: Charles B. Stone, of Omaha, and Martha, wife of Fred

J. Adams, of Omaha. Mr. Stone died May 24, 1908.

STONE, MELVILLE W., M. D., Omaha, Neb., was born in Delaware, O., December 11, 1837, son of Stephen W. and Emily (Moore) Stone, the former a grandson of Thomas Stone, of Maryland, one of the signers of the Declaration of Independence. The latter was a daughter of General Sidney Moore of Delaware, O. Stephen W. Stone was a contractor and builder at Delaware, O., and there married Emily Moore, January 1, 1837. In the fall of 1853 the family moved to Washington, Ia., where Melville received his preliminary education, and took a two years' course in the local academy. He went to Bellevue College, New York city, and was graduated in medicine in 1861. Just before the beginning of the Civil War he went south with a companion, on a collecting trip for a large Boston mercantile house, their territory including western Tennessee, Louisiana, and southeastern Texas. On July 15, 1861, he enlisted in the Union army as a private in Company H, 7th volunteer infantry, and was discharged April 26, 1862, and appointed assistant surgeon, U. S. A., May



MELVILLE W. STONE, M. D.

20, 1864. He was with General Sherman in his march to Atlanta, then returned with General Thomas for the battle of Franklin, Tenn., and Nashville, Tenn., December 13 to 15, 1864. He returned north at the close of the Civil War in 1865, on a six months' leave of absence, and then received orders to report to the commanding officer of the department of the Platte, at Omaha, which he did on April 7, 1866. After the forces were organized in Omaha, this army operated through western Nebraska, Colorado, Wyoming, the western Dakotas, and a part of Montana, where Dr. Stone witnessed much Indian warfare and bloodshed. Ordered back to the department of the Platte, he was stationed

for a time at North Platte, Neb. While there he was instrumental in the organization of Lincoln county, being one of the committee appointed in 1868 to draft a bill for the organization of the county, which was presented to the legislature, passed at the following session, and became a law. With his family, Dr. Stone then removed to Osceola, in March, 1891, and while there he helped to organize Polk county. He was made the first surgeon of the Union Pacific railroad in September, 1868, and continued in the service for twenty-two years. In the spring of 1868 he was made county judge of Lincoln county, with jurisdiction over several other western counties. In November, 1868, Dr. Stone resigned from the army and became a citizen of the state of Nebraska, identifying himself with the republican party. He continued actively in the practice of medicine, and in February, 1877, with his family removed to Wahoo, Saunders county, Neb., where he resided until 1888. He was appointed surgeon general of Nebraska, on the staff of Governor Nance, then served four years on the staff of Governor Dawes, and was reappointed to the same position by Governor Thayer, under whom he served four years. In the meantime he was appointed superintendent of the Hastings asylum for the insane, which he managed for two years. He was also medical director of the Grand Army of the Republic of Nebraska from 1878 to 1890. After leaving Hastings, in 1890, he returned to Wahoo, but after a short time was called to Omaha, to take charge of the Union Pacific surgical work at St. Joseph's hospital. In 1893 Dr. Stone severed all connection with the public service. He and Mrs. Stone are now residing with their son-in-law and daughter, Mr. and Mrs. C. W. Pierson, of Omaha. Dr. Stone was married on August 22, 1863, to Miss Margaret Conn, of Keokuk, Ia. His young wife accompanied him through some of the stirring scenes of the Civil War, and was therefore in a measure prepared for the wild and uncivilized condition of the frontier which she and her husband helped to subdue. Dr. and Mrs. Stone have four children living, one daughter, Maud Stone Tallant, having died at the age of thirty-three years. The eldest child is Mrs. C. W. Pierson, who was born in Clarksville, Tenn., August 18, 1865. The other children are Edwin W., born in North Platte, Neb., June 27, 1869; Elmer Norman Stone, born July 9, 1874; and Harry Dudley Stone, born December 28, 1876, now in the employ of the Cudahy Packing Company, Omaha. The following are a few of Dr. Stone's frontier experiences: In the spring of 1868 the Brule and Ogalala Sioux Indians were brought by Colonel M. P. Patrick, then Indian agent, into North Platte, to receive their beef and other rations. Among the supplies were some Springfield muskets. One musket was given to each band of ten Indians

with 100 rounds of ammunition. Living just west of Fort McPherson was one T. L. Tanney, employed in cutting wood in the canyons and hauling it to Fort McPherson and North Platte. He had five four-mule teams so engaged, managed by John T. Dodge. They started out early one Monday morning for their loads. Going up to the Cottonwood canyon, they were halted by a band of ten Indians, armed with one of these Springfield muskets and their bows and arrows. The Indians wanted to trade their ponies for the mules. Dodge, understanding their language, realized at once that there was to be trouble, and made them get out of the way. Tanney's son, aged twelve years, was driving the second team; a man named John Hall the third; one Glines the fourth, and a Swede the fifth team. Just as Dodge rounded a point in the canyon, driving the lead team, he heard the report of a gun. Leaving his team, he ran to a high point overlooking the train, and saw, as he supposed, the whole outfit, lying dead. He made a long detour to the west, crossing the Platte river just east of Brady's island, and came into North Platte Tuesday about two o'clock on foot, and reported the killing of his drivers. A message was wired to the officer commanding Fort McPherson and one sent by courier to T. L. Tanney, the father of the boy. Mr. Tanney immediately mounted a horse and without hat, coat, or gun started for the canyon. He came to where the teams were and found the bodies of Hall, Glines, and the Swede. The Indians immediately captured Tanney, and counseled whether they should kill him, but some said: "No, him brave; take boy and go home." He understood their language, and learned that the boy was lying near a cedar tree on the side of the canyon. When he found his boy, he was still alive. He then mounted his horse and two Indians put the boy in his arms. Dr. Stone and Dr. Davis met him on his arrival at his home. They examined the boy and found that the ball and three buckshot had entered low in the right side, passing obliquely through, and coming out to the left of the spine, and that just back of the right ear his head had been split open with a hatchet. The boy only lived until the following Friday. The band of Indians were known to Dodge, and he reported their names to the government. Dr. Stone says, "They were arrested, and a pretense of investigation made, whereupon the Indians were discharged, as good American citizens." After the burial of his boy, Mr. Tanney went to the office of Dr. Stone as county judge, and there made a declaration in writing, declaring he would sell all of his property for all the cash he could, and then camp on the trail of the Sioux Indians, until he had five hundred scalps. About five years afterwards, Dr. Stone met Tanney, who took him

to the hotel, where he was stopping, and showed him a trunk in which there were the scalps of the ten Indians who had killed his boy, besides many others. Dr. Stone, Colonel Patrick, T. Randell, and William Pennison, on one occasion visited "Walk Under the Ground," a sub-chief and at that time an outlaw. In his tipi, a very large one, on a rope there were hundreds of scalps of whites of all ages, mostly taken in western Nebraska and on the Smoky in Kansas. The doctor recalls this as a gruesome sight. Dr. Stone never had the least trouble with an Indian and considered that this savagery, shown by Indians and whites had its start and was kept alive largely by whites of the baser sort whose desire was to rob and cheat the redmen. When the trouble was started, the innocent whites suffered as well. Dr. Stone was surgeon to General Carr's expedition against the Indians, lasting five weeks and ending in the battle of Summit Springs, Colo., the last battle in the Nebraska-Colorado division of the west. Dr. Stone relates that the Campbell boys and two German girls from Kearney were retaken. Dr. Stone, as a fitting close to this relation of bloodshed and conflict, tells that Spotted Tail's daughter married a soldier of the troop at Fort Laramie. On her death-bed she sent for her father and making the chief bend upon his knees at her bedside related to him in the Indian language all she had learned by her residence among the soldiers and officers; of the real feelings of the whites towards the Indians; that the whites were friends and only desired the good will of the Indians. She exacted a promise that her father would never again war against the whites, and Spotted Tail was true to his promise to his dying daughter, for he ever after was at peace with the whites.



Robert Stone.

STONE, ROBERT MARSENA, M. D., was the eldest son of the Rev. Marsena Stone and his wife, Mary C. (Richardson) Stone. He descended in a direct line from Governor Bradford. His great-grandfather was a soldier of the Revolution and his grandfather moved from Massachusetts to the wilds of New York in the year 1798. Marsena Stone was born in Homer, N. Y., January 27, 1810. By working and teaching he graduated from Colgate Uni-

versity. In 1836 he, with his wife, opened a private high school at Chittenango, N. Y., and an academy in Mendon, N. Y., in the fall of the same year. He moved to Mount Morris, N. Y., in 1840, and at the annual town meeting in the fall of 1841, the question of free graded schools was brought up by him. The meeting adjourned to make estimates and the opponents of the plans called a meeting quietly before the expected hour of the meeting and killed the measure. In 1842 William Patchen, of Lyons, N. Y., who had heard of this movement of graded schools, came to Mount Morris to be made familiar with the proposed plans of Marsena Stone. He then went back to Lyons and carried them out, establishing the first free graded public school. This long antedated the work of Horace Mann in the same direction. Marsena Stone was ordained in 1838, and received the degree of D. D. later; he

continued as a Baptist minister and educator for nearly fifty-seven years. He lived the greater part of the time, after 1885, with his son, Dr. Robert Marsena Stone, in Omaha, and passed away at his son's home, on February 23, 1894, at the age of eighty-four years.

Robert Marsena Stone was born at Eaton, Madison county, N. Y., February 4, 1847. He was brought up in New York and Ohio. He left the university in 1863, and went into the U. S. navy,

the Mississippi fleet. His war service was short, being sent home with congestive chills in the fall of 1863. He graduated from Denison University, in Granville, O., in 1866, from the classical course, and was given the degree of Master of Arts in 1839. Robert Marsena Stone taught Latin in his father's school (he conducting a young ladies' seminary in Granville, O.) when he was only sixteen years of age; many of his scholars were older than he. He came west in 1867 and applied for the position of superintendent of public schools in Kansas City, and came within one vote of being the first superintendent there. He was married on March 10, 1868, to Miss Mary Reicheneker, of Bucyrus, O. She attended his father's school in Granville for three years, graduating therefrom in 1867. Two daughters were born of this union, Letta Merriman Stone and Sara Dickinson Stone, wife of Harmon V. Smith, Jr., Omaha, Neb. Mrs. Stone died in Omaha on March 19, 1899. Mr. Stone again came west to Des Moines, Ia., in 1868, and became a teacher in the Des Moines University. He began the study of medicine in 1870, graduated in homeopathy in New York city in 1874 and practiced in Des Moines until 1878, when he embraced the "Regulars,"

graduated from that school in St. Louis in 1884. He moved to Hastings, Neb., in 1880, and in 1881 to Omaha, where he continued to practice until his death. Dr. Stone, with Drs. Grossman, Carter, Merriam, and Graddy, founded the Omaha Medical Club, which, without officers, constitution, or by-laws, met weekly for medical discussions which has gone out of existence by reason of internal dissensions. Later, March, 1890, he was one of the founders of the Omaha Medical Society, still in existence and one of the strongest societies of the west, as a society affiliated with the great American

Medical Association, but it now bears the name of the Omaha-Douglas County Medical Society. Dr. Stone was secretary of this society for a year and an active contributor to its work, and was one of the founders of the Medical Society of the Missouri Valley in 1895. He was a member of the American Medical Association from 1899. After an extended experience in giving anæsthetics, 1880-1898, he took up the special study of the subject and particularly that of the principles as enunciated by Schleich of Germany. Dr. Stone presented to the profession the stone mask for the giving of the Schleich solutions and administered them in many of the hospitals of Omaha, Chicago, and Denver for many of the leading surgeons of the day. He believed the new principles made an epoch in anæsthesia and were of vital importance to the world. To further these ideas he delivered many addresses upon this anæsthesia before the medical societies of Omaha, the Missouri Valley, American Medical Association, and by invitation, before the Denver Medical Society in 1903. He joined the U. S. Grant post of the G. A. R. in 1888. Dr. Stone was greatly pleased with the work of teaching patriotism in the schools. He was chosen as a representative soldier to be placed upon the pension ex-



CHRISTIAN D. STONER

aminig board, and served from 1889 to 1893, and again from 1898 to 1901. He was secretary of the board during all this time. He was married a second time, to Miss Belle Noxon, of Bee, Seward county, Neb. He died at his home on August 14, 1905.

STONER, CHRISTIAN D., Osceola, Polk county, Neb., was born in New Cumberland, Cumberland county Pa., September 2, 1838. His father, John Stoner, also a native of Cumberland county, was born in 1813. His father, Christian Stoner, was

born in 1792 in Cumberland county, Pa. John Stoner, Sr., was married January 15, 1836, to Sarah Pretz (daughter of John Pretz), who was born January 15, 1815, and died in Atchison, Kan., January 18, 1902. Christian Stoner and John Pretz were soldiers in the Revolutionary War, and the War of 1812. The paternal grandfather of Mrs. Sarah (Pretz) Stoner, was awarded a medal by Congress and 200 acres of land in Cumberland county, Pa., for meritorious services at the battle of Valley Forge. John Stoner moved to Princeton, Ill., June 18, 1851. In 1859 C. D. Stoner started for the Pike's Peak gold fields and went on to California. He returned in 1865 to Illinois and rented a farm. In July, 1871, he started for Nebraska, and in the spring of 1872 settled in Polk county, and later in Osceola, Neb. In 1892 he organized the Farmers' Mutual Insurance Company, of which he was elected secretary. He has served as secretary of the Polk county fair for ten years, and as trustee of the village board one term. He organized the first grange and the first alliance in Polk county, Neb., and is a member of the Methodist Episcopal church. Mr. Stoner was married February 26, 1866, to Alice E. Seger, daughter of Andrew and Louisa (Knox) Seger of Walnut, Ill., both born in Cuyahoga county, O., who came to Illinois in 1853. Andrew Seger, at the age of fifty, joined the Union army with his three sons and served through the war. Mr. and Mrs. Stoner are the parents of eight children: Alma A., wife of Thomas Dolan, of Osceola; Lillian Una, preceptress for fourteen years of the normal school at Peru; Leighton L.; Andrew G.; John Hays, deceased; Roscoe Conkling, deceased; Christian A., and Samuel C., of the University of Nebraska, A. B. and LL. B., law department, 1911. He is now (1911) a candidate for county judge of Polk county on the democratic ticket.

STONER, LILLIAN UNA, Peru, Neb., was born May 22, 1868, in Limerick, Ill., daughter of Christian D. and Alice E. (Seger) Stoner. (Christian D. Stoner's biography and portrait appear in this volume). The Seger family came from Ohio and settled in Illinois as pioneer settlers. This family came from England before the Revolutionary War, and members of the family served during that war. Members of the Stoner family came from Germany to the United States before the Revolutionary War, one branch settling in Pennsylvania, another going south into Louisiana. Miss Stoner's uncles on her father's side and four uncles on her mother's side served in the Union armies during the Civil War. Miss Stoner came to Nebraska in 1871 and received her early education in the rural schools near Osceola, then attended the Osceola high school for two years, attended the Campbell University at

Holton, Kan., in 1887, graduated from Western Normal College, Shenandoah, Ia., in 1898; graduated from Highland Park College, Des Moines, Ia., in 1891; attended the Chicago University, also Northern Illinois College, Dixon, Ill., and the State Normal School, Peru, Neb., and graduated from the school of nursing, Jamestown, N. Y. She holds the Master of Didactics degree as well as the degree of Bachelor of Didactics. She went from Osceola to Cherry county where she remained until September, 1898, when she accepted the position of preceptress



LILLIAN UNA STONER

and professor of sociology at the State Normal School at Peru, Neb., which place she occupies at the present time (1913). Miss Stoner taught in the rural schools of Polk county, and then in grade work in the Osceola schools one year. She also taught one and a half years in the public schools of Valentine, Neb., and was three times elected county superintendent of Cherry county on the people's independent ticket, which office she resigned to accept the position at Peru. Miss Stoner was three times elected secretary of the State Teachers' Association and was a member of the educational council of the association. In 1902 she traveled through England and Europe. She has been a member of the Methodist church since 1887, has been a Sunday school teacher since 1891, and was president of the Epworth League of the Valentine M. E. church for four years.

STORER, MARCELLUS SAMUEL, proprietor of the Nelson brick works, ex-postmaster, and for twenty-five years a resident of Nuckolls county, was born in Scioto county, O., November 11, 1855, son of William and Eleanor (Bonser) Storer. He attended the schools at Sciotoville, O., until September, 1868, when he became an employee of the Scioto Fire Brick Co., where he in time became an expert in the clay-working industry. During the panic of 1873, while the fire brick business was depressed, Mr. Storer found employment as teacher in the public schools for three winters, until June, 1877, when he removed to Buffalo county, Neb., where he took up a homestead of eighty acres, which he developed during the summers and taught school in the winters, until the fall of 1879, when, having been active in church work, he entered the ministry of the M. E. church and was appointed to the Nelson charge, then comprising the whole of Nuckolls county, which work he continued until the fall of 1880, when he was assigned by Bishop Warren to missionary work in the west Nebraska mission, now the west Nebraska conference, and thus became one of the eight pioneer Methodist preachers of that district, serving one year at St. Paul and two years on the Kearney circuit. Mr. Storer's father died on the 10th of September, 1881, and the management of the home estate and the care of his mother and sister falling upon him, he retired from the ministry and located at Nelson, where he founded the Nelson brick works.

In addition to his manufacturing business, he was for many years engaged in farming and stock raising on his farms of 500 acres in the vicinity of Nelson and the old homestead, increased to 360 acres, in Buffalo county near the city of Kearney. He is a republican. On August 1, 1898, he was appointed postmaster at Nelson by President McKinley, and served until 1902.

Soon after leaving the postoffice Mr. Storer discontinued the farming and stock raising business, put his sons in charge of the Nelson yards and gave his personal attention to brick yard engineering, working successfully in the middle western and southern states. Among the most important of his achievements in this, is his work done for the Mission Ridge Fire Brick Co., at Chattanooga, Tenn. While on one of his tours in expert work, Mr. Storer went with his wife into the wilderness of Oregon and located 320 acres of fine timber land under the timber and stone act, which he now owns. Mr. Storer is now engineering extensive clay industries on Puget Sound in the state of Washington.

Mr. Storer was married September 24, 1880, to Miss Minnie O. Porter, daughter of Mr. and Mrs. John Dexter Porter, of Nelson. To Mr. and Mrs.

Storer six children have been born, namely: Ellen Gertrude, who has been principal in the Gibbon and McCook high schools in Nebraska and in the Kalispell schools, and occupied the chair of elocution and rhetoric in the Montana Wesleyan University at Helena, Mont., and is now (1908) at the Chicago University; William Porter Storer, in the brick construction business in Kansas City, Mo.; Dorris Earl, died June 9, 1901; Leslie R.; Winona Gladys Storer, and Warren McKinley Storer.

STORZ, GOTTLIEB, Omaha, son of Gottfried and Margarita (Lang) Storz, was born at Wurttemberg in 1852. Gottfried Storz, pere, was born at Wurttemberg in 1820 and died in 1866. He received a common school education and was a farmer by occupation. Margarita Lang was born about 1820 at Wurttemberg and married Gottfried Storz in 1845. Nine children were born of this union. Gottlieb Storz received a common school education in Germany; afterward learned the brewing business, at which he worked for six years before leaving his native country. In 1872 he emigrated to America, and settled in New York city, where he worked at the brewing business for two years. He then removed to St. Louis, and in 1876 removed to Omaha. He was foreman in a brewery, owned by Mrs. Baumaun, for eight years, formed a partnership with Joseph Iler, rented the Baumaun brewery, and continued the business for ten years. In 1891 they organized what was known as the Omaha Brewing Association, which, in 1894, erected a brewery at a cost of one-half million dollars. It is now the Storz Brewing Company, with Gottlieb Storz as president and A. G. Storz as vice president. Mr. Storz is a member of the Commercial Club of Omaha and of the Elks. He was married at Omaha in 1882 to Miss Minnie Buck, of that city. They have six children: Minnie, Adolph, Arthur, Olga, Louis, and Robert Storz.

STOTSENBURG, JOHN MILLER, deceased, colonel of the 1st Nebraska volunteer infantry and captain of the 6th cavalry, U. S. A., was born November 24, 1859, at New Albany, Ind., son of Judge John Hawley Stotsenburg, lawyer, graduate of Trinity College, and of Hartford, ex-code commissioner of Indiana, and author of an impartial study of the Shakespeare title, who resided until his death in 1909 at New Albany, Ind. On his father's side he was descended from the "Stotsenburg," of whom John Van Olden Barnevelt was an ancestor. His mother, Jane (Miller) Stotsenburg, was descended from John Wadsworth, who, with his brother, James Wadsworth, took an active part in the seizure of the charter of Connecticut, when Andros was governor, and hid it in the famous charter oak. John Wadsworth was one of the

founders of Farmington, Conn. Another ancestor, Timothy Wadsworth, with his two brothers, grandsons of John Wadsworth, was a sergeant in Captain Pryor's company of Connecticut troops in the Revolutionary War. John Wadsworth was a direct descendant of William Wadsworth. John Miller Stotsenburg entered West Point in 1877 and graduated in 1881. He was commissioned second lieutenant, first lieutenant, and captain in the 6th U. S. cavalry and was appointed military instructor at the University of Nebraska. He became major of the 1st Nebraska, was promoted to be colonel, commanded the regiment in the Philippines, and was killed while leading his regiment in action at Quingua, Luzon, April 23, 1899. Colonel Stotsenburg was a democrat in politics, but gave his entire time and thought to the military profession in the service of his country. He was a Mason and a Knight Templar. Colonel Stotsenburg was married to Mary Latourette, at Fort Union, N. M., February 11, 1885. Their children are: Jane Miller Stotsenburg, wife of Captain Leon B. Kromer, quartermaster's department, U. S. A.; and Laura Annesley Stotsenburg, wife of Lieutenant Charles Russell Mayo, 10th U. S. cavalry. Colonel Stotsenburg was a member of the Protestant Episcopal church, and the Rev. John S. Wallace (afterwards chaplain in the U. S. navy), who baptized him in infancy, read the service at his funeral at Arlington, where his remains rest in the national cemetery. His only brother, Evan B. Stotsenburg, resides in the old home at New Albany, Ind., and is (1911) a member of the senate for the state of Indiana, elected on the democratic ticket. The widow of Colonel Stotsenburg resides in Washington, D. C.

STREET, ALEXANDER, deceased, pioneer freighter, removed from Westport, Mo., to Nebraska City, Neb., in 1862. With a Mr. Allen of Leavenworth, he was trustee of the estate of Russell, Majors, and Waddell, the pioneer freighters of the plains. Alexander Street was a son of James M. Street, a native of Virginia, who lived many years in Kentucky, where he was editor of a newspaper. In this capacity he was a strong and recognized opponent of Aaron Burr and his associates in their dreams of a trans-Mississippi empire. The elder Street was a government agent for the Winnebago and the Sac and Fox Indians in Wisconsin, and it was in Shawano county that his son, Alexander was born. Alexander Street married Amelia Beech, of Gloucester, Mass., whose brother, John Beech, was appointed agent for the Winnebago and the Sac and Fox Indians after the death of Mr. Street. Amelia Beech had emigrated to Wisconsin with her brother, and there met and married Alexander Street, who at that time was an Indian trader,

established at Fort Des Moines. His brother, Joseph H. D. Street, went from Fort Des Moines to Council Bluffs, Ia., and became a member of the original Council Bluffs and Nebraska Ferry Company, which laid out the city of Omaha in 1854. Mr. Street had been with Russell, Majors, and Waddell at Westport, and after winding up its affairs in Nebraska City he engaged in freighting operations on his own account. Upon completion of the Union Pacific to North Platte, Neb., Mr. Street was engaged by the Wells Fargo Express Company to manage their business from Omaha west, in handling supplies for all the military posts. At this time these supplies had to be freighted from North Platte west. Mr. Street was mayor of Nebraska City in 1875 and served as city treasurer for several terms. He died in 1878, aged fifty-six years. His son, Volney M. Street, is now a well-known resident of Nebraska City. He was postmaster of Nebraska City four years during President Cleveland's second term, and has always been a very active democrat. He was later cashier of the Morton, Gregson Company, which employed from 250 to 300 hands. Volney M. Street married Miss Amelia Templin, daughter of Franklin and Julia Schaeffer Templin. The former settled at Nebraska City November 29, 1862, and his son, C. F. S. Templin, later engaged in the book and stationery business, as a member of the firm of N. S. Harding & Co. Charles Templin was born in Lancaster, O., September 17, 1847. His youth was spent in Indiana, where he resided until his removal to Nebraska. Amelia Templin Street served ten years in the Nebraska City postoffice.

STRODE, JESSE BURR, of Lincoln, Neb., was born on his father's farm near Bernadotte, Fulton county, Ill., February 18, 1845. His father, James Strode, was born in Chester county, Pa., in the year 1790 and died on his farm in Fulton county, Ill., in the year 1870. The mother of Jesse B. Strode, whose maiden name was Sarah Parks, was born in Harrison county, O., and died on the homestead in Fulton county, Ill., in the year 1873.

Jesse B. Strode attended the country schools near his father's farm until he was nearly eighteen years of age. He enlisted in Company G, 50th regiment, Illinois infantry, in the month of January, 1864, and served until the close of the Civil War. He was in the Atlanta campaign, in Sherman's march to the sea, in the campaigns through South and North Carolina, and in the grand review at Washington, D. C., at the close of the Civil War. He held the commission of lieutenant at the time of his discharge.

After returning from his service in the war he attended Abingdon College at Abingdon, Ill., fo

about three years. He then became principal of the graded schools at Abingdon, Ill., and continued as such for about eight years. He was twice elected mayor of the city of Abingdon and served four terms as a member of the city council. While teaching school he read law during the summer vacations.

In 1879 he moved from Abingdon, Ill., to Plattsmouth, Neb., and in November of that year was admitted to the bar. He at once formed a co-partnership with his brother-in-law, George S. Smith, and under the firm name of Smith & Strode practiced law at Plattsmouth until the year 1887.

In 1882 he was nominated and elected district attorney of the judicial district which was then composed of Cass, Lancaster, Nemaha, and Otoe counties. During his first term the state was re-districted and Nemaha was taken out of the judicial district. In 1884 he was renominated and reelected district attorney. In 1887, at the close of his second term as district attorney, he moved from Plattsmouth to Lincoln and engaged in the practice of law there until the year 1892, when he was nominated and elected one of the judges of the district court and of the third judicial district, the district being composed of Lancaster county alone. In 1894 he was nominated by the republican party as

candidate for Congress and was elected. In 1896 he was reelected to Congress. Since the expiration of his second term as a representative in Congress he has been actively engaged in the practice of law at Lincoln. In 1910 he was nominated as the republican candidate and elected county attorney of Lancaster county.

During the time he was district attorney he prosecuted some of the most celebrated criminal cases in the history of the state, among them being the case of the State vs. Quin Bohanan and State vs. Lee Shellenberger, both of which were tried in Otoe county. He has also appeared for the defense in

several noted criminal cases, among them being the case of State vs. Mary Sheedy and Munday McFarland, the case of State vs. Wm. Irvine, both tried in Lancaster county, and in the case of the State vs. Captain Yocum, tried in Adams county.

He is a member and one of the elders of the First Christian church in the city of Lincoln.

He was married in 1867 at Abingdon, Ill., to Emeline S. Smith, who is still living. The only child born of said marriage, Arthur Lee Strode, died at Abingdon, Ill., when less than two years of age.



JESSE BURR STRODE

STRUVE, JACOB G., of Oxford, Neb., was born in Neuenbaock, Holstein, Germany, August 5, 1836. Until sixteen years of age he attended the common schools, and then attended the university in Copenhagen for two and one-half years. He came to America and in 1868 located in Nebraska City, Neb., where he remained two years. In 1870 he went to Lincoln, and after two years in that city drove in a prairie schooner to the present site of Oxford, where he resided until his death, June 22, 1905. He erected a log cabin for himself and family, and for many days their neighbors were Indians and vast herds of buffalo. Wild game abounded and the pleasures of hunting partly repaid

the settlers for the dangers they encountered and the privations they endured. During the great grasshopper scourge the outlook was gloomy, but by providing accommodations for travelers Mr. Struve managed to keep the larder stocked and the family prospered much better than the average homesteaders of that section. For many years the nearest railroad town was Lowell, sixty-five miles northeast, and in the whole of this distance there was but one house, known as Walker's ranch. Mr. Struve owns about 200 acres adjoining Oxford, a large part of it being in alfalfa. Oxford townsite was located upon a portion of his

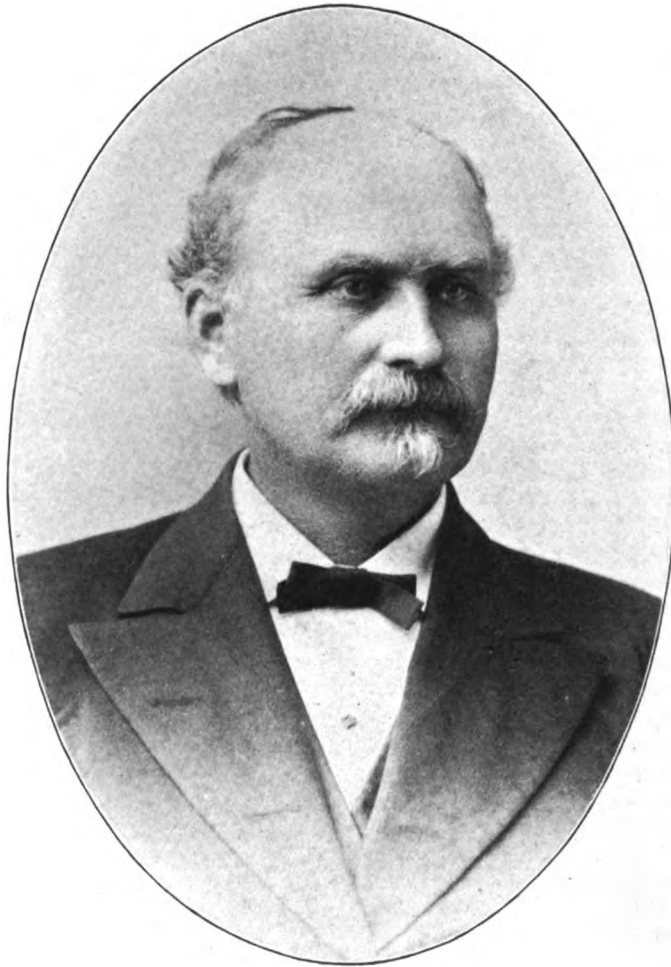
farm, and for many years he was agent of the Lincoln Land Company, and also conducted a brickyard, and during the rush of settlers he did a flourishing real estate business. He was a democrat until 1888, when he affiliated with the republican party, but in 1899 he returned to his former faith. On January 6, 1869, he was married in Nebraska City to Miss Mary Cruber, a native of Prussia. Three sons were born to them, two surviving—Gustave H. and Carl L. Gustave is in Geddes, S. D., in the lumber business, and Carl is on the farm adjoining Oxford in the live stock business.

STUART, JAMES, deceased, pioneer banker of Madison county, Neb., was born in Kent, Litchfield county, Conn., July 26, 1852. His parents were John Lyman and Mary (Akin) Stuart, the former a prominent iron manufacturer of the Housatonic valley. James Stuart, in 1871, went to Chicago and entered the wholesale grocery house of Day, Allen & Company, remaining for nine years, and filling positions from errand boy to cashier. In 1880 he settled at Madison, Madison county, Neb., and engaged in a private banking business under the firm name of Stuart & Akin. This partnership was dissolved and Mr. Stuart continued in business for eleven years. In 1887 he established the Elkhorn Valley Bank of Tilden, Neb.; in 1892 the Madison State Bank; and in 1893 the bank of Elgin, now the First National Bank. In connection with his banking business he engaged extensively in real estate and insurance. Among bankers of the state he was regarded as one of the best and most conservative, and in all business affairs he was recognized as a trustworthy leader. He was a republican in politics, and a 32d degree Mason. He resided at Madison until 1894, when he removed to Lincoln, and continued to look after his various interests from this point, until his death April 6, 1899. With his family he was a member of the Congregational church. Mr. Stuart was married March 24, 1874, at Kent, Conn., to Miss Lillie A. Eaton. Six children were born to Mr. and Mrs. Stuart: Anne, Melinda Berry, James, deceased, Charles, Lillie Louise, deceased, and Mary Akin Stuart. The daughters reside with their mother at the family home in Lincoln. Charles is in business in Lincoln as a member of the Nebraska Buick Automobile Company. He married, October 29, 1910, Miss Marie Talbot.

STUBBS, JUDGE GEORGE W., of Kansas City, Mo., formerly of Superior, Neb., son of George B. and Evaline (Hale) Stubbs, was born in Chillicothe, Mo., April 10, 1867. Thomas Stubbs, the founder of the American branch of the Stubbs family, came to America from England in 1719. Judge Stubbs was educated in the public schools of Chillicothe,

Mo., and completed the high school course in 1885. He was then for several months employed as time-keeper and bookkeeper for Williams, McRitchie, Nicols & Williams, contractors on the Atchison, Topeka & Santa Fé railroad, then building between Chicago and Kansas City. He then entered Mr. Lewis A. Chapman's office and studied law until admitted to the bar in September, 1888, when he located in Superior, and practiced his profession until November, 1899. He served as city attorney of Superior and was for several years a member of the Superior board of education. His judicial district comprised the counties of Saline, Fillmore, Clay, Nuckolls, and Thayer. Judge Stubbs was a republican until 1896, when he affiliated with the democratic and people's independent parties, and was by them elected in 1899 judge of the judicial district. He was a member of Superior lodge No. 121, A. F. and A. M., Tadmor chapter No. 37, R. A. M., Damascus council No. 10, Royal and Select Masters, Oriental commandery No. 35, Knights Templar, and Ararat temple, A. A. O. N. M. S., of Kansas City. In December, 1904, he removed to Kansas City, Mo., and is engaged in general practice there. August 9, 1890, Judge Stubbs was married to Miss Winifred Connet, daughter of Wallace E. and Margaret Adams Connet, of Green county, Wis. Her ancestors were among the pioneers of the territory of Wisconsin and prominent in its early history. She came to Nebraska with her parents in 1883 and for several years prior to her marriage was a teacher in the Superior schools. Six children have been born to Judge and Mrs. Stubbs.

STUHT, ERNEST, deceased, late of Omaha, Neb., was born at Stetin, Germany, June 30, 1843, and attended the public schools in childhood. At the age of fourteen he engaged as an apprentice and served till eighteen, learning the trade of a wheelwright and carriage builder. In December, 1861, he came to West Troy, Woolworth county, Wis., where he obtained employment with a farmer at \$120 a year, and remained for a year, doing farm work, and chopping cordwood and splitting rails in the winter. In 1863 he worked at his trade in West Troy, and in 1865 came to Iowa, locating at Monigona, where he erected the first wagon and blacksmith shop. The following spring, April, 1866, he disposed of his shop and came to Omaha. The same year he entered the employ of the government under General Meyers, chief quartermaster, department of the Platte. As master wheelwright in the department from 1866 to 1883 Mr. Stuht had charge of the government transportation facilities across the plains. In 1876 he successfully planned arrangements and facilities for General Crook's expedition



Ernest Steubert

against the Indians in the Custer massacre in 1876. In 1884 a co-partnership was formed with Mr. Gust Hammel to carry on the business of contracting and grading under the firm name and style of Stult & Hammel. In 1888 Mr. Hammel withdrew from the firm and Mr. Stult continued the business until 1892. In this time he paid out over \$600,000 for labor and teams. In 1890 he erected and opened the Union Hotel, and conducted a successful business till 1901, when he sold the hotel and retired to look after his property interests. He led the fight to enjoin the state auditor, Mayor Cushing, and the city council of Omaha from delivering the bonds of \$150,000 voted for a union depot, and the late Governor Saunders from delivering certain title deeds which were held by him in trust under the agreement made between the city and the railroad company in 1869 and 1870, relating to terminals, depots, and shops. The application for a writ of injunction was sustained in the district, state and federal courts. The bonds had been voted on the understanding that the building erected would be 230 x 447 feet in size, and the injunction was applied for and secured when the railroad company reduced the size of the proposed building to 140 x 160 feet. As a result Omaha now has two depots, the Union and the Burlington. He was elected to the city council in the fall of 1896, and took his seat in January, 1897. While in the council he joined in contesting the garbage contract, and as a result the supreme court declared the monopoly of A. B. Hunt and McDonald & Co. unconstitutional, thus opening the field to competition. He joined with Lobeck and Burkley in a fight which resulted in the defeat of a scheme to extend the contract of the Omaha Water Works Company with the city to 1908. In 1898, under the new tax commissioner, he inaugurated the fight for a just and equitable taxation of all corporations, and appealed to the real estate exchange to take a hand and assist in preventing the majority council of six members, who were doing the bidding of the corporations from overruling the levy made by the tax commissioner and the board of review. He took a leading part in the acquisition of River View Park, and the establishment of the boulevard system which the citizens of Omaha now enjoy, and was always in favor of measures to perfect the same. He favored the municipal ownership of all public utilities, and was a republican in politics.

February 13, 1869, Mr. Stult was married to Miss Maria Mattson, who had but recently come from Denmark. In November, 1911, Mr. Stult went to California for his health and died in Los Angeles January 15, 1912. He is survived by his widow and four children: Mrs. L. E. Kneale, Los Angeles, Cal.; Dr. A. E. Stult, Spokane, Wash.; Clinton B. Stult,

Spokane, Wash.; and Mrs. George Potter, Shelby, Neb.

STULL, MORRIS C., of Los Angeles, Cal., late of Lincoln, Neb., was born in McKean county, Pa., February 20, 1873. His father, Andrew J. Stull, moved to McHenry county, Ill., and later to Columbus, Neb., where his wife, Eliza J. (Corwin) Stull, a native of New York, died March 25, 1879. Morris C. Stull in 1861 enlisted for three years' service in the Civil War, in Company G, 8th Illinois cavalry (Colonel D. R. Clendenin), was transferred to Company K, and served in the Army of the Potomac. This regiment rode two miles out of Gettysburg, and had the first engagement that opened that battle. Mr. Stull removed to Nebraska in 1870, settling in Polk county, where he entered a homestead, and now owns 1,040 acres in one block. He served one term as county commissioner of Polk county, and is a member of the Grand Army of the Republic. March 1, 1865, Mr. Stull married Miss Maria Huntoon, of McLean county, Ill. They have four children: Charles C., a farmer of Moscow, Kan.; Arthur, a graduate of the Nebraska State University, and a lawyer at Lahoma, Okla.; Dell D., a graduate of the Nebraska State University, of Lahoma, Okla.; and Bertha, a graduate of Doane College, Crete, and of the Nebraska State University law school, the wife of L. B. Green, of Mountain Home, Ida., where she is practicing law with her husband. Mr. Stull removed in 1895 to Lincoln and in 1909 to Los Angeles, Cal., where on August 2, 1911, Mrs. Stull died, aged seventy-one years.

STURGESS, THOMAS F., editor of the *Twentieth Century Farmer*, Omaha, Neb., and for many years engaged in newspaper work in that city, was born at Niobrara, Knox county, Neb. His father, Henry Sturgess, came from England when a young man and settled at Niobrara in 1857. He was one of the organizers of Knox county, and the first county clerk. He married, in Niobrara, October 26, 1862, Maria M. Paxton, daughter of Thomas N. Paxton, who was born April 26, 1818, in Murray county, Tenn., moved to Indiana, and then to DuPage county, Ill., where he was employed on the Illinois Central railroad. The town of Paxton on that road, in Illinois, was named for him. In 1856-57 he resided in Mitchell county, Ia., and went from there to Minnesota, and thence in 1858 to Niobrara, where for five years he was engaged in farming and trading with the Indians. In 1863 he moved his store to Niobrara and continued in business until 1875. He was elected probate judge in 1864, held the office until 1878, and served as county commissioner for four years. He was the second postmaster appointed in the county, and resided at the

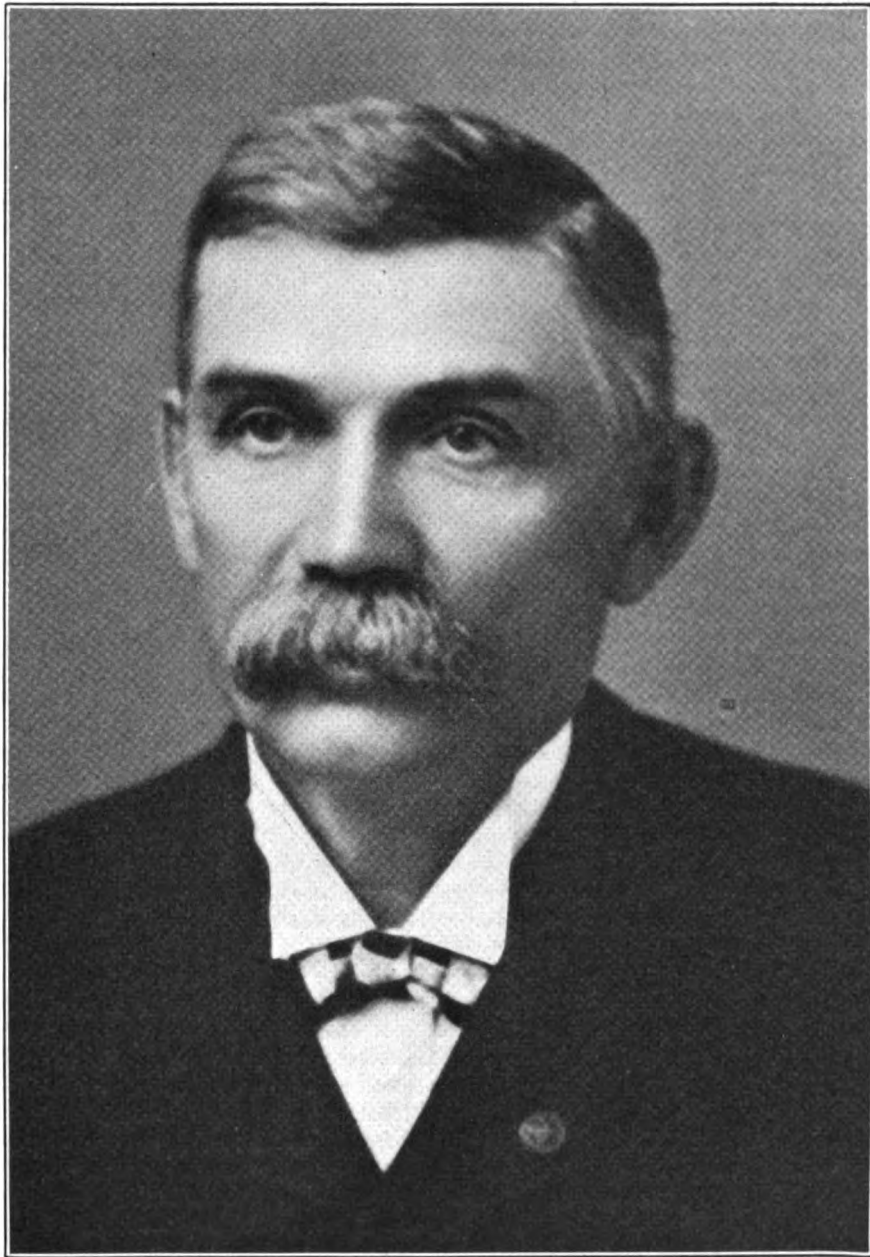
office known as Shiloh. Thomas F. Sturgess did his first newspaper work on the *Niobrara Pioneer*. For five years he was with the American Press Association and then became a member of the *Omaha Bee* editorial staff. In 1901 he started the *Twentieth Century Farmer* for the Bee Publishing Company. Mr. Sturgess has taken part in the social, political, and religious work of Omaha as director of the Young Men's Christian Association, a trustee of the Nebraska Methodist hospital, and of the Bellevue Chautauqua assembly, and as a member and secretary of the board of managers of the Christian Fraternity, and treasurer of the Omaha Associated Charities. He was a member of the legislature from Douglas county, 1898-99, as an independent republican. He is a member of the Masonic order, of the Independent Order of Odd Fellows, secretary of the National Corn Exposition, and a member of the executive committee.

SULLIVAN, AARON L., of Lincoln, Neb., was born in West Liberty, O., August 4, 1844, son of Elias Sullivan and Nancy (Wilkinson) Sullivan. Elias Sullivan was born in Ohio in 1805 and died in April, 1872, on his farm near West Liberty, O. He was a prominent farmer and citizen. Nancy Sullivan, a daughter of Gabriel and Deborah Wilkinson, was born February 28, 1812, in Harrison county, Va., and came with her parents to Shelby county, O., in 1822. Elias Sullivan and Nancy Sullivan were married at Bellfontaine, O., in 1830. They were devout members of the Methodist church and opened their house for twelve years for worship. They then donated land for a church and cemetery and were instrumental in building on this land Wesley chapel, which is still used as a place of worship. This farm was later owned by the son, A. L. Sullivan, who gave additional land for cemetery purposes. When eighteen years of age A. L. Sullivan enlisted in the 134th Ohio regiment, Company B, in which he served until honorably discharged April 24, 1864. Afterwards, he was for eighteen years in the employ of the S. N. Brown Company, of Dayton, O., in the hub and bent spoke business, occupying the position of purchaser of the timber for same. In 1886, with the support of the stockholders of this company, he organized the Importing Draft Horse Company, which was located at Lincoln, Neb. Mr. Sullivan served this company in the capacity of secretary and general manager until he was appointed in 1896 to fill an unexpired term of county treasurer of Lancaster county. He was elected for the following term, serving altogether three and one-half years. In 1899 the Importing Draft Horse Company became the Lincoln Importing Horse Company, of which Mr. Sullivan again held the position of secretary and general manager until January, 1909, when

he retired on account of failing health. He died July 2, 1911, at the suburban home which he built when first coming to Lincoln. Mr. Sullivan was married October 5, 1875, to Miss Mary A. Humphreys, of Mount Victory, O., only daughter of Shepherd and Elizabeth (Titsworth) Humphreys. Mr. and Mrs. Sullivan are the parents of one child, Aaron H. Sullivan, who is a well-known electrical engineer, actively engaged in the installment of steam and hydro electric systems throughout Nebraska and adjoining states. Mr. Sullivan has one living sister, Mrs. Elizabeth Forry, of Grand Junction, Colo., and one brother, Isaac M. Sullivan of New York city, and a foster brother, Judge Walter Sullivan, of Grand Junction, Colo.

SULLIVAN, JUDGE HOMER M., of Broken Bow, Neb., was born in Davis county, Ia., May 1, 1857, son of David L. Sullivan and Rebecca Morris. He began the study of law in the office of Payne & Echeberger, at Bloomfield, Ia. He taught until 1883, when he was admitted to the bar. In the fall of 1884 he came to Broken Bow and began the practice of his profession with Augustin R. Humphrey, with whom he was associated until 1890. He then formed a partnership with C. L. Gutterson, which continued until Judge Sullivan was appointed judge of the district court by Governor Holcomb, to fill a vacancy caused by the election of Judge William L. Greene to Congress. In the fall of 1897 he was elected to fill out the term, and reelected for the full term in 1899. He was county attorney of Custer county for one term, 1887-88. Judge Sullivan affiliated with the republican party until 1896, when he allied himself with the populist party. In November, 1880, he was married to Miss Ella Turner, of Agency City, Ia., and five children, four daughters and one son, have been born to them: Ina, Jennie, Lynn, Alma, and Elma.

SUMMERS, CHARLES E., of Geneva, Neb., first settled in Fillmore county in 1870. His father, William Summers, homesteaded in 1870 in Franklin precinct, where he was one of the first settlers. He resided on the original homestead, engaged in farming except for a very few years, until his death at Geneva, in 1895, aged sixty-nine years. He was a native of Yorkshire, England, and prior to his settlement in Nebraska he resided at Scranton, Pa. C. E. Summers is a democrat in politics, and served three years as postmaster of Geneva by appointment of President Cleveland. He had previously served two terms as sheriff, to which office he was first elected in 1889. He has also served two terms as councilman of Geneva. Mr. Summers is an employee of the firm of Koehler & Co., coal, lumber, brick, and grain dealers. They are the manufacturers of brick,



A. L. Sullivan



L. V. Svoboda



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Albert Swartz *Am. Geo.*



Albert Schwarz *Am. elec.*

is a communicant of the Protestant Episcopal church. He was married June 28, 1893, to Alwildia V. Mead, daughter of Walter and Martha (Fuller) Mead. The Mead family were pioneer homesteaders of Platte county, Neb., coming from Middletown, N. Y. Mr. and Mrs. Swallow have three children: Charles Mead, Floyd Austin, and Dorothy Alwildia.

SWARD, ERNEST JOEL CONSTANTINE, M. D., of Lincoln, Neb., formerly secretary of the Nebraska state board of health, residing at Oakland, Burt county, Neb., was born in Constantinople, Turkey, April 2, 1873, son of Peter J. Sward, D. D., a Swedish Lutheran minister, and his wife, Selma Thermanius, of noble birth, who received a liberal education in Sweden, and was, prior to her marriage, an instructor in a teachers' seminary. Dr. Peter J. Sward was a native of Sweden, and received his education in Sweden and in Germany, becoming the master of several languages. He was for four years chaplain of the Swedish legation and German embassy at Constantinople, Turkey. He resided in the United States twenty-seven years, filling charges at Brooklyn, Baltimore, St. Paul, and Omaha. He occupied the chair of theology and biblical history at Augustana College, Rock Island,



ERNEST JOEL CONSTANTINE SWARD

Ill., and for seven years was president of the Lutheran Augustana Synod of the United States. He received from King Oscar II of Sweden, by special permission of the United States government, the Knighthood of Commander of the Order of the North Star. In 1899, at the urgent request of the king, he returned to Europe to assume charge of the largest parish in Sweden, where he died in 1901. Ernest J. C. Sward received his early education in the public schools of Minnesota, and was graduated from Gustavus Adolphus College, St. Peter, Minn., in 1893, with the degree of A. B. He afterwards attended the University of Minnesota, the Univer-

sity of Nebraska, and the Omaha Medical College, from which he was graduated, and in his senior year was assistant demonstrator of pathology and chemistry. For two years he was president of the medical students' club. In May, 1896, Dr. Sward settled in Oakland, Neb., and came to Lincoln in 1908. He served as coroner of Burt county for six years, was surgeon for the Chicago, Burlington & Quincy railway, secretary of the state board of health for four years, and was chairman of the Burt county republican central committee for five years. He is a member of the Masonic order, a

Shriner, a member of the Benevolent and Protective Order of Elks, of the Omaha Club, the Burt County Medical Society, of which he was president two years; the American Medical Association, the Nebraska State Medical Association, the National Association for the Prevention of Tuberculosis, and the national committee of one hundred on public health. Dr. Sward was married in 1897 to Nellie Riel, at Burlington, Wis. They are the parents of three children, two of whom are living. The family are members of the Lutheran church.

SWARTZLANDER, ALBERT, deceased, pioneer lawyer of Omaha, was born in 1843 at Yardley,

Bucks county, Pa., near Philadelphia. His parents were Joseph and Abigail (Rankin) Swartzlander, both families having been residents of Bucks county for several generations. Albert Swartzlander received his early education at Lancaster, Pa., but his early training was very largely acquired at his home under private tutors. He was graduated from the Harvard University law school in 1866, and immediately removed to Omaha, Neb., where he arrived in September of that year, and for a period of more than forty-five years was engaged in active practice. In 1878 he was married at Omaha to Miss Stella May, daughter of James and Agnes (Lowe) May,

who were early settlers of Pittsburg, Pa. James May was one of seven men who laid out the town of Davenport, Ia., where he made large investments. In 1871 Mr. Swartzlander was one of the organizers of the Omaha public library, of which he was elected one of the first directors, December 30th of that year, and also became secretary of the board. He was also one of the organizers of the Omaha law library, and was the first vice president and a director. He maintained his interest in these libraries, and in all his other various activities up to the time of his death, in July, 1908, aged sixty-five years. Mrs. Swartzlander survives her husband, and resides in Omaha with her nephew, O. C. Redick.

SWIFT, THOMAS, deceased, pioneer of Omaha, Neb., first settled there June 10, 1856. He engaged in freighting on the plains to Denver, Salt Lake



THOMAS SWIFT

City, etc., and crossed the plains four times, besides making many short trips. He had several encounters with the Indians, one near Wahoo, Neb., when he had all his money and possessions with him, and when, by a clear case of bluff, he defeated the purposes of four Indians to take his property. When the Union Pacific railroad was started, Mr. Swift took grading contracts, and besides had with his partner, Frank Morgan, now deceased, a contract for two or three years, to transport all of the Union Pacific supplies over the Missouri river from Council Bluffs to Omaha by ferry and teams. He later bought a large farm in Douglas county and became heavily interested in city property. In later years he devoted his time entirely to looking after his property interests. He was a democrat but never took any public part in political affairs. He was born in Kentucky in 1836, and after settling at

Omaha, married Miss Bridget Dolan, who also came from Kentucky to Omaha in 1856. They were among the first members of St. Mary's Catholic church, and were the parents of seven children, all born in Omaha: Patrick, deceased; Mrs. Mary Fitzmorris, John, May V., James, Thomas, and Philemon A. All of the living children and the widow reside in Omaha, where Mr. Swift died in 1911.

TALBOT, ROBERT C., M. D., of Broken Bow, Neb., was born in Hendricks county, Ind., March 16, 1847. His parents, Willis and Nancy (McCann) Talbot, were natives of Kentucky, and soon after their marriage journeyed to Indiana on horseback. When the Civil War broke out Robert Talbot was seventeen years old. He immediately enlisted in Company H, 132d Indiana volunteers. At the end of four months he was honorably discharged because of ill health and returned home. As soon as he was sufficiently recovered he attended Danville academy for a few terms and then taught school. He began reading medical books while teaching and later read in the office of Drs. May & Johnson, of Crawfordsville. He attended Miami Medical College, and then located to practice in a village in Parke county, Ind. After a time he returned to medical college, graduating in 1870. In the spring of 1874 he located at Pittsboro, Ind., remaining there until 1879, when he removed with his family to Nebraska to engage in the cattle business. He located on a homestead in Custer county in October, 1879. When the settlers learned that Dr. Talbot had been a practicing physician they insisted on securing his services. He hearkened to their importunities and resumed his practice. The winter of 1880-81 was the "hard winter." Many of the settlers were poor and unable to lay in a winter's supply of provisions. It was impossible to reach the railroad stations and many subsisted on parched corn. Robert Talbot applied to the postoffice department in 1881 for a postoffice and one was located on his property called Guilford and he was appointed postmaster. A postoffice known as Broken Bow was located about the same time as the one at Guilford. In the summer of 1893 Dr. Talbot established an office in Broken Bow. In the fall of that year he was nominated for county treasurer by the republicans and elected. Two years later he was renominated by the republicans and endorsed by the democrats and elected. After completing his second term as treasurer he resumed the practice of his profession. He was a member of the city council for one year and of the school board eight years. In 1896 he was nominated state senator by the republicans, but was defeated by the populists. Dr. Talbot is a member of the Independent Order of Odd Fellows. He became a member of the Disciples church at Cincin-

nati in 1870, and united with the Baptist church when it was organized at Broken Bow. He has been president of the Custer County Medical Society on two or three occasions. In 1893 he took a postgraduate course in Chicago. He was a director of the First National Bank of Broken Bow during its existence. December 25, 1869, Dr. Talbot was married to Miss Harriet Warrick of Pittsboro, Ind. Two sons and one daughter have been born to them: Willis E. (see sketch), 1870; Colonel Victor C. (see sketch); and Nannie R., wife of Captain H. F. Kennedy, whose sketch appears in this volume.

TALBOT, WILLIS E., M. D., of Broken Bow, Neb., was born in Pittsboro, Ind., November 18, 1870, son of Dr. Robt. C. Talbot. He attended the Broken Bow high school, graduating in 1890. He then attended the University of Nebraska for two years, then entered Omaha Medical College, graduating in April, 1897. He returned to Broken Bow and entered upon the practice of his profession with his father. When war against Spain was declared he was mustered into the 1st Nebraska regiment as hospital steward and accompanied the regiment to Manila. Upon arriving in Manila he was detailed on the board of health, being assigned to the department of leprosy and smallpox. With his corps of assistants he began vaccinating all within reach who had not had smallpox, vaccinating in all about 80,000 people. The dread disease was almost stamped out by June, 1899. When the Spaniards surrendered Manila the leprosy hospital was thrown open and the inmates scattered. It required an immense amount of work and the encountering of great danger to collect the victims of the dread disease. In February, 1899, Dr. Talbot was commissioned second assistant surgeon with the rank of first lieutenant, but was still retained in the service of the board of health. He was promoted to first assistant surgeon and when the 1st Nebraska started on the campaign from Camp Santa Mesa to Malalos he secured permission from Major Bourns, president of the board of health, to accompany his comrades. With a Mauser rifle in one hand, his medicine case in another, and a half dozen canteens of water thrown across his shoulders, he went out on the firing line and dressed the wounds of those unfortunate enough to get in the way of the soldiers' bullets. The regiment was from March 26th to March 31st reaching Malalos, and was under fire nearly every hour of that time. Arriving at Malalos Dr. Talbot received a message from Major Bourns ordering him to return to Manila at once. Chaplain Mailley and Bugler John Benjamin brought in a Filipino prisoner and Dr. Talbot pressed him into service as canteen carrier. Once, when the regiment was under an unusually heavy fire, the Filipino

laid down and refused to budge, saying the danger was too great. By means of a six-shooter he was persuaded to go on to Malalos, but soon after arriving there he disappeared. The 1st Nebraska departed for home in June, 1899, but Dr. Talbot remained behind for one month to act as president of the board of health during the illness of Major Eddy, newly appointed president. On July 31st he sailed from Manila, arriving at San Francisco a few days after the regiment had been mustered out. On arriving home with his little Filipino protege, Ameleo Emelianna Gonzalos, he resumed his professional labors. He is enthusiastic about the possibilities of the Philippine Islands, but believes it will be many years ere the inhabitants of the archipelago will be capable of self-government. While in the service he studied the medical department thoroughly, and while recognizing its great efficiency, he believes that a thorough renovation thereof would save many valuable lives. Dr. Talbot is a republican. His Filipino protege attended school at Broken Bow. Dr. Talbot was commissioned as surgeon of 1st regiment, Nebraska National Guard, in 1901 and continued in service until July, 1904.

TALBOT, COLONEL VICTOR CLARIS, of Broken Bow, Neb., was born in Parke county, Ind., November 13, 1873, son of Dr. Robert C. Talbot. His parents moved to Broken Bow in 1885. When the Holcomb Guards, Company M, 1st Nebraska, was organized in 1896 he was elected second lieutenant. When the call was issued for troops for service in the war against Spain he went with Company M to Lincoln (where the company was mustered into the service of the United States) and was made first lieutenant of the company. Owing to the ill health of Captain Painter, Lieutenant Talbot took command and went into camp with the regiment at San Francisco. When Captain Painter was discharged Captain Wilson became commander of the company, but as he was at home recruiting, Lieutenant Talbot remained at the head of the company and was in that position when the regiment sailed for Manila. He was offered the position of regimental quartermaster, but declined it, preferring to remain with his comrades in Company M. On the arrival of the 1st Nebraska at Manila, it went into camp and did outpost guard duty, throwing up breastworks by night. On the night of August 2, 1898, Company M was on the extreme left next to the beach, where for twenty-four hours the members of the company had been working in mud and water throwing up breastworks. This is the point where the Spanish thought a weak spot existed and marched their forces against it. Lieutenant Talbot had sent two members of the company scouting and as they did not return when expected he set out to

look them up. He met them returning and they reported the Spaniards advancing in force. Colonel Bratt had given orders not to fire under any circumstances. The men could hear the advancing Spaniards during the lulls in the cannonading. Lieutenant Talbot coolly walked up and down the line cautioning the men to hold fire. After waiting in vain for the word to fire to come from their colonel, and the Spaniards getting to within a few hundred yards of the American line, Lieutenant Talbot ordered Company M to fire their volleys. In the language of Captain Mullins: "When those chicken hunters from Custer county turned loose with their rifles something was bound to get hit." The Spaniards fell back rapidly and did not again seek to attack that "weak point" in the line. Lieutenant Talbot was warmly commended by the commanding general for coolness and maintenance of discipline. Lieutenant Talbot was still in command of the company when entry was made into Manila and until after the regiment went into camp at Santa Mesa. Captain Wilson arrived on December 10, 1889, and took command of the company. Colonel Stotsenburg requested Lieutenant Talbot to find out for him what he could about the position and feelings of the Filipinos near the pumping station, and one morning he started out, mounted on a diminutive native pony. He was continually greeted with hostile demonstrations, but by dint of bravado and threats he got to the pumping station and back again, thankful for his good luck in getting back whole. On February 4th the Filipinos opened fire on the American troops. Company M was in the melee. On the 5th Lieutenant Talbot was placed in command of a detachment made up of members of various companies and held block house No. 7 until the 8th, when he rejoined the regiment at the water works. On March 25th he left with the regiment for Malalos, the regiment being under fire every day, during which time Lieutenant Talbot was continually on the firing line. On March 30th he was placed in command of Company D and remained two weeks with that company. He was then commissioned captain of Company G. On April 23d the troops moved on Quingua, where Colonel Stotsenburg was killed, and Captain Talbot was placed in command of the 2d battalion. After arriving at Calumpit he was placed in command of the 2d battalion in place of Lieutenant Colonel Eager, who had been severely wounded, on the advance from Calumpit. The 1st and 2d battalions of the 1st Nebraska were called to advance where other troops had failed or declined to go, and the Nebraska boys went with a rush. Captain Talbot was then in command of his own company. The 1st Nebraska waded into the swamp waist deep, crossed eleven streams in water from their waists to their necks. Captain

Talbot found himself in command of twenty-seven men out of four companies that reported to Colonel Mulford. With thirty-two men he was ordered to charge some Filipino breastworks. The native troops ran before the onslaught, but rallied and attempted to regain their lost position, but failed in the effort. During the campaign Captain Talbot conducted himself with signal gallantry and earned a high place in the esteem of his commanding officers. He embarked at Manila with the 1st Nebraska in June, and on July 29, 1899, arrived at San Francisco, where he was mustered out with the regiment on August 23d. He received honorable mention for the correctness and dispatch with which he completed the return of his company. While yet in San Francisco he was nominated for sheriff by the republicans of Custer county and was defeated by eighty-two votes, running several hundred votes ahead of his ticket. Upon arriving home he decided to engage in the cattle business and located on a ranch in Thomas county, where he is prospering as his merits warrant. When company M was reorganized and became again a part of the Nebraska militia, Talbot was elected captain. Captain Talbot was later elected colonel of the 1st regiment of the Nebraska National Guard.

TALCOTT, J. MARTIN, physician, Crofton, Neb., was born in Crawford county, Ia., September 17, 1871. His parents were Waldo and Margaret (Butler) Talcott. In 1886 they moved to Kansas but returned in the spring of 1891 to Iowa. Dr. Talcott entered the State University of Iowa, medical department, in 1892 and graduated from there in March, 1896. He then located at Crofton, Neb., until 1905, when his brother, Dr. D. D. Talcott, became a partner with him. In 1905 he formed a partnership with D. H. Mathews in the banking and real estate business. In the winter of 1908-09 he represented the 20th district in the state legislature and in 1910 was elected state senator for the 8th district.

Dr. Talcott was married in January, 1899, to Miss Mamie Bailey of Aten, Neb. They have two children, Horace and Mary.

TANNER, JOHN M., editor and publisher of the *Nebraska Daily Democrat*, South Omaha, Neb., is a native of Story county, Ia., son of Joseph G. and Mary E. (Snodgrass) Tanner, who settled in Story county in 1850. Joseph G. Tanner was a contractor and builder and had the first contract for the Iowa State Agricultural College at Ames. He was born in Baltimore, Md., and removed from New Albany, Ind., to Iowa. The Snodgrass family came from Kentucky upon their settlement in Indiana. John M. Tanner received a common and high school edu-

cation in Iowa. In 1882 he started the *Sunday Morning Sermon*, at Atchison, Kan. He was later city editor of the *Commonwealth* and *Journal* at Topeka, Kan., and at the same time correspondent for the *Kansas City Times*. He has at various times been associated with many of the metropolitan papers of the country. He settled at Omaha, Neb., in 1884, where his first work was on the *Herald, Bee*, and *World-Herald*. In 1891 he removed to South Omaha and established the *South Omaha Tribune*. He was secretary of the Nebraska State Aerie, Fraternal Order of Eagles, and publishes the *Mid-west Eagle*, the state official paper of the order. He is a member of the Knights of Pythias and the Benevolent and Protective Order of Elks. In 1908 Mr. Tanner was elected in 1908 state senator from Douglas county on the democratic ticket and served in the 31st session as chairman of the committee on miscellaneous corporations, and a member of the following committees: Enrolled and engrossed bills, municipal affairs, livestock and grazing, and public printing. He was actively identified with passage of many of the most important measures of the 31st session, among them the South Omaha charter. He was reelected in 1910 and served in the 32d session. He was married in Omaha to Miss Mary O'Bryne, daughter of Patrick O'Bryne, deceased, a pioneer of Omaha, who settled there in the fifties, and was for many years a foreman in the Union Pacific railway shops. Mr. and Mrs. John M. Tanner are the parents of three children: Joseph W., a graduate of Creighton College, now city editor of the *Nebraska Daily Democrat*; Hubert James, and Francis.

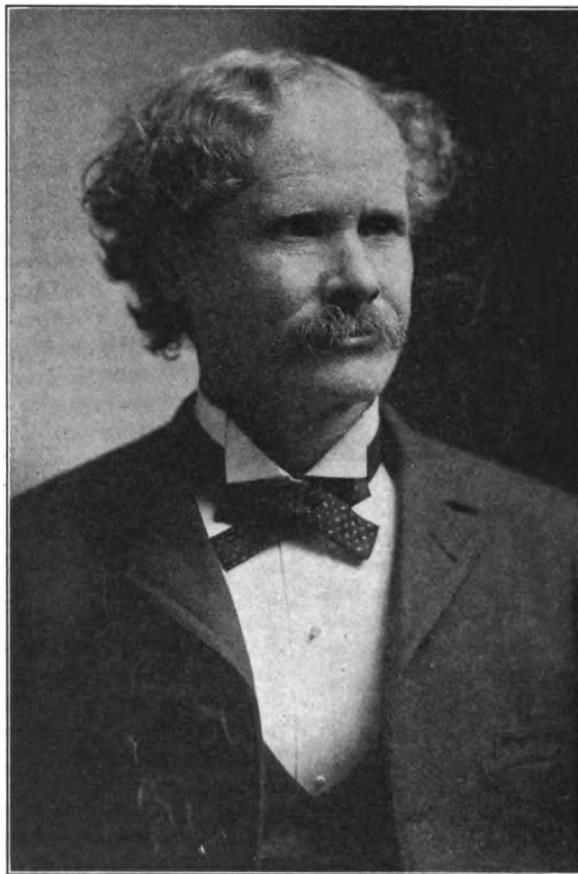
TAYLOR, FRANK JAMES, St. Paul, Neb., attorney at law, was born in Ashton, Lee county, Ill., February 12, 1866, son of John P. and Susan K. (Bridge) Taylor. John P. Taylor homesteaded in Sherman county, Neb. F. J. Taylor, in 1888, began reading law under Darnell & Kendall, and was admitted to the bar in May, 1890. He then entered the law department of the University of Michigan, where he graduated in 1891. In July, 1891, he returned to St. Paul and became a partner of A. A. Kendall. In November, 1892, he was elected county attorney of Howard county on the populist ticket, was reelected in 1895 and again in 1897, and is now (1911) holding the same office. Since he dissolved partnership with Mr. Kendall in 1893, he has practiced alone. During his term as county attorney he recovered a judgment against a defaulting clerk of Howard county for \$1,500 and assisted in collecting \$17,000 due the county from a delinquent county treasurer. Until 1891 Mr. Taylor was a republican, but since then he has affiliated with the populist party. For four years he was sec-

retary of the county central committee and for three years was its chairman. He is a member of the Knights of Pythias and of the First Presbyterian church of St. Paul. He was married, June 27, 1895, to Byrdie E., daughter of G. W. West, of St. Paul, and they have one son, Harold W.

TAYLOR, CAPTAIN T. A., pioneer of Dawson county, Neb., residing at Cozad, is a native of Cass county, Mich., son of John and Anne (Flaters) Taylor, pioneers of that part of Michigan. His parents were both born at Roston, Lincolnshire, England. Mr. Taylor enlisted for the Civil War, in 1862, in Company D, 25th Michigan infantry, serving until the close of the war in the Army of the Cumberland, 23d corps. He participated in the campaign in Kentucky, after Morgan, with whom an engagement was fought July 4, 1863. His command joined Sherman at Dalton, Ga., and was in all the fights to Atlanta, then back after Hood, and at the battle of Franklin and Nashville; then joined Sherman, going by way of Alexandria, Va.; thence by boat to Smithville, N. C.; then to Wilmington, which they took, with 10,000 prisoners; then joined Sherman again at Raleigh, N. C. After the close of the war Captain Taylor was sent with a detail and missed the grand review at Washington, D. C. He returned to his home in Michigan and served as justice of the peace and in various local offices. In 1869 he was married, and has six children: John W., a farmer; Leon G., farmer; Mae, Frank G., Roy L., and Milo B. In 1875 Captain Taylor removed to Dawson county, Neb., where he has ever since resided, and was the first police judge elected in Cozad. He served as county assessor of the western precinct of the county, and in 1885 took the census. He has served as justice of the peace for several years and as a member of the school board for over twenty years. In 1885 he was elected, on the republican ticket, as sheriff of Dawson county, and served till January, 1890, two successive terms. He was captain in the state guard, appointed by Governor Garber, in 1876, serving for three years. He has generally acted independently in politics. His original homestead, eight miles northeast of Cozad, has been added to by purchase until he now owns 480 acres, which his sons farm. In 1903 he removed to Cozad, where he has since been engaged in the real estate and insurance business, collecting taxes, and doing a general brokerage business.

TAYLOR, WILLIAM H., Exeter, Neb., was born in County Tyrone, Ireland, June 10, 1846. When about four years of age he came with his parents to Canada and settled twenty miles south of Ottawa, in what was then an almost unbroken wilderness, wild animals such as deer, wolves, and bear

being still quite plentiful. Distance from school prevented him from getting any education except what he acquired himself, until he was past ten years old, when he was made happy by a chance to attend school in a log schoolhouse a part of one year. Poor boys, old enough to work, have little leisure in a timber country, and a few days at a time was all the rest of the schooling he obtained in Canada. He earned his first money by picking stone at twenty-five cents per day and chopping wood for twenty-five cents a cord. With what he saved from these scanty earnings he started for the United States and landed in Seneca county, N. Y., in the spring of 1863, where by working on a farm in summer and attending school in winter, doing chores for his board, he soon mastered the common branches. Being an expert with an ax he earned money rapidly by cutting wood, and had \$700 laid by when he was twenty-one years old. Most of this he spent getting a higher education, in Waterloo Academy, Fort Edward Institute, and the Oswego Normal School, teaching school between times, in which vocation he was very successful, commanding the highest salary ever paid in an eastern country school. In competitive examinations he took the scholarship for Oswego Normal and Cornell University. In the spring of 1873 he left New York and came directly to Exeter, Neb. He engaged in the mercantile business, which he still continues (1911), having withstood the panic of 1873, the grasshoppers of 1874, and the drouths of 1892-93-94-95. On the whole he has been fairly prosperous, owning, besides his store, several good farms. He was president of the Exeter National Bank until it was changed into a private bank. When the Exeter State Bank was organized he was chosen president of that institution. While Mr. Taylor has always been a consistent democrat he took



WILLIAM H. TAYLOR

no special interest in politics until W. J. Bryan became the candidate for president in 1896 at which election he was elected to the state legislature and reelected in 1898. His highest political wish was gratified in being chosen one of the Nebraska state delegates to the democratic national convention at Kansas City in 1900, and he was then and is now an enthusiastic Bryan democrat. Mr. Taylor joined the Masonic fraternity as soon as he was old enough. He has been a student all his life and graduated in

the Chautauqua course in 1893. He served for twenty-seven years on the Exeter school board. Mr. Taylor was married in 1876 to Miss Grace G. Crooker of Fillmore county, who came to Nebraska with her father, Timothy S. Crooker, from Bath, Me., in 1871. Mr. Crooker was a veteran of the Civil War. Seven children were the result of this union: Bayard L., Ida M., William J., Charles D., Winifred G., Lucile M., and Selma A. Charles D. died when ten months old and William J. in his nineteenth year. Bayard L. died in his twenty-sixth year, after having been married about three years, leaving one child, a daughter — Dorothy M. Taylor. Ida M. graduated from the Nebraska State University in 1901, taking a Phi Beta Kappa scholarship and afterwards taking a post-

graduate course in the same university. Lucile M. is a student at the Chicago University, and Selma A. is attending the Exeter high school. Mr. Taylor enjoys the distinction of having been continuously in the same place of business for the past thirty-eight years, and his success in life is an added proof that there is no time, country, or condition in life that can prevent a young man from getting on in the world if he has the right spirit. Mrs. Taylor, Ida M., and Lucile M. are members of the Daughters of the American Revolution.

TAYLOR, WILLIAM H., of David City, Butler county, Neb., came to Nebraska in 1880 and located in Butler county, Oak Creek precinct, on a farm. In 1876 he had prospected in Nebraska. He came from Jasper county, Ia., and was born, in 1853, in Kosciusko county, Ind., son of John and Louisa (Bogges) Taylor. The former came from Westmoreland county, England, and the latter from Gallia county, O. They located in Jasper county, Ia., in 1854. W. H. Taylor was educated at the high school and the Baptist College, in Iowa, and taught school and farmed. In Nebraska he farmed, taught

school, and served two terms on the Butler county board and in the state legislative session of 1891. He was elected as an independent and in the session was on the banks and currency, insurance, and miscellaneous committees. He introduced the bill for free text books that became a law. Bill 272 carried this provision, but was copied from Mr. Taylor's bill, 145, introduced by him, 272 being a compromise bill. The law remains on the statutes of Nebraska and has been a boon to the schools and students. Mr. Taylor has been county treasurer for two terms, elected in 1897 and re-elected in 1899 on the populist and democratic tickets. Mr. Taylor joined the farmers'

grange in Iowa when he was eighteen years old and was an active member of the farmers' alliance in Butler county. He helped to organize the populist party in Nebraska. Mr. Taylor is a member of Fidelity lodge No. 51, David City, A. F. and A. M., King David chapter No. 31, R. A. M., Alma chapter No. 20, Eastern Star; also of Damon lodge No. 45, K. P. He owns several farms and looks after these and a real estate business. Mr. Taylor married Miss Victoria M. Franklin of Jasper county, Ia. They are the parents of one child, Alma F. Taylor, born in Butler county, now a teacher of music in Cotner University, Lincoln, Neb. Mr. and Mrs. Taylor and daughter, Alma F., are members of the Christian church.



W. Z. TAYLOR

TAYLOR, W. Z., of Culbertson, Neb., was born in Chittenden county, Ky., September 24, 1848. He was reared on a farm and educated in the common schools and at Simpson Academy. In 1861 his parents moved to Lucas county, Ia., and in 1864 W. Z. Taylor enlisted in the Union army in Colonel D. B. Henderson's Iowa regiment. After the war he worked on a farm, attended and taught school until 1870, when he entered the employ of the Merchants Union Express Company. In April, 1873, he homesteaded in Hitchcock county, Neb., on the site of Culbertson, which town he founded and has been

interested in financially ever since. He built the first frame house in Hitchcock county and also in Dundey county, and in 1878 started the first newspaper in Culbertson. He was one of the party that made the preliminary survey for the Burlington & Missouri railway to Denver, was one of the largest contractors for grading and bridging west of Indianola, was right-of-way agent west of Red Willow county, agent for the Lincoln Land Company, and located most of the towns west of McCook. He had many experiences with the Indians and Dr. Carver, Buffalo Bill, Wild Bill, Texas Jack, Curly Jack, and Big Jack. He was secretary of the Southwestern Nebraska Cattle Growers'

Association from 1876 to 1884. In 1873 Mr. Taylor was appointed by Governor Furnas, clerk of Hitchcock county. August 30, 1873, he was elected the first clerk of the county and filled this office for ten years, when he resigned to take his seat in the state legislature, to which he was elected in 1882 and re-elected in 1884, 1908, and 1910. In 1885 Mr. Taylor was admitted to the bar and served two terms as county attorney. He was the author and champion of the anti-mercantile discrimination bill and the dormant judgment bill. In the 1911 session he secured the passage of a stockyard bill and was chairman of the committee on enrolled and engrossed bills. Mr. Taylor married Miss Holliday, daughter of

a pioneer of Hitchcock county. They have no children.

TEMPLE, HARRY V., Lexington, Neb., was born February 1, 1853, at Wadestown, W. Va., son of Nathaniel and Henrietta (Rice) Temple, of English and Pennsylvania Dutch ancestry. H. V. Temple was educated at the State University of West Virginia, and came to Aurora, Neb., in February, 1879, but located April 4, 1882, at Lexington, Neb. Mr. Temple organized the Dawson County Bank in 1882, and the First National Bank of Plum Creek in January, 1885. He was married on September 5, 1881, to Miss Jennie M. Reynolds. They have five children: Guy A., LeRoy B., Paul N., Helen Ruth, and Marjorie M.

THOMAS, ALEXANDER NAPIER, deceased, pioneer of Hamilton county, Neb., was a native of Fairview, N. J., where he was born July 5, 1839. His parents were Fred J. and Ann (Napier) Thomas, the former a minister of the Christian (Disciples) church. Alexander N. Thomas, at the age of fourteen years, removed with his parents to South Bend, Ind. In August, 1862, he left college and enlisted in Company C, 73d Indiana volunteer infantry. He served until July, 1865, participating in many of the important engagements of that period. He was taken a prisoner May 3, 1863, and was confined in rebel prisons until November 30, 1864, when he made his escape near Columbia, S. C. After the war he returned to his home, and for eight years served as recorder of St. Joseph county, Ind., two years as a member of the city council, and two years as mayor of South Bend. He was admitted to the bar and engaged in the practice of law in Indiana, until his removal to Nebraska in 1882. In the latter year he settled at Aurora, the county seat of Hamilton county, where he soon attained prominence in the practice of his profession and in public life. He

was elected mayor of Aurora in 1890 and also served as president of the city school board for one term. In 1894 he was elected to represent Hamilton county in the state legislature. Mr. Thomas was for many years an elder in the Christian church. In 1865 he became a member of the Masonic order, and was also a member of Zack Chandler post No. 44, G. A. R., of Aurora, of which he served as commander for two years. He was married December 5, 1865, to Miss Addie V. Hodgkinson. Mrs. Thomas, a daughter of James and Margaret (Fussel) Hodgkinson, was born at Niles, Mich. Mr. and Mrs.

Thomas became the parents of four children: Horace N., Chicago; Addie Margaret, now Mrs. A. E. Peterson, Aurora, Neb.; Fred A., a practicing osteopath, Aurora, Neb., and James O., who resides with her mother. Mr. Thomas died at his home in Aurora, March 26, 1904.



ALEXANDER NAPIER THOMAS

THOMAS, AUGUSTUS O., Ph. D., president State Normal School, Kearney, Neb., son of William L. and Mary Cox Thomas, was born in Mercer county, Ill. He attended Amity College, College Springs, Ia., for two years, and then the Western Normal College, at Shenandoah, Ia., graduating from the scientific department in 1891, with the degree of B. S. In 1894 he was graduated from Amity College, with the degree of Ph. B. He continued his studies, doing non-resident work and received the degree of Ph. D. in 1897. In 1892 he became principal of the schools at Cambridge, Furnas county, Neb., and afterwards superintendent of schools at St. Paul, Neb. He was for five years superintendent of schools at Minden, Neb., then superintendent of city schools at Kearney, Neb., and was elected president of the Kearney Normal School in June, 1905. He was elected president of the normal school department of the National Educational Association for 1908. He is a member of the Disciples church. He holds membership in the Masonic order

and Knights of Pythias. In 1894 he was married to Miss Ella M. Colvin, of Arapahoe, Neb., and two children have been born to them: Paul Augustus and Maria Kathryn.

THOMAS, DR. ELMER A., dentist, Red Cloud, Neb., was born in Webster county in 1874, son of Lorenzo D. and Mary A. (Chambers) Thomas, who were married in Webster county in 1873, and now reside at Cowles. Mrs. Thomas is a daughter of Joseph and Nancy (Brown) Chambers, who removed from Knox county, Ill., to Webster county, in 1873. Joseph Chambers was born in Licking county, O., October 8, 1818. Nancy Brown was born in Pennsylvania December 11, 1818. The paternal grandparents of Dr. Thomas were Abram and Phoebe (Lynder) Thomas, of Belmont county, O. His great-grandfather was a soldier in the Revolutionary War. Lorenzo D. Thomas, son of Abram and Phoebe (Lynder) Thomas, was born in Belmont county O., in 1846. In 1866 the family removed to Cass county, Neb. In 1871 Lorenzo D. Thomas removed from Cass county, Neb., to Webster county, where he was one of the three first settlers of Elm Creek township. The children of Lorenzo D. Thomas are: Dr. Elmer A., the subject of this sketch, Ida, Homer, Nicholas, Simeon Blaine, and Mabel. Dr. Thomas received his early education in the schools of Webster county. He then spent one year at the University of Nebraska dental college, Lincoln, and was graduated from the Omaha University dental college, in 1903, since which time he has been engaged in practice in Red Cloud. He is a member of the Methodist Episcopal church, of which he is a trustee. He was superintendent of the Sunday school, and president of the Webster County Sunday School Association for two years, 1906-7. He is a member of the Independent Order of Odd Fellows. Dr. Thomas married Miss Jessie Radey, daughter of Henry D. Radey, a pioneer settler of Nuckolls county, Neb.

THOMAS, G. J., postmaster of Harvard, Neb., was born near Harlech, Wales, January 20, 1847. He is the son of John G. and Mary (Williams) Thomas, natives of Wales. They emigrated to America in 1851, first located at Remsen, N. Y., near Utica, afterwards at Utica, and then at Frankfort Hill, Herkimer county, where Mrs. Thomas died, in April, 1854. In September, 1855, father and son removed to Wisconsin, locating at Berlin, Green Lake county, where the son grew to manhood and the father died in 1900, aged eighty-eight years. Griffith J. attended school until 1859, when he engaged as a farm laborer, attending school for three months in the winters. He followed farming until August 20, 1862, when he enlisted as a drummer in

Company C, 32d Wisconsin infantry, serving one month, and failing of muster because of his age and size. He then entered the office of the Berlin *Courant* to learn the printing trade, at which he worked until July 27, 1863, when he went to Milwaukee, Wis., and enlisted as drummer in Company B, 1st Wisconsin heavy artillery, with which he served until the close of the war, being mustered out at Madison, Wis., September 4, 1865. April 1, 1866, he entered the revenue marine service as quartermaster on board the revenue cutter, John A. Dix, stationed at Detroit, Mich., and cruising on Lake Superior. He was stationed at Detroit as ship-keeper during the winter, and on April 1st was discharged at his own request that he might return home and complete his trade of printing. He remained with the Berlin *Courant* as devil, foreman, and for two years as managing editor, until 1876, when he was elected city clerk. On May 1, 1877, having been appointed postmaster of the place by President Hayes, he entered upon his duties. He served in this capacity until August 16, 1886, when he was relieved at his own request on account of failing health. He became identified with the Grand Army of the Republic immediately upon his return from the revenue service and has kept active membership since. He served as adjutant of his post for six years, held numerous department offices, and had the honor of serving the department of Wisconsin as commander during the years 1879, 1880, and 1881. He also was a member of the Knights of Pythias, serving as keeper of records and seal for seven years; was recorder of the Temple of Honor, and a member of the Masonic lodge and the A. O. U. W. On November 1, 1874, he was married to Miss Anna E. Griffith, a native of Utica, N. Y. To them were born two sons, George Henry and Harrie Griffith.

In October, 1886, in the hope of regaining lost health, he removed with his family to Harvard, Neb., near which place he had purchased a farm, and here for two years he resided, enjoying the genial climate and watching the development of the country around the little city of Harvard. In the fall of 1888 he moved from his farm to the city, to give his sons better school advantages, and in the spring of 1889 he purchased the Harvard *Courier* printing plant, in which he still holds an interest, his younger son being the active manager. He became prominently interested in the affairs of the city, and so continues to this day. He was chosen city clerk in 1893 to fill a vacancy, and the same year was elected a member of the board of education and served as secretary until 1896. In the G. A. R. and Knights of Pythias he has been continuously in some position or other, and in the Masonic lodge has served as secretary since 1893.

He was appointed postmaster of Harvard by President William McKinley and has been reappointed by every administration since, now serving his fourth term.

His elder son, George H., graduated from the Harvard high school in 1893 and from the University of Nebraska in 1897. He taught his first term of school as science teacher in the McCook high school, his second in the same capacity in the Harvard high school, going during his second year to accept the superintendency of the Nelson high school. The next year he was elected superintendent of the McCook high school, serving in that capacity for seven years. Upon leaving school work he entered upon a business career, as cashier of the Union State Bank of Harvard, which position he now holds. At the spring election of 1911 he was chosen as mayor of the city without opposition. He is married, but has no children.

The younger son, Harrie G., graduated from the Harvard high school in the spring of 1896 and soon thereafter took up his life work in the Harvard *Courier* printing office under his father, and in 1898 was given a half interest in the business, which he has developed into a first-class plant, having a linotype, power presses, folder, and everything needed in a thoroughly equipped office. He was appointed clerk to the state printing board during the incumbency of Governor Shallenberger, by the republican state officers, and was reappointed by Governor Aldrich. He is married and has two children, a girl and a boy.

THOMAS, JOHN JACOB, attorney at law, of Seward, Seward county, Neb., was born in Hancock county, Ill., January 1, 1869, son of John C. and Anna C. (Luft) Thomas, of Seward county, Neb. When he was an infant his parents removed from their Illinois home and located upon a homestead in Seward county, Neb. In May, 1886, John J. Thomas graduated from the Seward high school. His business training was commenced in an implement house in Seward with which he was connected for about two years, then he became bookkeeper and draftsman of the Morris Lock Company, postoffice outfitters, and remained with the company until November, 1888, when he entered the law department of the University of Michigan. He was graduated in 1890, admitted to practice in Michigan upon receiving his diploma from the university, and the same year was admitted before the courts of Nebraska. He commenced practice at Seward, and in August, 1891, formed a partnership with attorney Edward C. Biggs. This partnership was dissolved in 1898 when Mr. Thomas became county judge. He was elected county attorney of Seward county in 1894, county judge in 1897, and reelected in 1899.

In politics he is a democrat. Judge Thomas is a member of the Masonic order. In 1906 he was married to Miss Gertrude Kerrihard, of Seward, and they are the parents of one son, John Justin Thomas.

THOMAS, VALENTINE HARLAN, son of Benjamin and Eliza (Morris) Thomas, was born near Richmond, Ind., in 1843. The family came from Wayne county, Ind., to Nebraska in 1856, the father having died in Indiana in 1852. At the time of reaching Nebraska Mr. Thomas was but thirteen



VALENTINE HARLAN THOMAS

years of age. Arriving in Nebraska he engaged in farming and trading with the Pawnee Indians, who at that time were living on the Platte river, about six miles from Mr. Thomas's home, a place now known as Leshara, Saunders county. In 1861 he was employed by the Stebins Telegraph Company to help build a line from Fort Kearny to Julesburg, Colo. In 1863 he enlisted in the 2d Nebraska regiment and served in the Indian campaign in North Dakota under General Sulley. In 1864 he went to California, returning to Nebraska in 1866 by way of Central America. In 1869 Mr. Thomas married Miss Nancy Snowden, daughter of William P. and Rachael Snowden (whose biographies appear in this work). Mr. Thomas was appointed postmaster at Valley in 1872 and was reappointed several times, serving in all about fourteen years. He is a repub-

lican, has been a delegate to numerous state and county conventions, and has filled local offices. For many years Mr. Thomas has been engaged in farming near Valley. Mr. and Mrs. Thomas are the parents of four children: Frank H., a conductor on the Oregon Short Line railway; Laura E., wife of W. O. White, of Burns, Ore.; May, wife of Frank Nichols, of Salt Lake City, Utah; and William, of Yakima, Wash. Mr. Thomas has always been interested in Nebraska's history and is one of the best informed men in the state as regards the development of the commonwealth. An uncle of Mr. Thomas was James Morris, who served in the Revolutionary War from North Carolina and al-

at Newhall, Cal. Mr. Thomas had two sisters: Mrs. A. Short, of Riverside, Cal.; and Mrs. Mary M. Smith, widow of Addison Smith, Riverside, Cal.

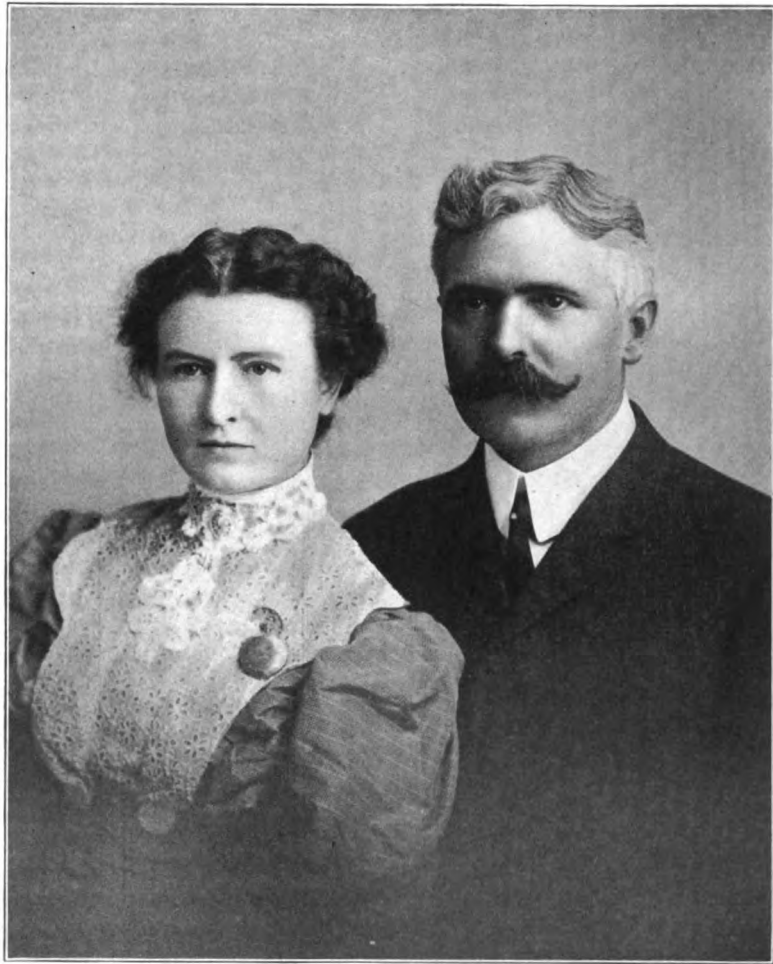
THOMPSON, CHARLES M., of Omaha, formerly of Newport, Neb., where he was president of the Rock County State Bank, was born in Noble county, O., January 1, 1869. His parents, Jacob and Harriet Perry Thompson, were of Scotch-Irish descent. They moved to Kansas when he was a child. His education was received in the public schools of that state and in the State Normal School of Iowa, from which he graduated in 1892. He engaged in teaching for a number of years, meeting with marked success. He was principal of the Pella, Ia., and LeRoy, Minn., schools, and superintendent of the Corning, Ia., schools. In 1898 he removed to O'Neill, Neb., and the following year to Newport, where he organized the bank of which he was president and owner. He was married to Miss Bertha V. Berry, of Rock Rapids, Ia., June 27, 1894. Mrs. Thompson was vice-president of the Rock County State Bank. Mr. and Mrs. Thompson are the parents of two children, Gayl C. and Lois B. Mr. Thompson is an Odd Fellow and a member of the Congregational church. In 1911 Mr. and Mrs. Thompson removed to Omaha, where Mr. Thompson is engaged in the loan and real estate business.



MRS VALENTINE HARLAN THOMAS

so in the War of 1812. A brother of Mr. Thomas, John M., left Nebraska in 1859 and became prominent at Washoe, Nev. In 1869 he went to Los Angeles, then a village, and owned and operated the largest sheep ranch in California at that time and was one of the founders of the towns of Moravia and Whittier. He was for four years state dairy commissioner and also served as horticultural commissioner for Los Angeles county. A brother, Miles, died at Omaha in 1857. He was deputy sheriff under Sheriff Cameron Reeves, and a brother, Aaron M. Thomas, lives at present at Riverside, Cal. He left Nebraska in 1873. The two last named were graduates of Tucker College. A brother, Henry Thomas, went to California in 1857 with the first Majors & Russell train and now lives

THOMPSON, DAVID EUGENE, late ambassador to Mexico, a resident of Lincoln, Neb., was born near Coldwater, Mich., in 1854, son of John H. and Rhoda (Bennett) Thompson. When he was nine years of age his mother died, and two years later the death of his father left him an orphan. In 1871 he came to Lincoln and in 1879 he was appointed superintendent of the Burlington system west of the Missouri river, which position he filled until 1890, when he resigned to devote his attention to his private interests. One of his projects was the Farmers' and Merchants' Insurance Company, of which he was president for ten years. He was also one of the organizers and was president of the Columbia Fire Insurance Company, of Omaha. For many years he was president of the Lincoln Gas and Electric Light Company and is a heavy stockholder in different banking and other financial institutions in Nebraska. In 1899 it was determined that the volunteers who were returning from Manila to San Francisco to be mustered out, should be returned to their Nebraska homes without expense to themselves. The cost of transportation would reach a sum approximating \$50,000. Governor Poynter decided to raise the funds necessary by means of a popular loan, to be repaid from an appropriation which it was hoped the legislature at its next session would provide. Mr. Thompson made the prop-



MR. AND MRS. CHARLES M. THOMPSON

osition to advance \$20,000, and upon acceptance of the proposal by the governor, the amount was promptly supplied. He is a republican, and in 1898 became a strong candidate for a seat in the United States senate, and during the session of the legislature in 1899 made a fight for the honor, though he failed of election, and was again a candidate in 1901. In April, 1902, Mr. Thompson was appointed by President Roosevelt, minister to Brazil, and in January, 1902, he was advanced to the rank of ambassador to Brazil. In January, 1906, he was appointed ambassador to Mexico, an office which he resigned in 1910 on the purchase by himself of a railway in Mexico which he is now engaged in developing.

THOMPSON, GORDON EWING, of Big Springs, Neb., was born August 26, 1847, in Mercer county, Pa., son of Alexander and Annie (Love) Thompson. In 1878 he came to Bennett, Colo., and engaged in the sheep business. In November, 1880, he went to Big Springs, Neb., and from 1884 until 1887 settled about five hundred people on government land in Cheyenne, Keith, and Perkins counties. In 1884 he homesteaded the townsite of Big Springs, Neb. In later years he has been engaged in raising standard bred horses. Mr. Thompson is a republican and served as the second sheriff of Deuel county, 1896-97.

THOMPSON, MOSES B., of Albion, Neb., was born in Jackson, Washington county, N. Y., March 4, 1849. His parents moved to Cambridge, N. Y., in 1860. He attended the Cambridge schools and Washington Academy. He came to Nebraska in March, 1870, locating first at Bellevue, and later at Beatrice. From Beatrice he went to Red Cloud, where he engaged in the banking business, as a member of the firm of Smith Bros. & Thompson. In 1882 he located in Albion and engaged in the banking business under the style of Thompson & Baker. In 1890 the Albion National Bank was organized with Mr. Thompson as president, which position he still (1911) occupies. Mr. Thompson is a republican. He is a member of lodge No. 1, A. F. and A. M., Omaha. He takes a deep interest in all movements calculated to improve the social and financial conditions of the state, and is rightly deemed a public spirited and enterprising citizen.

THORNE, W. E., farmer and stockman, of Bladen, Neb., was born in Jackson county, Mich., 1851, and is the son of W. B. and Deborah (Bowerman) Thorne. W. B. Thorne was born in Schoharie county, N. Y., son of Thomas S. and Polly (Brayman) Thorne. Deborah Thorne was born in Otsego county, N. Y., daughter of Seth and Mary

(Burgess) Bowerman. Our subject, Mr. W. E. Thorne, came to Webster county, Neb., in 1871, his father's family coming the following year. W. E. Thorne's father homesteaded in Adams county and was prominent among the early pioneers, serving as county treasurer three terms. He died in Webster county in 1888. He was an honorary member of the G. A. R. post at Bladen. W. E. Thorne has one brother, LeGrand B. Thorne, now residing in Horton, Mich. In the year 1876 W. E. Thorne was married to Miss Alice M. Maxwell, daughter of David D. and Susan (Ott) Maxwell, both natives of Cumberland county, Pa. In 1862 Mr. Maxwell enlisted in Company H, 103d Illinois infantry, and served three years, being made corporal of his company. He took part in the battles of Chattanooga, Chickamauga, Kennesaw, Lookout Mountain, and the siege of Vicksburg, and also went with Sherman to the sea.

W. E. Thorne soon became one of the most prosperous farmers and stock-raisers in central Nebraska. He owns over 1,400 acres of land, all being in a high state of cultivation. For years he has made a specialty of Polled Angus cattle, and Norman and Morgan horses. He was appointed registrar in 1872 and made the first list of qualified voters in his precinct. He has held the office of county surveyor several terms, and was a member of the Nebraska state senate in 1907, representing the counties of Nuckolls, Webster and Franklin in that historic session. Mr. Thorne was identified with the farmers' alliance and is a member of the Masonic order. His children are: Rose Mary, now Mrs. Milton Farley, of Minneapolis, Minn., and W. L. Thorne, of York, Neb., both being graduates of the Nebraska State University, class of 1900.

THORNTON, CAPTAIN S. W., of Kearney, Neb., retired, came to Buffalo county in 1874 and homesteaded in Thornton township, named for him. He was born in Madison county, O., son of Abner and Esther (Strain) Thornton. They were pioneers in Ohio. In 1859 Mr. Thornton went to Washington county, Ia., and in 1861 enlisted in the 8th Iowa infantry, Company C, and served up to February, 1865. He was taken prisoner at Shiloh and kept in Memphis, Mobile, and Macon prisons. He joined the regiment in St. Louis, then they moved to Vicksburg, and from there to the Memphis and Charleston road as patrol guards. Mr. Thornton was severely wounded and was in the hospital from August 21, 1864, to February, 1865. Mr. Thornton is a republican. He was elected to the Nebraska state legislature in 1886, from Buffalo county, and served one term. He advocated and helped to pass the two cent railway fare bill, and bought the first two cent ticket sold out of Lincoln. H. C. An-

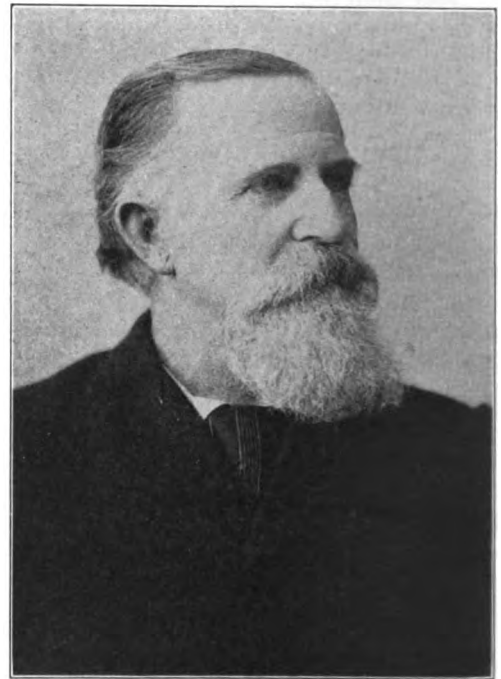
draws, from Buffalo county, was also in the 20th session, and he and Mr. Thornton obtained \$75,000 for the Kearney Industrial School. Mr. Thornton has served on the county republican committee for the last thirty years and as chairman most of this time. His son, William Thornton, is now on this committee and is chairman. S. W. Thornton is a member of the G. A. R., Smith Gavitt post No. 299. He was on the staff of the state commander, L. C. Richards, as colonel. Mr. Thornton was married in Ohio, to Miss Sarah Lavinier. They were the parents of eight children: Eva, deceased, wife of John Livensen of Sartoria, Buffalo county; William Thornton, of Thornton township; Mrs. Mary Esther Lyonberger, of Henry county, Mo.; Harvey L. Thornton, of Divide township; Charles, drowned at the age of sixteen years; Mabel L., of Lincoln county, Neb.; Mrs. Kate McClelland, of Denver, Colo.; and Mrs. Belle Cusby, of Riverdale township. Mr. Thornton was married a second time, to Miss Daltastine Hopkins, of Bloomingburg, O.

TIDBALL, JOHN LEONIDAS, pioneer banker of Crete, Neb., was born in New Castle, Lawrence county, Pa., October 6, 1844. He is a son of James and Cynthia L. (Dunlap) Tidball, whose ancestors came to America in the eighteenth century. John L. Tidball graduated from Duff's Commercial College, Pittsburgh, in 1865. He came to Nebraska in 1869 and settled in Ashland. With H. A. Iddings he opened the first lumber yard there, hauling material from Plattsmouth, Omaha, and South Bend. In 1870 he disposed of his lumber yard in Ashland and came to Saline county, where he erected the first building in Crete. In it Mr. Tidball conducted a general merchandise store under the name of Volintine, Tidball & Co., and started branch houses at Dorchester, Harvard, and Lowell, to supply the B. & M. contractors who were constructing the main line of that road west to Kearney. The firm was dissolved in 1873 and Mr. Tidball engaged again in the lumber business with H. S. Fuller. They had branch yards in many towns south of the Platte. In 1882 others with Mr. Tidball, organized the First National Bank of Crete and he was elected president, which position he still holds (1911). He disposed of his lumber interests in 1898. Mr. Tidball is a republican, and served on the first Crete village board and for twenty-one years on the public school board. He has been a member of the Masonic order since 1866 and was a charter member of the Crete lodge No. 37, also of the Mt. Zion lodge No. 17. He is a member of the Mt. Moriah commandery of Lincoln, Neb. Mr. Tidball was married in Warren, O., October 10, 1871, to Miss Emma S. Fuller, and five children have been born to them: Clayton F., married to Miss Bessie Murphey, of

Crete, and now a resident of Ravenna, engaged in the grain and lumber business; Mary S., the wife of Rev. Lucius F. Reed, of Montpelier, Vt.; Katherine L., wife of A. D. Johnson, of Cheyenne, Wyo.; John L., Jr., married Miss Violet Sweney and resides in Ravenna; and Harriet P., wife of T. L. Johnston, of Holdrege, Neb.

TIEHEN, HERMAN, deceased, of Richardson county, Neb. (see page 758, Vol. I), died March 4, 1911, and is survived by his widow and five children: John, of Salem, Neb., farmer, who married Mary Hennessey, whose children are George, Thomas, and Katie; Mary, wife of W. MacDougall, of Falls City, Neb., whose children are Veronica, May, Bessie. Herman, Anna, and John; Katie; William, who married Christine Mauser, whose children are Sylvester and Mildred; and Agnes.

TIMME, GEORGE E., deceased, late of Omaha, came to Nebraska in 1868 from Chicago. He was born in Hanover, Germany, in 1833 and came to the

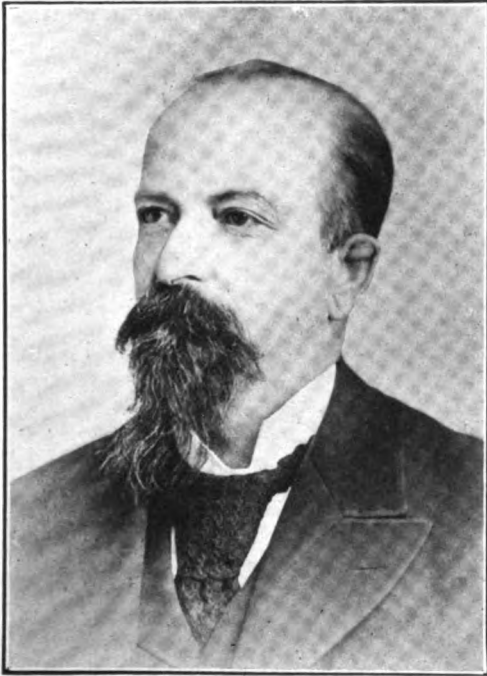


GEORGE E. TIMME

United States in 1847, locating in Chicago. In 1864 he was elected as one of the commissioners of Cook county, Ill., and served in this capacity until 1868. This year he came to Omaha and bought a 160-acre farm four miles northwest of Irvington and resided on it until the time of his death, June 6, 1892. In 1885 he was elected county commissioner of Douglas

county on the democratic ticket and served three years. In 1891 he was again elected county commissioner of Douglas county and was chairman of the board at the time of his death. He was a member of the Masonic and K. of P. orders, and of several German societies. His relatives were Herman Timme, deceased, and a sister, Mrs. Charles Biendorf (see sketch in Vol. I, p. 590). George E. Timme crossed the plains to Denver with his sister and brother-in-law, Charles Biendorf, in 1858, crossing the Missouri river at Nebraska City. His widow by his second marriage resides in Omaha with her children: Elsie Louise, Caroline Dorothy,

removed to Chicago. In 1856 he came with his father to Nebraska and bought 160 acres in Jefferson precinct, Douglas county, which is now owned by Mrs. Timme. In 1860 Mr. Timme returned to Chicago, owing to his father's death, and engaged in the mercantile line for one year. In 1864 he returned to Omaha and was employed in the quartermaster's office of the department of Missouri until 1887, when he located in the town of Bennington and opened a general store, in which he carried a large stock and did a prosperous business up to 1898. For twenty years he was justice of the peace. Governor Crouse appointed him state



HERMAN TIMME



MRS. HERMAN TIMME

and Otto George. Mrs. Timme was before her marriage Miss Mary Juckstadt and was a native of Prussia.

TIMME, HERMAN, deceased, late of Douglas county, Neb., was a son of Christian and Elizabeth (Staats) Timme. He was born in Salzgitter, Hanover, Germany. He graduated at the Collegium Carolinum at Brunswick, Germany, and soon thereafter came to the United States, reaching this country in 1854 with his father, his mother having died at the age of thirty-six years in the fatherland. Christian Timme came to Nebraska in 1856 and died while on a visit to Chicago, aged sixty-five years. Mr. Herman Timme attended the Eastman Business College, Poughkeepsie, N. Y., and then

oil inspector and he served for two years. In 1894 he was elected on the republican ticket to the Nebraska state legislature, representing Douglas county in the lower house. He was chairman of the committee on fish culture and game, and a member of the committee on internal improvements and hospitals for the insane. He was a member of the German Gun Club, but of no fraternal societies, and was president of the German Lutheran church at Bennington. Mr. Timme died in 1899 at the age of sixty-one years. He was married to Miss Wilhelmina Kuhlman, of Chicago, daughter of Frederick and Dora (Schultz) Kuhlman. They came from Hanover, Germany, in 1857, to Chicago, where they resided until the time of their death. Mr. and Mrs. Timme were the parents of seven children: Emma,

wife of Charles Wetmore, of Benson, Neb.; Fred C., a builder, who is ex-deputy sheriff of Douglas county and resides in Omaha; Herman C., also an ex-sheriff of Douglas county, a graduate of the Omaha Business College, and at present with the W. O. W. at Omaha; Sophia, wife of Charles E. Carter, of Omaha; Caroline, wife of William T. Schneider, of Omaha; Louise, wife of H. H. Johnson, of Omaha; and Lillian, wife of W. C. Kramer, of Fillmore, N. W. Canada. A brother of Mr. Herman Timme, George Timme (deceased), late of Omaha, was a county commissioner of Douglas county for some years. Another brother, Frederick, deceased, was a farmer of Douglas county. Mrs. Charles Biendorf (deceased) was a sister and the wife of Charles Biendorf, architect, of Omaha.

TITUS, LISCOMB J., Holdrege, Neb., banker and capitalist, was born November 18, 1841, near Princeton, N. J. His father was Nathaniel H. Titus, a miller and farmer. Liscomb J. Titus was reared in New Jersey, where he engaged in farming and stock raising. In 1879 he came to Nebraska and settled at Harvard, where he organized the bank of Updike & Titus, and in 1887 organized the Union State Bank. He was mayor of Harvard for three years and president of the board of education. In 1893 he removed to Holdrege, entering the First National Bank, of which he has since been president. August 6, 1862, Mr. Titus enlisted in the 14th regiment, New Jersey volunteers, and served throughout the war. He is a member of the Grand Army of the Republic and the Congregational church. Mr. Titus was married October 4, 1866, at Pennington, N. J., to Mary Updike, who died in 1877. They were the parents of two sons, Edward G. and George H., now respectively cashier and assistant cashier of the First National Bank of Holdrege. In 1879, at Harvard, Mr. Titus married Liela A. DeHart, a native of Virginia. They are the parents of three children: Louis B. and Liscomb W., and a daughter who died in 1897.

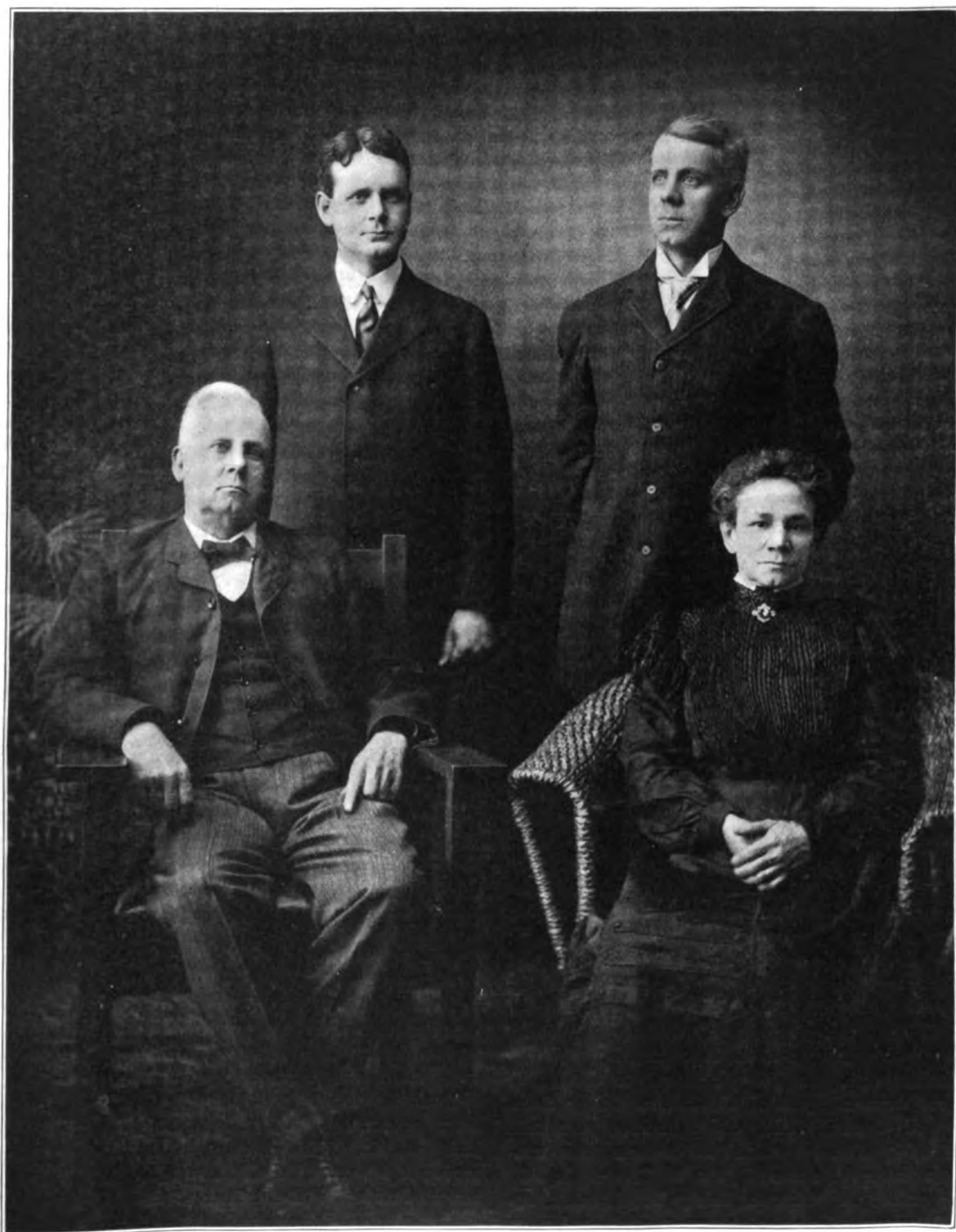
TOBEY, GEORGE E., sales manager for Chas. Strader & Company, Lincoln, Neb., was born in Cedar county, Ia., in 1870, son of Henry and Adelle (Ludden) Tobey, who became pioneers of Butler county, Neb., in 1871, settling on a homestead near Ulysses. Henry Tobey was born in Providence, R. I., and his father, George A. Tobey, was a pioneer of Illinois. Adelle Ludden Tobey was born in Oconomowoc, Wis., daughter of Chauncey and Louise (Washburn) Ludden. Both the Ludden and Washburn families are of colonial stock, the Washburns tracing their ancestors back to the Mayflower. Henry Tobey enlisted for the Civil War at Sterling, Ill., in 1862, and served in Company

D, 75th Illinois infantry, until the close of the war. He participated in all of the important battles of the regiment. He died in 1890 at the age of forty-seven years. Mr. Tobey was a member of the Grand Army of the Republic, and was commander of Farnsworth post, at Ulysses, for a number of years. He is survived by his widow, who resides in Lincoln, Neb. Mrs. Tobey is past president of Farragut Relief Corps, and is now the matron of Lincoln chapter No. 148, O. E. S. George E. Tobey was educated in the high school at Ulysses, Neb., and in the Nebraska State University, graduating from the law department in 1899. He was appointed private secretary to Congressman Elmer J. Burkett, serving for six years of Mr. Burkett's



GEORGE E. TOBEY

terms in the house, and his first two years in the senate. January 1, 1908, he resigned to accept a position in Lincoln. In politics he is a republican. While a student at the university, Mr. Tobey was secretary of the Hayward Republican Club, and delegate from Nebraska to the national league of republican clubs held at Philadelphia in 1898. During his senior year he was the consul of the Lincoln chapter, Phi Delta Phi. He was secretary of the congressional committee in the first congressional district during three campaigns, and while in Washington was twice elected president of the national association of secretaries to members of con-



MR. AND MRS. EDWIN S. TOWLE AND THEIR SONS, EDWIN H. AND JOHN W. TOWLE

gress. He is a member of the Masonic fraternity, and was the first captain of camp No. 6, Sons of Veterans, at Ulysses, Neb. Mr. Tobey was married to Miss Aura E. Gardner in 1899.

TOLLES, LOUIS CLARK, pioneer of Laurel, Neb., was born November 17, 1847, at Weathersfield, Vt., son of Franklin and Martha (Gill) Tolles. Franklin Tolles was one of the best known stock men in Vermont. L. C. Tolles attended the academy at Meridian, N. H. He came to Nebraska in the spring of 1870 and settled where the town of Laurel now is, on a homestead, and engaged in farming, stock raising and buying and selling horses. He was one-half owner of the Laurel townsite. February 24, 1874, he married Augusta Ankeny, and seven children have been born to them: Ethel, the wife of J. Frank Mills, Sheridan, Wyo.; Earl, farmer at Laurel; Chester, Ralph, Helen, Fay, and Perry. His son-in-law, John Franklin Mills, was born at Brooklyn, Ia., February 6, 1871, entered the State University of Nebraska, and came to Cedar county in 1892; bought the Laurel *Advocate*, and has had a successful career as a journalist and real estate broker in Nebraska and Wyoming.

TOWLE, JOHN WEBSTER, of Omaha, Neb., son of Edwin S. Towle (see p. 760, Vol. I) and Kittie L. (Dorrington) Towle, daughter of the earliest permanent settler and first mayor of Falls City, Neb. (see pp. 640-641, Vol. I), was born at Falls City, Neb., August 28, 1872. He attended the public schools of Falls City, graduating in the class of 1889. During the year 1889-1890 he attended Highland University, Highland, Kan., preparing for Cornell University, Ithaca, N. Y., which he entered in the fall of 1890, graduating in 1894 as a civil engineer. He took an active part in athletics and all student activities, but always stood well in his classes, one term being second in a class of 425; was a member of the Alpha Tau Omega, and Sphinx Head, a senior society for honor students. He settled in Falls City during the hard times of 1894-95-96, loaning money on Richardson county farms and getting a start in contracting and engineering work. In 1897 he moved to Omaha as general western agent of the Canton Bridge Company, of Canton, Ohio, which position was held until 1900, when he started in business as a contractor under the name of John W. Towle. In 1899 he organized the Nebraska Bridge Supply and Lumber Company, which has become one of the largest wholesale and manufacturing lumber concerns in Nebraska, and is now its president. In 1906 the Western Bridge & Construction Co. succeeded to the business of John W. Towle, with Mr. Towle as its president until January, 1911, when he retired to

develop the affairs of the Omaha Structural Steel Works, which corporation has just completed the largest structural and bridge manufacturing plant west of Chicago. Mr. Towle is also president of the Omaha Heavy Hardware Co., and vice-president of the Independent Lumber Co. Besides being heavily interested in business in Omaha, he is interested in farming west of Falls City, where, in partnership with Alexander Hilgenfeld, he owns and operates a place of 540 acres. Mr. Towle has always been a republican, but never held an office except that of county surveyor of Richardson county in 1895-96 and city engineer of Falls City, 1894-95-96-97; was one of the original progressives and a great admirer of Theodore Roosevelt. He is a member of the Omaha Club, the Field Club, the Racquet Club, the University Club, the Happy Hollow Club, the Elks, and the Commercial Club; also the Pioneers' Association of Nebraska, and of the First Methodist Episcopal church of Omaha, serving on the official board. He was married on September 3, 1894, to Miss Naomi F. Everts at Geneva, Ill. Miss Everts lived for ten years southwest of Falls City. They are the parents of three children: Marion R., and Naomi E., who are at home and attending the Omaha schools. and Everts Sargent, who died at the age of one year.

TOWNSEND, JOHN W. retired, Crete, Neb., son of John and Temperance (Householder) Townsend, was born April 26, 1841, in Hartford City, Ind. His father, John Townsend, of Irish extraction, was born near Elmira, N. Y., in 1811, and died May 9, 1856, in McHenry county, Ill. His mother was of German parentage, and was born July 13, 1817, in Pennsylvania. John Saxon, the great-grandfather of John W. Townsend, served in the Revolutionary War, and the War of 1812, the Black Hawk War, and lived to see the beginning of the Civil War. He died in August, 1862, at the age of 101 years and seven months. John W. Townsend enlisted for the Civil War April 20, 1861, in Company H, 12th Indiana regiment. He saw active service in Virginia, West Virginia, and North Carolina. He was disabled early in the war with a broken hand. The 12th Indiana was the veteran regiment of the corps, and was kept at the front. He was discharged June 13, 1862, having contracted from exposure a lung trouble that remained with him for thirty years. At the close of the war he moved to Marengo, Ia., where he resided three years, and in October, 1868, settled in Saline county, Neb., taking a soldier's claim four and one-half miles west of Crete. After five years he moved to Crete, where he conducted a hardware and implement business for many years. The grasshopper scourge of 1874 brought ruin to the farmers, and consequently to the implement trade. Mr. Townsend and his two

partners were forced out of business, but every dollar of indebtedness was paid in full by Mr. Townsend. He has been a life-long democrat, served many years on the county central committee, and was chairman of the 4th congressional district committee. He was a delegate to every state convention for about twenty years. He was postmaster at Dorchester, Neb., from 1886 to 1890, and for two years he was secretary of the executive board of the Grand Island soldiers' home, by appointment of Governor Boyd. He was married, February 7, 1863, in Hartford City, Ind., to Miss Margaret E. Goodin, daughter of Isaac and Fannie Goodin. Mrs. Townsend was postmistress of Hartford City from 1861 to 1863, taking her father's place while he was in the army. Mr. and Mrs. Townsend are the parents of two children: I. Ora, of Fremont, who married Annie Deems, and Cora A., who resides in Crete.

TRAINOR, PATRICK J., mayor of South Omaha, elected in 1910, was born in County Louth, Ireland,



PATRICK J. TRAINOR

son of Peter Trainor, who died in Ireland, February 27, 1911. He came to New York at the age of ten years and was educated in the public schools. He came to South Omaha in September, 1887, and was with the Hammond Packing Company, and was later elected county commissioner of Douglas county and served for five years, beginning in 1904. He has also filled the office of ward assessor and city councilman. While county commissioner he was

chairman of the county hospital committee and the poor farm committee for both terms. A system for checking and weighing which he promulgated is said to have saved the county many thousands of dollars per year. He was chairman of the bridge committee and was a strong advocate of permanent bridges, and was instrumental in having the first concrete bridge in the county built on the west Q street road west of South Omaha, and was also a factor in the paving of Q street across the Papio valley. Mr. Trainor was insistent in the advocacy of a viaduct across the Burlington tracks on west Q street and was indefatigable in the carrying out of this improvement. In politics Mr. Trainor is a republican and for many years has been active in political affairs. He is a member of the Elks, the Woodmen of the World, and the Foresters. In the spring of 1910 he was elected mayor of South Omaha on the republican ticket. He settled a packing house strike the first month of his administration. Mr. Trainor was married in October, 1900, to Margaret Kelly of Vail, Ia. Their children are: John B.; Thomas, and Anna. Mrs. Trainor died in 1906.

TRASK, ISAAC N., president and manager of the Farmers Elevator Company, Geneva, Neb., settled in Fillmore county in 1879, coming from Putnam county, O. He was born in Columbus Grove, O., June 21, 1856, and received his education in the public schools, and at the Ada (O.) Business College. Mr. Trask was reared on a farm and until late years has devoted his entire time to farming and stock raising. Upon his arrival in Nebraska he located upon a homestead near Geneva. Mr. Trask took part in the farmers' alliance and the populist movements which culminated in the Omaha convention of 1890. He has of late affiliated with the democratic party, and in 1902 was elected to the state legislature as representative from Fillmore county, as a fusionist. He served on the committees on asylums, university and normal schools, and mines and minerals. In 1905 he organized the Farmers' Elevator Company and erected an elevator at Geneva, with a capacity of 40,000 bushels. This elevator has at times paid as much as eight cents a bushel more than other elevators for wheat. He has been a member of the county democratic central committee, of which he was chairman, but has given up active political work. He is a member of the Masonic order, the Independent Order of Odd Fellows, and the Rebekahs. Mr. Trask was married in Ohio in 1877 to Miss Amelia Fravert. They have two children, a son and a daughter. The son, Walter, lives on the farm.

TRUE, MELVILLE BEVERIDGE COX (deceased), educator, author, and lawyer, formerly of

Tecumseh, later of North Loup Valley county, Neb., was born in Franklin county, Me., January 22, 1838, son of James Kennedy True and Martha French Baker. His paternal ancestors were residents of Huddersfield, Yorkshire, England. Henry True came to America with Sir Richard Saltonstall, about 1630, and settled at Salem, Mass. His grandfather, Zebulon True, was a soldier in the Continental army of the Revolutionary War. M. B. C. True's early education was acquired from private tutors. When he was still a child his parents removed to Pascoag, R. I., where he attended the public schools and private academies. Later he worked in the woolen mills. He early decided upon law for his profession and spent his spare hours in reading such law books as he could secure. In 1858 he became a resident of Iowa where for a time he taught school. He entered the preparatory department of Cornell College at Mount Vernon, and continued reading law under the preceptorship of Rush Clark, of Iowa City. His intention to take a college course was ended by the Civil War, for he enlisted in Company H, 2d regular Iowa cavalry, at Iowa City, August 14, 1851, and served the full term of his enlistment, and rose to the rank of quartermaster sergeant in the regiment. In January, 1864, he helped to organize the 1st Mississippi mounted rifles, at Memphis, Tenn., and four companies were recruited. He was made captain of Company C, and was in immediate command of the battalion. During his service he was under General Pope in his movements about Madrid and southeastern Missouri, Island No. 10, and Corinth. After the war he returned to Iowa, and again engaged in school teaching and the study of law, and in 1867 was admitted to the bar at Iowa City. He conducted a newspaper and practiced law at Toledo, O., for a time, and in December, 1873, bought an interest in the *Lincoln Leader*, an evening daily paper at Lincoln, Neb., which, with Rev. Charles Little, he conducted until it was discontinued in April, 1874, the city not being large enough to support an evening paper. Soon after he opened a law office at Crete, Neb., forming a partnership with C. J. Bowlby, which was continued about four years. For six years he was a member of the Crete school board, serving two years as president and two years as secretary. In 1882 he became editor of the *Saline County Union* and later of the *Globe*. In 1885 he was appointed superintendent of the Crete schools and organized the high school grades. Afterward he did high school work at North Loup, in Valley county, for three years; at Edgar, one year; at Brownville, one year, and at Tecumseh, three years. In 1885 he wrote and published a text-book on the civil government of Nebraska, with a short history of the state attached. In 1887 he compiled and published a text-book on the civil

government of the United States, both books being still in use in Nebraska public schools. When in educational work, Mr. True strove for higher standards in the schools. He was prominent in the organization of the State Association of Superintendents and Principals in 1888.

In 1894 he turned his attention to law, succeeding to the practice of Chamberlain Brothers at Tecumseh. Mr. True served at Crete as city attorney for two years, and 1898 was elected county attorney of Johnson county, and reelected in 1900. He was a member of the state legislature in 1879, and from 1880 to 1883 was a member of the Nebraska Normal School board. He was a member of the Grand Army of the Republic, the Sons of the American Revolution, and the Nebraska State Historical Society. He was married to Mary Catherine McFarland, May 31, 1864, and was the father of six children: Jessie Fremont, wife of E. J. Babcock, of North Loup, Neb.; Charles Sumner, died January 1, 1867; Aleric Roy, died October 21, 1898; Archie McFarland, a soldier of the 1st regiment, Texas cavalry, in the Spanish-American War, later in the United States signal corps at Manila, Philippine Islands; Sidney Merlin, banker, at Center, Colo.; and Abigail Kennedy, wife of M. M. Doan, of Kennewick, Wis. Mr. True was a member of the Unitarian church. Mary C. True resides at North Loup, Neb.

TRUETT, FERDINAND A., of Lincoln, Neb., son of David and Irene (Hirsch) Truett, was born in Lowell, Mass., January 25, 1839. David Truett was born in Grafton, N. H., where his ancestors had settled about 1660, coming from England. Irene (Hirsch) Truett was born in Middlesex village, Mass. The grandfather of David Truett, David, Sr., was a soldier in the Revolutionary War, while his father, also named David, served in the War of 1812. Mr. Truett moved in 1854 with his father and family to Juneau county, Wis., where his father purchased a large farm which is still in possession of a sister and her husband. In the spring of 1860 Ferdinand A. started to Pike's Peak, with a train, driving an ox team and wagon, taking a saw-mill, quartz-mill and hardware stock. He started from St. Joseph, Mo., through Marysville, Kans., thence into what is now Jefferson county, Neb., to old Fort Kearny, and up the South Platte river to Denver, then a town of adobe houses and tents. He established the saw-mill the first summer, and then engaged in placer mining in Georgia gulch and vicinity, near where Leadville now is. In the early winter of 1861 he started for home to enlist in a regiment then forming. Indian troubles on the plains and the rebels in Missouri delayed him so that he did not arrive home until

the regiment had left. In 1862, however, he entered the 12th Wisconsin infantry, Company E, with his brother, Edwin M., and served till the close of the war. The regiment took part in the siege and capture of Vicksburg and the next summer engaged under Sherman in the capture of Atlanta, the march to the sea, thence through the Carolinas and Virginia to Washington with the 17th army corps in the grand review. Mr. Truell returned home safely, but his brother, Edwin M., was wounded by his side in a desperate charge on the rebel works in front of Atlanta on July 21st, resulting in the loss of his leg. Edwin was afterwards brevetted as captain and presented with the congressional medal of honor for special acts of bravery on that occasion. Mr. Truell is a member of the G. A. R., having held honorable positions in his local post and the state and national departments. He is a member of the Knights of Pythias. In 1866 he was married to Miss Emily Craker, and, retaining a recollection of the prairies of Nebraska, he, with his wife, in the spring of 1869, with his brother, John R. Truell, set out across country for Nebraska, and on June 1st located on government claims in Rock creek precinct, Lancaster county. Losing his wife by death in 1876, he married Miss Hattie Knowlton, of Sand Lake, N. Y. Two children were born to them, a son, Harold, who died in boyhood, and a daughter, Grace K., now a student in her senior year in the University of Nebraska. In 1894 he purchased a residence and removed to Lincoln. A few years later his wife died. He was later married to Mrs. Alice Foxworthy, widow of J. H. Foxworthy, and a daughter of Richard and Martha (Hardknock) Iiams. Mrs. Truell is a sister of Samuel B. Iiams, an attorney of Lincoln (see sketch in this volume). A sister, Elizabeth M., is the wife of Dr. C. C. Drummond. They are missionaries of the Christian church, stationed in central India. Mr. Truell's three brothers served in the Union army; David H., the younger, is a prosperous farmer in Lancaster county.

TUCKER, FREDERICK AVANDA, deceased, late general superintendent of the Omaha and Council Bluffs Street Railway Company, was born at Old Town, Me., September 9, 1848, and died at Omaha, Neb., November 11, 1906. Mr. Tucker was of English and Scotch ancestry, and a son of John Boden and Mary (Goddard) Tucker. He acquired his education in the public schools, worked at surveying lumber, and leaving home at thirteen, spent some time in Minnesota, then in Utah, in the lumber camps, and later in Idaho as a telegraph operator. From there he went to San Francisco, Cal., and, after service of a general character in street railway work, he took charge of the construction of the

Market street cable line. He later went to Kansas City, Mo., and became superintendent of the Kansas City cable lines. He remained in Kansas City about two years, and from there was called to Omaha in the fall of 1888 to become superintendent of the cable railway in the latter city. In 1889, upon the consolidation of the cable and horse car lines in Omaha, Mr. Tucker became general superintendent of the new system. He continued in this capacity during the development of the present street railway system of Omaha, and was largely instrumental in perfecting the present organization. The general excellence of the Omaha street car service is due in a very large degree to the wise management of his department. Mr. Tucker was of a commanding personality, a natural leader of men, and a man of remarkable executive ability. He was looked up to, and held in high esteem by those under his direction. He was especially known for his marked fairness and the absolute justice which characterized his every act, official and otherwise. Mr. Tucker was a member of the A. F. and A. M., blue lodge, of Old Town, Me., and of the Benevolent Protective Order of Elks, of Omaha. He was also an active member of the First Methodist Episcopal church of Omaha. He was benevolent to a marked degree, and generous even to what is sometimes termed a fault. His first marriage was to Miss Nora Readon. They were married in San Francisco, Cal., May 5, 1881. One son was born to this union, John F. Tucker, who saw service in the hospital corps of the United States navy. Mrs. Tucker died in San Francisco prior to Mr. Tucker's removal to Kansas City. He was again married, at Omaha, Neb., April 19, 1892, to Miss Frances Adelaide Armstrong.

TUCKER, JAMES M., of York, Neb., member of the Nebraska state legislature, elected in 1899 on the republican ticket, was born in 1844 in Warren county, Ill., son of James Tucker (a pioneer of Illinois and a member of the Illinois state legislature in 1847, with Abraham Lincoln as a fellow member) and Caroline (Johnstone) Tucker, both of whom were born in Washington county, Pa. James M. Tucker came to Nebraska in 1893 from Warren county, Ill. In 1861 Mr. Tucker enlisted in Company K, 11th Illinois cavalry, under Colonel Robert G. Ingersoll, and served till the close of the war. Mr. Tucker was a prisoner of war for six months. He is a member of the Hardin post No. 27, G. A. R., at Monmouth, Ill. He was justice of the peace and held other local offices in Warren county, Ill., and is also a justice of the peace for York county, Neb. In 1907 Mr. Tucker was elected county supervisor of York county. He was married to Miss Eva Nelson, daughter of Dr.



F. A. Tucker

George Nelson, of Leroy, Kan., who was a member of the first Kansas state legislature about 1860. They are the parents of one child, Glen Tucker, at college in Kansas City. Mr. Tucker is the owner of 640 acres of fine land near the city of York.

TUKEY, ALONZO PEASE, Omaha, Neb., was born at Windham Centre, Cumberland county, Me., April 25, 1845. He is a son of Joshua Tukey, a farmer, who filled numerous positions of trust in the town of Windham. His mother was Lydia Kennard. His great-grandfather, Houchin Tukey, was a soldier in the Revolutionary War, and served at Falmouth, now Portland, Me., in 1776 and 1777, and in the Bagadun expedition in 1779. Alonzo graduated at the state normal school at Farmington, Me., in 1867, after which he took a two years' course in Latin and Greek at Westbrook Seminary, Deering, Me. He was a teacher at Standish, Me., in 1865, and subsequently was principal of the high school at Dennysville, Me., for three years, and then superintendent of the city schools at Mankato, Minn., for five years. In 1879 he settled in Omaha as western agent for the school book publishing house of Taintor Brothers, Merrill & Company. He engaged in the real estate business in Omaha in 1887 and built the Clifton Hill addition. He served as a member of the board of park commissioners for several years, was president of the board for four years, was a member of the board of education for three years, and was president of the State of Maine Club, in Nebraska, on its organization. He was married, August 8, 1871, to Miss Elizabeth I. M. Allan, of Dennysville, Me., a descendant of Colonel John Allan, who had charge of the Indians in eastern Maine and Nova Scotia during the Revolutionary War. They have had five children: Lydia Sargent, widow of W. G. Morrison; Harry Allan, Ethel Maxwell, Louise Melissa, wife of E. R. Morrison, and Allan Alonzo.

TULLEYS, JAMES A., deceased, late of Red Cloud, Neb., was a native of Ross county, O. At the beginning of the Civil War he enlisted in Company H, 27th Ohio infantry, serving three years. He then went to Memphis, Tenn., where he was clerk in the Freedmen's Bureau for about six months, when he returned to Ohio and engaged in teaching. He graduated from the St. Louis College of Homeopathic Physicians and Surgeons, and practiced medicine in Illinois and in Villisca, Ia. In May, 1872, he settled at Red Cloud, Webster county, Neb. In 1873 he was appointed deputy county clerk, and the next year was elected county clerk, and reelected for three subsequent terms, holding this office until January 1, 1882. In the meantime he read law, and was admitted to practice in March,

1882. Mr. Tulleys was the first presiding officer of blue lodge, chapter, and commandery, at Red Cloud. He was past grand master, and past grand high priest and past grand commander, and was at the time of his death, grand custodian of the grand lodge of Nebraska, and a 33d degree Scottish Rite Mason. Mr. Tulleys was first married to Miss Sophia Tulleys, of the same name but no relation, and they became the parents of three children: Sarah E., wife of Henry Davison, Lincoln, Neb.; John W., and William W., the latter a resident of Polk, Neb. John W. Tulleys was educated in the public schools of Red Cloud, and taught in Webster county from the time he was sixteen years old until he was twenty-two. He then entered on newspaper work, in which he continued until his appointment to a position in the office of the state auditor, in 1903. In January, 1905, he was appointed to his present position, examiner of county treasurers for Nebraska. He has always been a republican. He is a member of the Masonic order, past high priest and past commander of the lodge at Red Cloud. Mr. James A. Tulleys was married the second time to Mrs. Anna Stover. Three children were born to them: Anna, now the wife of Ed. Gillard, Naponee, Neb.; Cora, wife of David Whittaker, Red Cloud; and James Allen, Jr., Red Cloud. James A. Tulley's brother, Dr. I. W. Tulleys, was a pioneer physician of Red Cloud.

TURNER, GEORGE, deceased, born in England September 5, 1829, died June 10, 1870, at Fremont, Neb., was a son of John and Margaret (Shea) Turner, who settled at Needham, Mass., near Boston, where John Turner introduced the first loom for making hosiery. John Turner died in 1855 in Massachusetts and his wife died in Fremont, Neb. George Turner was married April 17, 1856, to Nancy S. Gilley, daughter of Elisha and Hannah (Stanley) Gilley, of English descent, residing near Bar Harbor, Me. Elisha Gilley was a son of William and Hannah (Learvy) Gilley. Mrs. Gilley's father (Learvy) served in the Revolutionary War and was in the boat next to Washington's boat when crossing the Delaware. Mrs. Turner has often when a child heard her grandfather Learvy give accounts of the war. The small boat in which he crossed the river was captured by the British. The captain of this boat was a Mason, as was also the captain of the British boat. Owing to this fact the British officer gave them water and food and set them free. In June, 1856, Mr. Turner went with Mrs. Turner to Dubuque, Ia., and in 1857 to Fremont, where he traded with the Indians for a year and then engaged in freighting across the plains until 1866, when he began contracting on the grading for the Union Pacific railway west, until the completion of the road to Ogden. Mrs. Turner was one of the

first white women in Fremont. She has two sisters: Myra, who married G. W. Goff, of Fremont; and Lucinda, who married W. H. Turner, of Fremont. Mr. Turner had three brothers come to Fremont with him in 1857: Thomas, W. H., and Benjamin, the latter deceased. George Turner purchased a farm of 160 acres adjoining the city limits, on which Mrs. Nancy S. Turner resides. The house was built in 1868 and is a landmark in Fremont. The station and yards of the Chicago & Northwestern railway were built on the Turner lands, Mr. Turner donating the right of way. During his life time Mr. Turner was an active business man. He engaged in freighting over the plains to Salt Lake, Fort Laramie, and Denver, making in all about eighteen trips. At that time the Sioux Indians were on the warpath and he had some narrow escapes. There had to be 200 teams in a train, four abreast. In 1866, upon the completion of the Union Pacific railway, Mr. Turner engaged in the grocery business with W. R. Wilson, the business now being carried on by Mr. Wilson. Mr. Turner was one of the first county commissioners of Dodge county, serving in this office for eight years, from 1860 to 1868, inclusive. He was a democrat in politics. Mr. and Mrs. Turner were the parents of three children: George A., proprietor of the Edwards Hotel, of Hot Springs, S. D.; E. G. Turner, Oregon, owner of a copper mine; and Nancy, wife of F. L. Joy, St. Louis, Mo. The Turner home is on First street in Fremont, which was the road of the Mormon trail. Mrs. Turner saw from her log house all the Mormons pass on their way to Salt Lake, including the 1,600 Mormon women harnessed to 800 carts, two to each cart. "They were all young English women, well dressed, and evidently religious fanatics." The Oregon trail passed through the Turner farm to the south of the present line of the Union Pacific railway tracks. Over this thousands passed in those pioneer days.

TURNER, THOMAS, Fremont, Neb., retired, came to Fremont, June 1, 1857, with his brothers, George and Benjamin Turner, both now deceased. During the early days in Nebraska, the latter two served with General Thayer in an expedition against the Indians, going as far as O'Neill, and back to Fremont by way of Columbus. Thomas Turner engaged in freighting across the plains from 1857 to 1866. As a member of the firm of Turner and Paxton he supplied ties under contract which they held with the Union Pacific railroad. In his freighting and contracting he traveled all over the west, including Colorado, Wyoming, Nevada, Montana, and California. He was one of those present at the driving of the golden spike at Promontory, Utah, when the Union Pacific railroad was joined to the Central

Pacific, completing the first continental railroad. For a period of about twenty-five years Mr. Turner was in the live stock business, buying, feeding, and shipping. He fed at his ranch near Fremont about 14,000 sheep annually. He drove one lot of 8,000 sheep from California to Fremont, taking six months on the trip. Usually they drove from the west to North Platte and from there shipped to Fremont. Mr. Turner has been a life long democrat and in 1872 was elected sheriff of Dodge county and served two terms, or until 1876. His brother, W. H. Turner, also came to Nebraska in 1857 and resides at Fremont. Thomas Turner was born at Needham, Mass., son of John and Mary Turner, who came from England to Needham. John Turner established the first loom for manufacturing hosiery in this country, having brought the machinery with him from England. He died in 1855. The mother resided for many years in Fremont, and was well known and highly esteemed among the pioneers. Thomas Turner married Miss Lucy E. Hughes, daughter of Isaac Hughes, pioneer of Dodge county. Mr. and Mrs. Turner are the parents of one child, Edith, wife of A. J. Eddy, of Eddy Brothers' department store, Fremont.

TYRRELL, FRANK M., attorney at law, Lincoln, Neb., was born in Wards Grove township, near the present town of Stockton, Jo Daviess county, Ill. His father, Francis Tyrrell, was born in the village of Hancock, Hillsborough county, N. H., and was a pioneer in northwestern Illinois. Francis Tyrrell married Miss Caroline Bixby, a native of Springfield, Windsor county, Vt., a near relative of "Ossawatimie" John Brown. The paternal family of Mr. Tyrrell was founded in Massachusetts, about the year 1670, and the maternal family in 1643.

Frank M. Tyrrell attended the Illinois State Normal University at Normal, Ill., and taught during the winter terms. He was principal of the public schools at Nora, Ill., for two years, then read law and was admitted to the bar in Nebraska in 1887. Mr. Tyrrell came to Lincoln in February, 1886, afterwards located at Smith Center Kan., where he practiced law for about five years, returning to Lincoln April 23, 1893. For two years he was chairman of the republican city central committee of Lincoln, and for three years deputy county attorney. In 1906 he was elected county attorney of Lancaster county, and in 1908 reelected for a second term, without opposition. He is a Mason, and an Elk. Mr. Tyrrell married Miss Emma Rockey, of Nora, Ill., a native of McConnell's Grove, Stephenson county, Ill. Her parents, William F. Rockey, and Elizabeth Frazier, were both natives of Center county, Pa. Mrs. Tyrrell's grandmother, Margaret Dalton Rockey, as a girl repre-

sented one of the thirteen states in the parade at the inauguration of George Washington, and died in Stephenson county, Ill., at the age of 104 years. Mrs. Tyrrell's father, William F. Rockey, was born in 1826, and came to Lincoln, when he retired from the mercantile business in Illinois.

VAN BURG, JOHN M., of Denver, Colo., formerly of Firth, Neb., son of John and Anna (Stryd) Van Burg, both natives of Holland, was born near Sheboygan, Wis., May 21, 1874. His father and mother came from Holland in 1853 and settled in Wisconsin. His father engaged in the hardware business near Sheboygan, in which he continued until 1877, when he moved with his family to Hickman, Neb., where he died February 11, 1897. John M. Van Burg received his education in the district schools and later took two years' work in the Nebraska State University, supplemented by a commercial course in the Lincoln Normal, from which he was graduated in 1894. In 1894 he went to Firth, and became assistant cashier in the Firth bank, until January 1, 1898, when he purchased the interest of E. R. Spencer, then cashier, and assumed the duties of that position, and in 1900 he was elected president. Mr. Van Burg was largely interested in the Farmers' Grain and Lumber Company of which he was secretary and treasurer. He is a republican, and a member of the Presbyterian church, a Mason, an Odd Fellow, and a member of the Modern Woodmen of America, camp number 2966. March 11, 1896, he was united in marriage to Miss Minnie Wagoner, daughter of W. J. Wagoner, of Firth. They are the parents of two children, Janita and Helen.



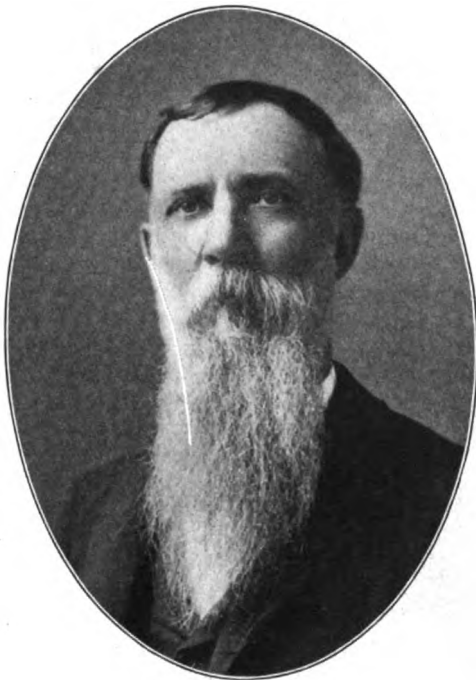
J. M. Tyrrell

VANCE, EDGAR L., grain and live stock dealer, Pawnee City, Neb., son of James M. and Jane (Hanna) Vance, was born in Washington county, N. Y., November 6, 1849. He settled in Rock Island county, Ill., in 1857, and in 1880 removed to Pawnee county, Neb., and continued farming until 1897, when he settled in Pawnee City, where for two years he operated a meat market; then he engaged in the live stock and grain business. He is a

republican in politics, and was county commissioner in 1886-88, and in 1889 was elected to the state board of agriculture, and was its president in 1901. He was commissioner for Nebraska at the Pan-American Exposition, and had charge of the Nebraska exhibits. He is a member of the Methodist Episcopal church, and of the Masonic order. He was married January 8, 1871, to Martha Johnston, and they are the parents of five children: William, Pawnee City, Neb.; Genevieve, wife of Fred Woods, near Pawnee City; Mabel, wife of W. B. Bozard; Wilson, of Pawnee county; and Eleanor, wife of H. C. Pechman. See portrait of Mr. Vance on page 666.

VAN DORN, WILLIAM T., of Chicago, Ill., manufacturer, was born in La Porte, Ind., son of William G. Van

Dorn and Margaret (Talbot) Van Dorn. In 1864 he shipped cattle from Logansport, Ind., to Quincy, Ill., and drove these cattle three yoke across the plains over the Big Blue via Fort Kearny, then Dobytown, and along the Platte to Denver, taking provisions for one year. He started for Virginia City to the mines in the Alder gulch, with a party consisting of himself and two others when the Indians were on the warpath. He returned to Nebraska City and in 1866 freighted over the plains, and went back to Indiana. Later he went to Omaha,



EDGAR L. VANCE

For biography, see page 665

working in the car department of the Union Pacific railway. He was present at the driving of the golden spike, and was with the Union Pacific for four years at Ogden. Mr. Van Dorn's parents, in 1871, located on a farm which is now a part of the city of Lincoln. The father died there in 1888, at the age of eighty-two years, and the mother in 1892 at the age of eighty-two years. W. G. Van Dorn was born in New Jersey in 1807 and Mrs. Van Dorn in Virginia in 1811. They celebrated their golden wedding in Lincoln. They were the third couple married in Cass county, Ind., in 1829.

Mr. William T. Van Dorn located in Lincoln in 1888 and was interested in farm lands and horticulture, owning two fine farms. He patented a car coupler called the Van Dorn coupler, which has proven a great success, and is used on all elevated railways of the United States and on many of the steam roads. He has also invented a steel freight car in which the end is one solid piece of steel. It is considered the best invention yet for railways as they gain a car in every forty, and there is no loss. Mr. Van Dorn was married in Illinois, in 1885, to Miss Emma Bowman of Champaign, Ill. Their children are: Edith, wife of Stephen Grover Gavin, of Bagley, Ia., where they reside on a farm; they were married January 9, 1911; Herbert, with his father in business; and Willie, all born in Lincoln, Neb.

VAN DUYN, JOHN NELSON, deceased, late of Wilber, Neb., was born in Columbus, O., June 25, 1845, son of D. C. and Jane (Strait) Van Duyn, the former a native of New York. John Nelson Van Duyn was educated in the Bloomfield (Ia.) high school. Throughout the latter part of the Civil War he served in the 14th Iowa infantry, first as a private, then a corporal, and along the line to major of the regiment. In 1869 he located in Saline county, Neb., as assistant clerk for John Fitzgerald, who was then engaged in the construction of the Burlington & Missouri railroad. Since then he made that county his permanent home until his recent decease, and there for many years he was engaged in the examination of real estate titles and the compiling of abstracts. Mr. Van Duyn was always a republican, was elected sheriff of Saline county in 1873, from 1877 to 1880 was clerk of the district court, from 1888 to 1892 was county clerk, and in 1893 was a member of the state legislature. He was a Mason and held various offices in the different branches of that fraternity, including the commandery. He was a member of the Christian church. He gave much careful attention to agricultural work in Nebraska, and for nearly a decade was a member of the state board of agriculture, and for some years was first vice president of the board. Mr. Van Duyn was married in 1870, and had a family of five children, Edith M., Maude, Richard C., Ella B., and Mayme Van Duyn.

VAN NOSTRAND, JAMES W., of Omaha, Neb., retired, was born in New York, October 17, 1829, son of Abraham and Amy (Smith) Van Nostrand, both born on Long Island. When James Van Nostrand was still an infant his parents moved to Brooklyn, N. Y., where his father engaged in business. James Van Nostrand was educated at private schools there and boarding schools at Hempstead, graduating from St. Thomas Hall, Flushing, in 1847. He studied law with Smith & Lowrey, and was admitted to the bar at the May term in 1851, and at once started for California via Panama, to take charge of the United States store ship, Salem, in San Francisco harbor. He was in charge of this until he left there January 1, 1852, when he returned via Nicaragua. He then began the practice of law in New York city, and became managing clerk for Benedict & Boardman, and afterwards was engaged with Smith & Lowrey. In 1855 he began on his own account, and then was with William H. Storey until he started for Omaha, March 30, 1857, via Baltimore, St. Louis, thence up the river by steamer to Omaha, where he arrived April 19, 1857. He was attorney for Monnel & Company, bankers, the firm being composed of Dr. Monnell, his son

and Mr. Van Nostrand. Mr. Van Nostrand was appointed city recorder (now clerk) in 1858-1859, and served two terms. In 1858 he was elected to fill the unexpired term of the Hon. James E. Boyd, as county clerk, and at the next election was elected for the full term of two years. In 1861 he was private secretary to A. S. Paddock, then secretary of the territory of Nebraska. He then engaged in the mercantile business for a time. In 1869 he was secretary to the first board of regents of the Omaha high school, serving until the board of regents was succeeded by the board of education, in May, 1872. In the meantime he had charge of the local columns of the Omaha *Republican* as city editor, while Edward D. Webster, Edward B. Taylor, and Ezekiel A. McClure controlled the paper, and acted in this capacity for the first few months on the *Herald* when it was started by George L. Miller and Daniel W. Carpenter. He obtained a position in the office of the Union Pacific railway in the claim department, which he filled for twenty-six years, up to 1897, when he was retired at the age of sixty-eight years. He was always a democrat in politics. Mr. Van Nostrand was married in 1855 at Brooklyn, N. Y., to Miss Virginia C. Stoutenborough, daughter of William and Caroline (Henderson) Stoutenborough. William Stoutenborough started as a merchant in New York city in 1820 and continued to do business there at the same place for sixty-five years. Caroline Henderson was a daughter of Doctor Henderson, a native of Ireland and a surgeon in the British navy in New York waters in 1776 to 1783. Mr. and Mrs. Van Nostrand were reared in the Episcopal church and united with Trinity church, Omaha. Mrs. Van Nostrand started the first Episcopal Sunday school in Omaha, and was for a time vice president of the Creche. In 1861 Mrs. Van Nostrand was assistant teacher to Professor S. D. Beals in the Omaha high school, established in that year in the north part of the old state house. At the home of Mr. and Mrs. Van Nostrand in 1881 there was formed by a few ladies interested in art, the Omaha Social Art Club, with Mrs. Van Nostrand as the first president. In 1888 this was succeeded by the Western Art Association, with Mr. G. W. Lininger as president, which resulted in the Lininger art gallery. Mr. Van Nostrand has been an official in the church for the last fifty-five years in Omaha. He and his wife started the church of St. Barnabas, and both have been active in all charities. Mr. and Mrs. Van Nostrand have no children.

VAN VLECK, DE FORREST, deceased, ex-county clerk of Sheridan county, was born near New Berlin, Wis., in 1848. His grandfather was a minister of the Moravian church at Syracuse, N. Y., where his father, Michael Van Vleck, was born, and

married Sarah A. Smith, of Monroe county, N. Y. In 1848 they removed to Manitowoc, Wis., and in 1860 to Will county, Ill., but in 1862 returned to Manitowoc. In September, 1863, De Forrest enlisted in Company F, 64th Illinois volunteers, known as "Yates's Sharp-shooters." Among the engagements in which he participated, were the battles of Resaca, Dallas, Kenesaw Mountain, Neck-a-Jack Creek, and Atlanta on July 22, 1864, where he was severely wounded. He was discharged in 1865. In 1867-68 he was a clerk in the United States internal revenue office and in 1869-70 attended the Illinois Soldiers' College at Fulton. From 1871 to 1880 he



DE FORREST VAN VLECK

taught school in Illinois and Iowa, and in the summer of 1880 settled in Saunders county, Neb., where he taught school for four years, and then went to Sheridan county and located on a homestead near Hay Springs. At that time the nearest railroad station was Valentine. Until 1892 Mr. Van Vleck resided upon his ranch and then settled in Rushville. In January, 1893, he was appointed deputy county clerk, and in the fall of 1895 was elected county clerk and was reelected for three successive terms on the republican ticket. He was a member of the Grand Army of the Republic. He was married in 1883 at Red Oak, Ia., to Miss Jennie Wood, of Saunders county, Neb., and is survived by seven children: Mabel Pearl, Lewis E., Addie, Le Roy, DeForrest, Jr., Harold, and Esther V.

VAN WYCK, CHARLES HENRY, deceased, colonel of volunteers and brevet brigadier general, United States army, and member of the 36th, 37th, 40th, and 41st Congresses, from New York, and United States senator from Nebraska, 1881-87, was born in Poughkeepsie, N. Y., May 10, 1824, and

died at Washington, D. C., October 24, 1895. His ancestors from Holland settled in New Amsterdam and in the Hudson valley prior to the Revolution. Dr. Theodoros Van Wyck, one of the members of the provincial congress of New York, was of this family. At the age of eighteen Charles Henry Van Wyck graduated from Rutgers College, Brunswick, N. J., later studied law, was admitted to the bar, and practiced law from 1850 to 1856 in Sullivan county; was district attorney; was elected representative to the 36th United States Congress, reelected to the 37th Congress; while a congressman he served in the volunteer army as colonel of a New York regiment, and for meritorious service was in 1865 appointed brigadier general by brevet; was a delegate to the "Pittsburg Soldiers" convention of 1865, was elected to the 40th Congress on the republican ticket, and reelected to the 41st Congress by the same party. In 1874 he removed to Nebraska, and a year later was chosen as a delegate to the Nebraska state constitutional convention; was state senator from 1876 to 1880, and from March 4, 1881, was United States senator from Nebraska, serving until March 4, 1887. He was one of that large body of loyal democrats of the east to whom all appertaining to slavery and to a dissolution of the Union was odious. One of his first oratorical efforts was in the house on March 7, 1860, when the question at issue was the election of a presiding officer. The fight was a bitter one; John Sherman lacked only a few votes of enough to elect, and through the combination of republicans, whigs, and free-state democrats, Pennington of New Jersey was chosen. From Mr. Van Wyck's speech on this occasion a few excerpts show the stand he took for the Union. "As a democrat," said Mr. Van Wyck, "I believe slavery to be a crime against the laws of God and nature. Could it be expected that we sit quietly by and see the acts of every democratic administration rebuked, could we hold political fellowship with those willing to crucify the memory of Washington, Jefferson, Madison, and Monroe? Am I to be reproached as an apostate from democracy? Sir, I would rather desert a political organization than turn traitor to my own conscience and be guilty of moral treason to my own judgment. The patent of my democracy is in the records of democratic administration, and by it I stand or fall. I only desire the democracy to see to what indignities they must be subjected if they manifest unwillingness to bow down and worship this black juggernaut of slavery." In reply Congressman Davidson of Louisiana made a splendid retort, more noted for its sarcasm than for its qualities of argument. Every thrust was ably parried by Mr. Van Wyck, whose aggressiveness in applying the lash to the opposition so provoked Davis (not Jefferson) of Mississippi,

that he exclaimed "I pronounce the gentleman a liar and a scoundrel," and turning to Mr. Van Wyck said, "Will you go outside the District of Columbia and test the question of personal courage with any southern man?" Calmly Mr. Van Wyck, rising to his feet, replied: "I travel anywhere and without fear of anyone. For the first eight weeks of this session you stood upon this floor continually libeling the north and the people of the free states, charging them with treason and all manner of crimes, and now you are thrown into a great rage when I tell you a few facts." Then followed a speech so eloquent, earnest, elaborate, and exhaustive, as to establish the fact that he was not to be worsted in argument, nor quieted by threats or challenge. His New York constituents, by his bold utterances were charmed, and his expression "You cannot, you dare not resist. We threaten not with bayonet, revolver, or bowie-knife, but with the silent ballot, which executes a freeman's will as lightning does the will of God," became the slogan of the next campaign. During the 36th Congress, Mr. Van Wyck was a member of the committee on mileage; during the 37th Congress he was chairman of the committee on government contracts, and in this capacity exercised such vigilance and care as to save hundreds of thousands of dollars to the government. He, without fear or favor, pursued contractors whose methods were supposed to be questionable. He was elected to the 41st Congress on the republican ticket, served throughout the sessions of that Congress with distinction, and a few years after its close, in 1874, became a resident of Nebraska, settling on a large farm about five miles from Nebraska City, in Otoe county. He commenced farming and stock-growing on an extensive scale, but his inclination toward a public life soon caused him to resume work in the political field. The year following his arrival in the state he was a member of the state constitutional convention; in 1876 was elected to the state senate, and by reelections remained a member until 1880. His strong personality and pronounced anti-monopoly sentiments attracted the attention of the people of the state, and led to his election as U. S. senator in 1881. The struggle that ensued is an important factor in the state's political history, and ended in Van Wyck's election. He took his seat on March 4th, after his election. As a senator he was an advocate of retrenchment and reform, and his efforts at corporation control were such as to cause him to be dreaded. Thus, when he sought reelection he found the interests arrayed against him. His opponent was again A. S. Paddock, and the fight of six years before was fought over, but with more bitterness, and Van Wyck met defeat. His attitude toward the railroad interests was the cause of his defeat. Feel-

ing that the treatment he had received at the hands of his party was not deserved and that his views in many ways were not in harmony with republicanism, he became one of the pioneers in the populistic field, and was nominated for governor on the independent ticket in 1892, but was defeated. This was Van Wyck's last political fight, and until his death he spent most of his time in Washington. Mr. Van Wyck had many attributes of greatness in his character recognized by his most active opponents. At the time of his death, J. Sterling Morton paid this tribute to his character: "General Van Wyck has been my neighbor for about twenty years, his farm being about four miles from my home at Arbor Lodge. Whatever differences of opinion there may have been between the general and his neighbors upon political or economic questions, there is not one who knew him to be other than a sympathetic and generous citizen. He was always very considerate of those in poverty and distress, and Christmas season never came around without his general remembrance of the poor with turkeys and roasts of beef, and other staple comforts. Perhaps there is no more desirable thing after all that may be said after his death, than that the poor and the friendless will miss and mourn him, and this may truthfully be said of General Van Wyck. The bitterest enemy the general ever had, could not deny to him great vigor and forcefulness. He was a man of keen intellect, strong impulse and great self-possession. His career in Nebraska connects his name indelibly with the history of the state." The remains of General Van Wyck were buried at Milford, Pa., the ancestral home of his wife, who participated in all his undertakings and who was his counselor and sympathizer. A short time before his death he had purchased the old home at Milford, and there after his death she resided until her death, November 22, 1901.

VASOLD, HERMAN E., of Saginaw, Mich., first sheriff of Hall county, Neb., was born February 23, 1835, in Thuringen, Germany, and attended the high school at Saalfeld. He came with his parents to America and settled in Saginaw county, Mich., June 5, 1850, being among the pioneers of that section. At the age of twenty-two years, Herman E. Vasold associated himself with the German colony then organizing at Davenport, Ia., to locate a city in the Platte valley, Neb., where they calculated the junction of the Central Southern and Northern Pacific railroad would be located, and the city of Grand Island was located by this colony on July 4, 1857. On the organization of Hall county, Herman E. Vasold was appointed the first sheriff by the third acting governor, J. Sterling Morton. In 1858 gold was discovered in the Pike's Peak region, and in

May, 1859, Mr. Vasold, with a number of other young men, started for the gold fields. Rumors reached them that the stories of great finds of the precious metal were exaggerated and that gold was not found there in paying quantities. They therefore continued their journey to the gold fields of California, arriving September 9, 1859. Mr. Vasold engaged in the freighting business and made a number of trips across the Sierra Nevada mountains from Red Bluff, Cal., to Humboldt, Nev. He finally located there and engaged in the cattle business. During the five years he lived in Nevada, 1861-66, his life was constantly endangered by the hostile Indians, and Mr. Vasold had many hairbreadth escapes. Tiring of this life, he returned to Saginaw, Mich., in 1866, and was married on June 14, 1866, to Miss Emma Franke, daughter of Dr. Louis Franke. In 1882 he visited Grand Island on the occasion of the twenty-fifth celebration of the founding of the town and county, and again on the semi-centennial celebration, July 4, 1907, when he found only eight of the thirty-seven first settlers of Hall county living. Impressed by the wonderful progress seen on all sides, he congratulated the county on the improvement made in half a century, which he regards as little less than wonderful. Mr. Vasold raised a family of six children: Max Vasold, in the fireproof supply business in Chicago; Ida, wife of Fred Opperman, of Saginaw; Clara, wife of Will McNamara, of Detroit; Della, wife of Herman F. Krauss, of Saginaw; Harriet, wife of Bert Gould, of Toledo, O., and Leo L. Vasold, with his brother in Chicago. For thirty years Mr. Vasold was engaged as a commercial traveler, having the state of Michigan for his territory, selling dry goods and notions. He is a prominent member of the United Commercial Travelers of America, representing the state of Michigan at the supreme council meeting at Columbus, O., June 27, 1907, and is president of the Germania Society, a literary, educational, and social organization, representing a capital of \$150,000.

VERSAW, FRANK E., Zero township, Adams county, Neb., is a son of Frank and Rebecca (McDougal) Versaw, the former from Montreal, Canada, and the latter from Johnstown, N. Y., pioneers of Berrien county, Mich. Mr. Versaw owns and farms 280 acres in section 24, Adams county. He was elected county commissioner on the democratic ticket in 1907 and reelected in 1909. He had been clerk of the township for some years. He came to Adams county in 1893 from Johnson county, Neb., where he had located in 1881, coming from Berrien county, Mich., where he was born and reared. Mr. Versaw, in 1861, enlisted in the 3d Michigan cavalry, and served until the close of the

war in the western army. He was in both battles of Corinth and on scouting duty with almost constant brushes with the enemy. Mr. Versaw married Miss Sarah King, who died in April, 1884. She came from Ashland county, O. Her father, Rev. Jacob King, was born in Vermont and located in New York state, then in Ohio, and finally in Berrien county, Mich. He was one of the pioneer preachers of the Methodist Episcopal church, did effective work among the settlers, and is remembered for his zeal, devotion, and self sacrifice. Nine children were born to Mr. and Mrs. F. E. Versaw: Fred Versaw, Bloomington, Neb., owner of a large ranch, who married Miss Minnie Cook, daughter of Edward Cook and granddaughter of Andrew Cook, a pioneer of Johnson county; Don Versaw, of Franklin county; Charles Versaw, of Creighton Medical College, Omaha; Ethel, a teacher in the Nebraska schools for over twelve years, now in the schools of Bloomington, Neb.; Jennie, wife of Philip Kelly, of Portland, Ore; Mrs. William Gilmore, Zero township, Adams county; Alva, at home on the farm; Darrel, at home; and Alma, at home. Mr. Versaw married the second time, Miss Baker, of Coshocton, O.

VIEREGG, JOHN HANS, Grand Island, Neb., a member of the first board of commissioners for Hall county, is a native of Gaidersdorf, Holstein, Germany, son of Hans and Elsie (Kruse) Vieregg, who were the parents of five children. John Hans Vieregg emigrated to America in 1851, and joined the colony then forming at Davenport, Ia., for the purpose of effecting a settlement in the Platte valley in Nebraska. Mr. Vieregg first settled on a farm in what is now Merrick county. He was appointed a member of the first board of commissioners of Hall county by acting-Governor J. Sterling Morton, and after the separation of Merrick from Hall county, he was elected county commissioner of Merrick county for one term. Mr. Vieregg is independent in politics and a member of the Lutheran church. He has been for twenty-five years interested in the mines of the Black Hills, and owns several good locations. He is also the owner of 440 acres of fine farm land, and has other investments in Merrick county. He has two brothers in Nebraska: Henry, of Grand Island, and James, who owns a large mill at Central City. He also has one sister, Abelle, wife of Claus Stoltenberg. Another sister, Cecelia, remained in Germany, married Peter Veise, and died there. John Hans Vieregg married Annie Hagge, a sister of Mrs. William Stolley and of William Hagge, one of the first justices of the peace of Hall county. Mrs. Vieregg died in Scott county, Ia., leaving only one child, Amelia, who married August F. Beckman, now a retired farmer

of Grand Island, and died, leaving seven children: Catherine, who married Theodore Ehlers, of Grand Island, and died leaving three children; Dietrich, of Grand Island; Elizabeth, wife of Herman Sass, of Palmer; John, of Grand Island; Annie, wife of William Heesch, a retired farmer of Grand Island; Olga, and Augusta.

VIERLING, ADOLPH JOSEPH, vice president and manager of the Paxton & Vierling Iron Works, of Omaha, was born in Cincinnati, O., May 16, 1852, son of Dr. Francis Vierling, who was an officer in the French army and an engineer, and Caroline Vollmer, both natives of Nancy, France. In 1848 they left their native country and came to America. For some years they resided in Cincinnati, later in Buffalo, and finally in Chicago, establishing large hotels in each of these cities. Mr. Vierling died in Chicago in 1863, his widow also died there in 1890. Adolph J. Vierling received his early education in the Chicago public schools, and after the death of his father began to make his own way in life. During the winter months he attended night school, and thus gained an education, which, combined with his natural ability and business training, assisted greatly in his successful career. At the age of eleven years he offered his services as a drummer-boy in the Civil War, but on account of his age was refused. At the age of nineteen he secured a position in the iron works of N. S. Bouton & Company in Chicago, and there gained a practical knowledge of the iron business. After four years with Bouton & Company, he was employed by the live stock commission firm of W. T. Keenen & Company, of Chicago, and remained with this firm until 1885, when his brothers, Robert and Louis, both of Chicago, induced him to locate in Omaha, where he and his two brothers and William A. Paxton purchased the old plant of the Omaha Machine and Foundry Company, and in February, 1886, the Paxton & Vierling Iron Works Company was organized. Owing to Mr. Adolph J. Vierling's knowledge of the foundry and iron business, he was made manager of the works, and under his direction the business of the concern has increased so that after twenty-five years it is classed among the large iron works of the west, and gives employment to more than 350 men. W. A. Paxton, Sr., and W. A. Paxton, Jr., the first presidents, are both deceased, and the vice president, Robert Vierling, is also deceased. Miss C. J. Vierling, a sister of Adolph J. Vierling, has been added to the board of directors. Mr. Vierling has always affiliated with the republican party, and has taken an active interest in public affairs. He is a member of the Omaha Club, the Commercial Club of Omaha, ex-president of the Builders' and Traders' Exchange of Omaha, and treasurer of

the Manufacturers' & Consumers' Association of Nebraska. He was married, in Chicago, October 19, 1876, to Miss Kate L. Organ, and is the father of four children: R. W. Vierling, F. R. Vierling, Luella C. Vierling, and Mabel Claire Vierling.

VOLLMER, WILLIAM ADOLPH, of Omaha, Neb., merchant, was born November 4, 1864, at Portsmouth, O., son of Joseph and Catharine Vollmer. The father and brother of Catharine Vollmer were the first to cut stone in Ohio by steam process.

William A. Vollmer received his education at private schools. He came to Nebraska in 1885 and settled in North Platte, engaging in the clothing business. In 1902 he removed to Omaha and now, at 107 South Sixteenth street, is engaged in the exclusive clothing business. Mr. Vollmer is a member of the Catholic church.

VOTER, FRANK PATTERSON, Laurel, Neb., was born December 28, 1879, at West Farmington, Me., son of John Reed and Augusta (Patterson)



FRANK PATTERSON VOTER

Voter. His parents removed to Nebraska in 1881 and settled at Lyons, where he attended the high school, then took a law course in the State University of Nebraska, and graduated in 1893. Since 1893 he has been engaged in the practice of law at Laurel. He is a republican in politics, and a mem-

ber of the Independent Order of Odd Fellows. Mr. Voter was married, October 16, 1898, to Eva Brockway, and two children have been born to them: Alma May, and Gladys.

WADDLE, JAMES, deceased, late of Aurora, Neb., was a pioneer of Hamilton county, who settled on a homestead in Farmer's Valley precinct in 1867. Mr. Waddle's homestead filing was the second in the county, and his family the third to settle there. Mr. Waddle continued to reside on this homestead until 1891, when he retired and settled in Aurora. At the time of his retirement he had acquired by purchase 640 acres of farm land, and was the largest land owner and farmer in the county. James Waddle was born in Carlock, Lanark, Scotland, March 2, 1816, and was left an orphan at an early age, and emigrated to America when a young man. Prior to settling in Nebraska he lived in Rock county, Wis., where he was engaged in farming. He was one of the organizers of Hamilton county, in May, 1870, and the first session of court was held at his house. There also the first sermon in the county was preached. In politics Mr. Waddle was a republican, active in all public affairs, but always refusing to stand as a candidate for public office. He was a member of the Presbyterian church until 1900, when he became a member of the Christian church and was baptized by Rev. J. A. Beattie. In 1849 Mr. Waddle married Miss Mary Brown, who was born August 14, 1827, in Inverskeithing, Fifeshire, opposite Edinburgh. Her father, Robert Brown, was a resident of Glasgow for some years and died when she was eighteen years old, she being the youngest of nine children. With her mother, sisters, and brothers, John and William, she then emigrated to Greens Prairie, Rock county, Wis., where she was married to James Waddle. Mrs. Waddle was an ideal wife and mother, and a neighbor who could be relied upon in every time of trouble or sorrow. In the early days of her residence in Hamilton county there were no physicians or nurses, and she made it her business to care for the sick and comfort the sorrowing throughout all the surrounding country within a radius of thirty miles, traveling frequently by ox team in the severest storms, when life and limb were constantly in danger.

Mrs. Waddle's sister, Helen Brown, married David Henderson, a pioneer of York county, who settled on the site of the present town of Henderson, which was named in his honor. A brother of Mrs. Waddle, John Brown, was elected the first justice of the peace of Hamilton county and presided over the first case in the house of James Waddle, this being a preliminary hearing in the case of one F. Sawyer, charged with the murder of a Mr. Johnson. The

prisoner was bound over and sent to Lincoln for safe-keeping. Mrs. Waddle died at Aurora, February 18, 1905, aged seventy-seven years, six months, and four days, her husband having died June 23, 1904, aged eighty-eight years. To Mr. and Mrs. Waddle there were born nine children: Robert, a stockman at Aurora; Mary, married Robert Lamonte, a pioneer of Hamilton county, and the first county judge, serving from May 20, 1870, to November 30, 1871, now residing at Long Beach, Cal.; Agnes, wife of George Stewart, of Regina, Canada; John, deceased, who was accidentally killed while serving with the state militia at the state fair, Omaha, September 22, 1880; E. J., now residing in Spokane, engaged in farming, stock-raising and banking; W. F., farmer, and vice president and manager of an irrigation company at Wellington, Colo.; D. H., of the firm of Waddle Brothers, stock dealers, Aurora; Jennie, widow of Alex. Stephens, York, Neb.; and Rhoda, now Mrs. Harry Raynor, of Newcastle, Wyo. E. J. Waddle began business in 1880 with only a team of horses given him by his father. With this team he engaged in the drayage business at Aurora, and later began the business of buying and shipping stock. In 1890 he was one of the organizers of the Aurora Bank, of which he was vice-president for five years. This bank was then consolidated with the First National Bank, of which Mr. Waddle has continued as a director and large stockholder. In 1902 Mr. Waddle went to northwest Canada with other capitalists, and organized the Waddle Loan Company. This company bought 40,000 acres of land near Girvin, Saskatchewan, and Mr. Waddle began farming operations on a large scale, and also put in a line of lumber yards. He was, however, unable to stand the climate, closed out his Canadian investments, and retired from active business. He is a member of the Masonic order, 32d degree, and of the Independent Order of Odd Fellows. He married Miss Edith Hungate, of Lehart, Ill., daughter of John Hungate, a lawyer and banker. Mr. Waddle is a republican in politics, and served as mayor of Aurora in 1890-91. James Waddle and Judge John Brown first visited Hamilton county in 1866, but returned for their families, and permanently settled in the county in 1867. They came by team to Nebraska City from St. Joseph, thence overland to Hamilton county. They bought the Jack Stone ranch in York county and engaged Jno. E. Harris to put in sixty acres of corn for them in 1866, and there the family lived for a time in 1867 in the ranch house. Mr. Harris homesteaded in Hamilton county, and the county was organized in his dugout. He had first come to Omaha in 1862, and later surveyed the townsite of Orville City, the first county seat of Hamilton county, and was the first county surveyor. Orville City

was named for Orville Westcott, who was a son of C. O. Westcott, and the first child born on the townsite. Orville City continued to be the county seat until January 1, 1876. The first death in the county was that of the wife of Josiah D. Westcott. J. E. Harris resides at Fort Collins, Colo., and is still active, although about eighty years old. He was a typical pioneer, and his settlement was only preceded by David Millsbaugh in 1861, and J. P. Elliott in 1865. The latter came with General Kearny's command. J. T. Briggs also settled in the county in 1862, as did Jarvis Chaffee and George Hicks. It is true, however, that the Waddle family was the third to permanently settle in Hamilton county. Mr. D. H. Waddle is a native of Hamilton county, and has been engaged in farming and stock-raising since a young man.

WAGNER, W. A., of Lincoln, Neb., auditor, formerly president of the Dwelling House Mutual Insurance Company, and the Nebraska Mutual Insurance Company, was one of the organizers of the former in 1897 and of the latter in 1892. He came to Gage county in 1866 and with his father homesteaded two miles north of Beatrice, where his father resided until his death. Mr. Wagner began as a young man teaching in Gage county. He studied law with J. D. Weston and was deputy county clerk and deputy county treasurer, and city clerk of Beatrice for many years, and was the first water commissioner. He was in the implement, and also coal and lumber business for about eight years. Mr. Wagner was secretary for years of the Gage County Pioneer Association, organized in 1867, and is a Mason. Mr. Wagner is an expert accountant. He married Miss May L. Blodgett, daughter of J. E. Blodgett, who came to Gage county in 1867.

WAHLQUIST, RAINARD BENEDICT, editor of the Adams County *Democrat*, Hastings, Neb., was born in Gothenburg, Sweden, April 13, 1860, son of Bengte and Anna Elizabeth (Kjallen) Wahlquist. He received his education in the American common schools, his parents having located in this country when he was quite young, and in later years attended the Amity College at College Springs, Ia., in which state he resided for twelve years prior to his location in Nebraska in 1880. His family located at Hastings, and there he worked at the printer's trade. In February, 1884, he established a paper at Minden, Neb., and in May of the following year he started a paper at McCook, both democratic in politics, and now published under changed names and different political principles. In 1888, in company with his brother, Charles B. Wahlquist, he purchased the Adams County *Democrat*, at Hastings, which he has since published and edited. In 1890 Mr. Wahl-

quist was the nominee of the democratic party of Nebraska for the office of auditor of public accounts, and in 1892 was the candidate of his party for representative in the legislature from Adams county, meeting defeat for both offices. In April, 1894, he was appointed postmaster at Hastings, and held the office until April, 1897. On March 1, 1893, Mr. Wahlquist was married to Miss Laura B. Dilley.

WAITE, OLIVER, retired farmer, Lyons, Neb., has been a resident of Burt county since 1869, when he bought a farm in Everett precinct, which now embraces 288 acres. He also owns other farms in the county. He came to Nebraska from Minnesota, having previously come from Somerset county, Me. In 1862 he enlisted for the Civil War in the 17th Maine infantry, and served until the close of the war in the Army of the Potomac, participating in all the battles from Fredericksburg to the surrender of General Lee. His brothers, Harrison Waite, a veteran of the Civil War, and William G. Waite, reside at Lyons. Oliver Waite married Miss Martha Spencer of Somerset county, Me., daughter of James E. and Martha (Spencer) Spencer. Mr. Waite is a son of Holland and Lucy (Beals) Waite. The Waites, Beals, and Spencers are of English extraction and located in New England in colonial days. Mr. and Mrs. Waite are the parents of nine children: Oscar M., a merchant in Laurel, Neb., who died there, leaving a widow, formerly Miss Lula Ward of Madison county, Neb.; Edith, deceased, married John L. Douglas, deceased, a lumber dealer of Laurel, Neb., who left two children, Edith and Harold Douglas, now residing with their grandparents (Waite); Mabel; Frank N., a farmer of Burt county; Ida May; Fred A., of Burt county; Loren L., a lumber dealer of Laurel, Neb.; Garfield, of Bancroft, Neb.; and Earl, of Lyons, Neb.

WALCOTT, FRANCIS M., of Valentine, Neb., attorney at law, was born in Sparland, Ill., October 19, 1859. His parents removed to Jefferson county, Neb., in 1867, and three years later to Smith Center, Kan. When twenty years of age he began teaching and continued in the work for eight years. He read law in the office of Judge Pickler, of Smith Center. In 1885 he removed to Valentine, Neb., and took a Cherry county homestead, and remained on the homestead four years, and in 1889 was admitted to the bar. In 1889 he was elected county judge of Cherry county and held the office for four consecutive terms. In 1896 he was elected county attorney and served one term. He has always been a republican. He is a member of the Methodist church, is a Mason and an Odd Fellow. On October 19, 1884, he was married to Miss Maggie Noble, of Webster

county, Neb., and they are the parents of one child, Oliver M., educated at Bellevue College.

WALDORF, PETER, retired merchant of Western, Neb., son of Philip and Margaret (Good) Waldorf, was born March 14, 1857, in La Salle county, Ill., to which place his father came from Germany in 1850. In January, 1877, Peter Waldorf came to Syracuse, Neb., to visit his brother, William, who moved to Wilber, where the two brothers, William and Peter, established a hardware business under the firm name of Waldorf & Brother. In 1884 Peter Waldorf moved to Western, Saline county, and established a hardware business. In October, 1889, he added a harness department, and in 1892 a furniture and undertaking department. The two brothers renewed their partnership in 1898 and carried on a general store in Western under the firm name of Waldorf Brothers until April 15, 1911, when Peter retired. In 1900 they built a new brick building, 50 x 90, two stories and basement, and a workshop in the rear, 24 x 40, one story. Mr. Waldorf is a republican. He is a member of Western lodge No. 140, A. F. and A. M., of which he is a past master, and is also a member of the Palmer chapter No. 31, of Wilber; of Mt. Herman commandery No. 7, of Beatrice, and the Sesostris temple A. O. N. M. S., of Lincoln. Mr. Waldorf was married to Olive Flora, November 25, 1880, and four children were born to them: Flora M.; Margaret A., wife of R. C. Ashby; Louis W., a graduate of the Gem City Business College; and Rhea F. Mrs. Waldorf died October 13, 1897. Mr. Waldorf was again married, in 1898, to Mrs. Hattie E. Davis.

WALKER, CAPTAIN GEORGE M., deceased, was born March 18, 1830, on his father's farm near Ludlow, Vt., son of Warren and Lucy (Ross) Walker. Captain Walker came to Belleville, O., in 1849, being one of the first settlers at that place. He went to Indianola, Ia., in 1855, where he remained until 1857. In April, 1861, Captain Walker enlisted at Indianola, Ia., in the 1st Iowa cavalry, Company D, as first sergeant, and was second lieutenant, first lieutenant, and captain of his company in 1862. He served in the southwest, in Missouri, Arkansas, Texas, and Louisiana, and was mustered out in 1866. After the war he joined his wife at Des Moines, Ia., and lived there for twenty-one years, and was city treasurer of Des Moines for eight years. He and General Weaver started a progressive greenback republican paper in Des Moines, in 1875. Mr. Walker came to Seward, Neb., in 1887 and built an oat meal mill, in partnership with his brother, Dr. Leland Walker, and Mr. Alex. Scouller, a Scotch miller. This mill was the first and largest in Nebraska. After the mills were destroyed by fire,

Captain Walker retired from business. He was married in 1857 to Miss Abbie Young, daughter of Benjamin A. and Ruth (Eells) Young, of Bangor, Me. They were the parents of two daughters, one, Lulu, who died in infancy, and Jessie, who married Arthur Sheldon. They have two children: George Walker Sheldon, and Arthur Berton Sheldon. Captain Walker died December 18, 1911, at his daughter's home in Lincoln. His widow survives and resides in Lincoln.

WALL, JUDGE AARON, attorney at law, Loup City, Neb., was born in Furnace, England, August 7, 1849, son of Edward and Agnes (Peel) Wall; the former a native of England, born in 1822, emigrated to America in 1859 and settled in Allegan county, Mich., where he died in 1899; the latter a descendant of Sir Robert Peel, a daughter of Henry and Anna (Gardner) Peel, was born in England in 1828, married in 1848, and became the mother of ten children, of whom Aaron Wall was the first born. He completed his education at Albion (Mich.) College, and for about four years taught school in the country, and at Silver Creek and Cooper, Mich. At Otsego he read law in the office of Henry C. Strong, and afterward in the office of Jacob V. Rogers at Plainwell. He was admitted to the bar in Michigan in 1870 and located in Nebraska, and took up a homestead in Gage county. Soon after he went to DeWitt in Saline county, opened a law office, and practiced there until 1875 when he went to Denver, Colo., where he remained one year. In 1876 he returned to Nebraska, opened a law office at Loup City, then a pioneer town, and has been in continual practice in his profession in that city since. In 1877 he was county judge of Sherman county, and by election served in that office for four consecutive years. In April, 1878, he had an exciting experience with what was known as the "Olive gang." He was employed to defend a person before a justice's court, who was by the Olive followers charged with cattle stealing. His rights as an attorney were interfered with not alone by the prosecution but by the justice of the peace as well. He decided upon a plan of action, and adroitly drove off with the prisoner he was to defend. A warrant was issued for his arrest. This was placed in the hands of deputies friendly to the prosecution, and it became evident that if the judge was once taken in custody, his life would be endangered. He succeeded in getting to the ranch of his client, and there for a number of hours managed by strategy to hold at bay the officers who desired to arrest him. At last the sheriff of the county appeared upon the scene, when the judge ordered him to call the county court to order. This done, he ordered the arrest of the leaders of the gang

for contempt of court, which was accomplished, and all were fined. Judge Wall has always been a republican, and was chairman of the state convention in 1888, and the same year a delegate to the national convention that nominated Harrison. He is a member of the Knights of Pythias. He was married in 1875 to Miss Addie Brill of Fairbury, Neb.

WALL, JOHN, of Arcadia, Neb., president of the Commercial State Bank, was born in Caledonia county, N. Y., November 9, 1856. His parents, Edward and Agnes Wall, were born in England, the father being superintendent of a railroad division in that country, and his mother being a descendant of Sir Robert Peel. His parents came to America in the early fifties. When he was a babe his parents moved to Otsego, Mich., where he attended the public schools until he had finished the required course. He came to Nebraska in 1877, locating at Loup City, Sherman county, where he studied law and was admitted to the bar in 1878, and at once began the practice of his profession, in which he has been successful. He engaged in the general merchandise business in 1889, in which he is still interested. He owns 1,400 acres of valuable farming land which he manages, and is engaged in raising cattle. He is a republican and served one term as clerk of Sherman county and was clerk of the house during the 26th, 27th, 28th, and 29th legislatures. He is a Mason, an Odd Fellow, and is president of the Arcadia Odd Fellows' Building Association. On March 31, 1879, Mr. Wall was married to Miss Belle Landers, of Loup City, and they are the parents of two children, Ina and Pearl.

WALLACE, WILLIAM H., Lincoln, formerly a banker of Exeter, Neb., was born at Newburg, N. Y., February 18, 1850. His father, Adam Wallace, was a native of Scotland, who came to America when twenty-four years old, and became overseer of a large cotton factory at Saco, Me. His mother, Olive (Peabody) Wallace, was a relative of George Peabody, and was married to Adam Wallace in 1847. She died when W. H. Wallace was a small boy. In 1856 his father moved to Morrison, Ill. After leaving school W. H. Wallace clerked in a store for several years and then returned to his father's farm. In 1878 he removed to Nebraska, locating on a farm in Fillmore county. In 1879, in partnership with his cousin, Robert Wallace, Wallace & Co.'s Bank of Exeter was organized, and in 1884 it was changed to the Exeter National Bank, with the same owners, and later, in 1897, reorganized as Wallace & Co., making it the oldest banking establishment in Fillmore county and one of the oldest in the South Platte country. This bank, now the exclusive property of William H. Wallace, has

always enjoyed the reputation of being a strong, conservative establishment, even during the dark days between 1893 and 1896. During its career Mr. Wallace owned the Bank of Cordova, was a stockholder and officer in the Geneva State Bank, and is now a prominent stockholder in the Bank of Commerce of Lincoln. He owns 3,650 acres of land within a radius of ten miles of Exeter which is a source of annual profit and enhancing in value every year. He has always been a republican and is a member of the Nebraska and the American Bankers' Associations. He was married at Morrison, Ill., on May 25, 1876, to Miss Alice E. Williams. They are the parents of six children, Olive M., Ivy A., William Peabody, Susie, Helen, and Dorothy. Olive, Ivy, and William Peabody graduated from the Exeter high school and later from the Nebraska State University.

WALLING, CAPTAIN AUGUSTUS M., attorney at law, David City, Butler county, Neb., son of



CAPTAIN AUGUSTUS M. WALLING

in 1864 and served six months in Libby prison. He was appointed captain in the 88th United States infantry in 1865, was mustered out as captain and then mustered in as first lieutenant Company K, 3d United States heavy artillery. He was married December 25, 1866, to Mary M. Leigh, at Mt. Vernon, Ia., and removed to Colfax county, Neb., February 14, 1874, and entered a homestead of 160 acres. There were born to Mr. and Mrs. Walling three children: Guy T., Maude E., and Minnie M. Mr. Walling was elected a member of the Nebraska constitutional convention of 1875, from Colfax county, as a republican. He was elected to the legislature in 1880, and represented Colfax county in the regular and special sessions of 1881. He remained a republican until the defeat of Blaine in 1888, when he became a member of the farmers' alliance, and since that time has affiliated with the reform forces. In 1889 he was elected grand lodge treasurer of the Good Templars, and in 1890 grand chief templar for two years. In 1894 he removed to David City, Neb., where he still resides, engaged in the practice of law. He was elected county attorney of Butler county, Neb., November 6, 1900, as a fusionist. Mr. Walling is a member of the Methodist Episcopal church, and of the G. A. R., and the Independent Order of Odd Fellows.



EUGENE A. WALRATH
For biography, see page 676

L. A. and Mary (Hart) Walling, was born in what is now Scott county, Ia., June 21, 1842. His father went to California in 1849, and died in 1867. The mother died in Iowa, in 1845. In August, 1861, A. M. Walling enlisted in the 8th Iowa infantry. He reenlisted in 1864 and was mustered out in May, 1866. He took part in many of the battles of the Civil War, such as Shiloh, Corinth, Champion Hills, and Vicksburg, and was taken prisoner at Shiloh

WALRATH, EUGENE A., publisher and editor of the Polk county *Democrat*, Osceola, Neb., was born in Rochelle, Ill., November 26, 1867, son of J. and Jennie E. (Fell) Walrath, the former a native of New York, the latter a native of Canada who came with her parents to northern Illinois in 1860, and was soon after married to Mr. Walrath, who with his parents in 1858 settled on a farm near what is now Rochelle. In 1883 they came to Osceola, Neb. Eugene A. Walrath was educated in the schools of his native city, completing the high school course. When he came to Nebraska he entered the office of the *Osceola Record* as an apprentice and remained there for four years. Later he was employed in the business departments of the *Sioux City (Ia.) Journal* and the *Lincoln (Neb.) State Journal*. July 19, 1888, he established the *Polk County Democrat* and is its editor and publisher. The paper was started as a seven-column folio, and soon was increased to a seven-column quarto. It has a good circulation and was democratic until its editor, in 1896, began to affiliate with the populists, and then it became fusionist in politics. Mr. Walrath is a member of the A. F. and A. M., and I. O. O. F. He was married at Payson, Utah, August 14, 1890, to Miss Birdie L. Pulver, a resident of Osceola previous to marriage. Mr. and Mrs. Walrath are the parents of two daughters, Maurine and Geralyne.

WALSH, JAMES, member of the house of representatives of the Nebraska state legislature. 30th session, elected in 1906, is a resident of Benson, Douglas county, Neb., and a pioneer farmer of Douglas county. His father was John Walsh, a farmer of moderate circumstances and a descendant of John Walsh, the Scottish martyr. His mother was Eleanor Buchanan. Both parents were born in Scotland. The father went to Ireland in 1830 and

was steward for the Marquis of Hamilton in Ireland until his death.

James Walsh was born at Newton Stewart, County Tyrone, Ireland, March 17, 1851. At eighteen years of age he went to New Zealand and at the age of twenty-two years had studied the arts of agriculture in Great Britain, New Zealand, and Australia, when, through a friend near Omaha, he was induced to come to America. He reached Omaha November 15, 1873, and settled in McARDLE precinct. In the spring of 1874 he formed a partnership for farming with H. W. Crossle. At the end of seven years Mr.



JAMES WALSH

Walsh owned a half interest in 160 acres of farming land, upon which he established a home. He became interested in potato culture, which he turned to great profit. As his profits came in he invested in more land, now owning a large amount of farm land in Douglas county, and in and around Watertown, S. D. He has made it a rule never to borrow money and has therefore never signed a mortgage and carries no insurance, either upon his person or his property. He has always been a republican of the high progressive tariff school. As a member of the legislature he served with ability as chairman of the committee on agriculture, and as a member of the committees on railroads and public printing. He is a member of the Presbyterian church. On January 1, 1886, he was married to Miss Alice Hopper, daughter of William Hopper of Elkhorn Station, Douglas county, Neb., and they have two sons, Ward and Russell, who are associated in business as Walsh Bros., Benson Transfer. Mr. Walsh has always been enthusiastic about the resources of this state, claiming that its soil and climate are unsurpassed. His wide experience has convinced him that no country can equal Nebraska for farming purposes, and he has done much to advertise the state as an agricultural garden spot. He visited the Paris Exposition in the summer of 1900 and pronounced the exhibits

from farm and garden inferior to the products of the great west. He has traveled extensively in the United States, Canada, and abroad.

Mr. Walsh claims to be the original advocate of the Trans-Mississippi Exposition in Omaha, having been a delegate to the trans-Mississippi congress which located it, and having drawn up the original resolution which was passed by that body providing for the holding of the exposition. He was also superintendent of Nebraska's agricultural exhibit at the St. Louis Exposition in 1904.

WALSH, JOHN FRANCIS, cashier of the State Bank of Humboldt, Neb., was born in Dublin, Ireland, March 31, 1846, son of Patrick Keiran Walsh, who was born in Dundalk, Ireland, in 1818, and who on account of his activity in the Irish movement in 1848 had to seek refuge in America. He settled at Lansingburg, N. Y., and later resided in the town of Crescent in the Mohawk valley, from where he went to Cleveland, O. At the outbreak of the Civil War he enlisted, was made a captain of volunteers, and was placed in charge of a part of the telegraph construction corps. After the war he returned to Cleveland, O., and started the *Irish National Magazine*, and the *Celtic Index*. He was active in all the movements intended for the betterment of his countrymen and to gain liberty for Ireland. He died in Cleveland in 1886, and in the Catholic cemetery there is a life-size statue of him erected in his memory by his friends and countrymen. His widow, who in maidenhood was Susan Woods, is a native of Dublin, and is still living, a resident of Cleveland. John F. Walsh attended school at Lansingburg, N. Y., later at a private school in Crescent and at home. He also attended school for two years at Cincinnati, and gave up study there to enlist in the 5th Ohio cavalry in 1864, and served until the close of the war. Then he attended night school for two winters, thus completing his schooling, though he has during his life greatly augmented his early education by extensive reading. In 1867 he went to St. Louis, Mo., and from there went with a party of five to Montana in hopes of making a fortune by either mining, or trading in furs with the Indians. This expedition proved disastrous, two of the party meeting death at the hands of the Indians during the absence from camp of the other three. All supplies were lost as well. The remainder of the party made their way to Fort Berthold by boat, and after remaining there during the winter made the trip to Sioux City by steamboat. In the spring of 1868 Mr. Walsh went to Whetstone Indian agency, but found conditions so uncongenial that he again came down the Missouri in a small boat, stopping at different points in search for work, in which he was not successful until he

reached Brownville, Neb. There he was employed by Alex. Robinson, for whom he worked for two years. In June, 1871, Mr. Walsh went to Humboldt and on a small scale commenced business for himself, establishing a shoemaking shop. For a few years it was a struggle for existence, with the grasshopper plague, the panic of 1873, and other matters to contend with. He struggled on and soon found himself the proprietor of a fair sized boot and shoe store. His wife's health began to fail, and he sold his business and purchased a 280-acre farm, but before he could move to it his wife died. He then formed a partnership with Wenzel Shalak, a Bohemian, and started a general store, which was continued for two years, but had to be discontinued on account of financial reverses and poor business. Soon afterwards Mr. Walsh was made postmaster at Humboldt, being appointed by President Cleveland, and in 1890-91 was treasurer of Richardson county. At the close of his term he became assistant cashier of the State Bank of Humboldt, and filled this position until April, 1899, when he succeeded to the cashiership by appointment upon the death of his predecessor. Mr. Walsh is a member of the Grand Army of the Republic and the Ancient Order of United Workmen, filling all the chairs in the local lodge of the last named. He is a member of the Roman Catholic church. He has been twice married; his first wife was Cora, the daughter of Judge Layton, of Pottawattamie county, Ia., whom he married at Brownville, Neb., December 25, 1869. She died in 1886. She was the mother of two sons, one of whom died at the age of six years, and the other at the age of twenty-five, November 9, 1895. In 1889 Mr. Walsh was married to Kate B. Murphy. They are the parents of six children: Patrick K., Morgan A., Paul E., John B., Ernest F., and Mary V. Walsh.

WALTERS, NEAL, deceased, late of Lynch, Neb., son of Townsend Walters and Nancy (Dewer) Walters, was born near St. Thomas, Ontario, Canada, September 9, 1843; his father was a native of Canada; his mother of Scotland. In 1851 his parents moved to Grand Rapids, Mich., where, September 15, 1862, he enlisted in Company H, 6th Michigan cavalry, and was mustered out December 15, 1865, as an orderly sergeant. In 1879 Mr. Walters removed to Knox county, Neb., locating on a homestead. In 1880 he was appointed postmaster of Sparta. He was the first settler between Creighton and Niobrara, and up to 1891 kept the half-way house. He was chairman of the first town board of Lynch, and filled this position almost continuously until his death, and was also the first school moderator and town treasurer for years, and was one of the leaders in the making of Lynch and

east Boyd county. In 1881 he was elected sheriff on the republican ticket. The county board, on the charge of a deputy who had allowed a prisoner to escape, impeached Walters and appointed Oleson to fill the vacancy. The decision of the board was reversed by Judge Alfred M. Post. An action was brought by the district attorney, with Walters as relator, in the supreme court of the state, and the supreme court's decision was adverse to Mr. Walters. The board of commissioners, under this decision, has the power to impeach and remove a county officer and to appoint his successor (see 15 Nebraska, 247). In 1891 Mr. Walters removed to Lynch, Boyd county, Neb. He married Katherine M. Grant in 1866. He was a member of the G. A. R., the I. O. O. F., being a charter member of the Niobrara and of the Lynch lodges, and was always a republican in politics. His death took place February 12, 1910, at the age of sixty-six years, five months, and three days.

WALTERS, O. E., Albion, Boone county, Neb., was elected county clerk of his county in 1907 on the fusion ticket and for four years previous to that time had served as deputy clerk. He came from Brooklyn, N. Y., to Iowa in 1875 and in 1879 located in Boone county, Oakland precinct, where he homesteaded. In 1891 he moved to Petersburg and engaged in the mercantile business. He has served on the school board, town board, and as justice of the peace.

WARNER, AMOS GRISWOLD, deceased, was born at Elkader, Ia., December 12, 1861, son of Dr. Amos and Esther L. (Carter) Warner (see p. 768, Vol. I). His father's death took place in September, 1861. In 1865 his mother took her family of four children to seek a new home in the then territory of Nebraska, settling on a homestead near the present village of Roca, twelve miles south of Lincoln. There Amos Griswold Warner grew to young manhood. He entered the University of Nebraska in 1878, and was graduated in 1885. In the fall of the same year, he took up graduate work at the Johns Hopkins University in the department of history and political science. His vigorous mind and signal abilities secured him a fellowship in that department the following year, as well as the appointment to the general secretaryship of the Charity Organization Society of Baltimore, so that for more than a year prior to receiving his doctor's degree, in 1888, he was performing double work. While thus engaged he had ample opportunities to make practical application of his sociological studies. He wrote and lectured on various topics connected with his work, such as pauperism, charities, and kindred subjects. From the first his contribu-

tions attracted attention by reason of their concreteness, earnestness, strong common sense, and happy mother wit. The year following the completion of his course at Johns Hopkins, his alma mater called him to the newly created lectureship on political science. The reputation he had established as an organizer of charities, entirely independent of any political influence, secured for him, in 1891, the position of superintendent of charities for the District of Columbia. After performing the arduous labor involved in organizing and administering the office for a period of two years, Dr. Warner resigned to accept the professorship of applied economics at the Leland Stanford Junior University. He was attracted to this university by the superior library facilities on industrial corporations, to which subject he concluded to devote his attention, but before becoming absorbed in new investigations, he determined to publish the result of his study of charities, and his volume on *American Charities* followed in 1894. Two years after the call to Leland Stanford he was compelled to give up practically his work there, though he held his position until his death, January 17, 1900. The last years of his short life were largely spent in unavailing efforts to regain his health. Though weak in body, Dr. Warner's vigor of mind was undiminished as is evidenced by the sermons on social science delivered at the university in the fall of 1897. In October, 1908, there was issued a second edition of *American Charities*, revised and enlarged by Mrs. Mary Roberts Coolidge, the author's pupil and co-worker. His long and losing battle with disease brought out in strong relief the fine attributes of his spirit. His equanimity, his manly fortitude, and his sane, healthy grappling with fundamentals, signalled even more conspicuously than his writings, the rare worth of the man. On September 5, 1888, he married Miss Cora E. Fisher, daughter of Geo. E. and Marian (Morser) Fisher, who located in 1879 in Lincoln, Neb. Mrs. Warner was educated at the Nebraska State University and graduated in the class of 1886. Mr. and Mrs. Warner were the parents of two children, Esther, and Kenneth Fisher, both students at the State University, Lincoln, class of 1912.

WARNER, CHARLES ARTEMUS, deceased, pioneer of Geneva, Fillmore county, Neb., was born in Ogle county, Ill., October 7, 1846, and died at St. Francis Hospital, Wichita, Kan., November 30, 1907, aged sixty-one years. His father, James Warner, was a native of Germany, and a pioneer of Illinois. His mother, Jemima (Hammond) Warner, was a native of Vermont. The parents both died in Ogle county, Ill., the father at the age of seventy-

six years, and the mother at the age of thirty-five years. At the time of the mother's death, Charles was ten years old. He enlisted September 7, 1861, in Company F, 34th Illinois volunteer infantry, and served four years; was made a corporal in 1862, first sergeant in March, 1864, and acting orderly sergeant. He participated in the following battles: Shiloh, Siege of Corinth, Clayville, Ky., Laverne, Tenn., Triune, Stone River, Liberty Gap, Mission Ridge, Rocky Face, Resaca, Rome, Dallas, Kenesaw Mountain, Peachtree Creek, siege of Atlanta, Jonesboro, Ga., Averysboro, Bentonville, Goldsboro, and Raleigh. During the battle of Resaca a bullet struck his rifle, and at Rome a grapeshot struck the buckle of his belt. He participated in the grand review at Washington. In April, 1871, he removed to Fillmore county, Neb., where he homesteaded in Chelsea township. At the time of his death he owned 720 acres of land in that township. Mr. Warner was a republican in national affairs, but affiliated with the populist organization in local elections. He served as chairman of the republican county central committee for several years. In 1874 he was elected sheriff of Fillmore county, and served by subsequent reelections until 1879. In 1890 he was elected a member of the state senate, on the populist ticket, representing the 24th district, composed of York and Fillmore counties, and during the following session led a successful fight for the location of the girls' reform school at Geneva, and this institution, with an average of 250 inmates annually, is a monument to him. Failing in accomplishing his aims through the populist organization, he returned to the republican party, and was appointed postmaster of Geneva, January 2, 1902, and four years later was reappointed to this office which he held at the time of his death. Mr. Warner took an interest in educational matters, especially in the public schools of the district, serving



COLONEL JESSE WARNER

on the local school board for many years. Mr. Warner was married January 18, 1874, to Miss Hattie Leonard, daughter of Abram G. and Katherine (King) Leonard, pioneers of Saline county, Neb., who had emigrated from New York. To Mr. and Mrs. Warner five children were born: Lulu, wife of C. D. Jansen, Perry, Okla.; Harry A., a farmer of Chelsea township; Charles J., also a farmer of Chelsea township; Dr. Leonard H., Geneva, a graduate of the dental department of the Omaha Medical College, class of 1903, a member of the Masonic order, and a republican in politics. He served in Company G, 1st Nebraska, during the Philippine war, and participated in all the battles of that regiment. Dr. Warner married Flora Nunns. They have one son, Charles Artemus Warner. The youngest child of Mr. and Mrs. Charles A. Warner is Faye L., residing at home with her mother. In the fall of 1907, Mr. Warner not being in good health, a trip was taken to visit his daughter, Mrs. C. D. Jansen, at Perry, Okla. He, however, did not improve as was expected, and after taking treatment for a time at Perry, it was decided that an operation would be necessary.

He was therefore hurried to St. Francis Hospital, at Wichita, Kan., where an operation was performed, but he did not have strength to revive, passing away November 30, 1907. His remains were taken to his late home at Geneva for burial, and the funeral services were under the direction of the Masonic order, of which Mr. Warner had long been a member. Wilson post, Grand Army of the Republic, of which he was also a member, assisted in the funeral rites, and all the business houses were closed in response to a proclamation of Mayor B. A. Koehler.

WARNER, MOSES M., editor and publisher of the *Lyons Mirror*, Lyons, Burt county, Neb., was born at Richland, Ia., August 20, 1855. His paternal

family was founded in America in 1694, by one of three brothers who came from England, and settled in Massachusetts. The descendants of these brothers are now scattered over nearly every part of the Union. The paternal grandfather of Mr. Warner founded the town of Wooster, O., and there built the blockhouse, where General Wayne made his headquarters during his campaign against the Indians. The father of M. M. Warner was Colonel Jesse F. Warner, a veteran of the Civil War, and his mother, who now resides in Lyons, was Hannah M. Woodward, who was born in Indiana September 7, 1832. (See sketch of Colonel Jesse Warner, pp. 796-797, Vol. II. His portrait appears on page 679.) Moses M. Warner received his education in the grade and the high schools of Dakota City, Neb., to which place his parents removed when he was a boy, having first settled on a farm near the old town of Logan, Neb., in May, 1857. For more than a quarter of a century Mr. Warner has been engaged, generally, in the newspaper business. He has been a clerk, a farmer, and sub-agent at the Winnebago agency, filling this position from 1886 to 1889. In 1893 he wrote *Warner's History of Dakota County, Nebraska*, consisting of some 400 pages, assisted in the enumeration of the twelfth United States census in Burt county, and since August, 1890, has been the publisher and editor of the *Lyons Mirror*, which he conducted as an independent republican paper until August 23, 1901, since which time it has been a strong fusion paper. This paper was established in 1881 by W. H. Price, and passed through different hands until acquired in 1890 by Messrs. M. M. and E. J. Warner. Its present publisher has been the sole owner since 1895. He is a member of the Masons, the Odd Fellows, the United Workmen, Good Templars, Sons of Veterans, and Degree of Honor. On December 17, 1892, he was married to Miss Mabel C. Taylor, and is the father of four children, all of whom died in infancy.



WILLIAM PHILIP SHERIDAN WARNER

WARNER, WILLIAM PHILIP SHERIDAN, of Omaha, Neb., United States marshal, formerly county attorney of Dakota county, Neb., was born in Richland, Keokuk county, Ia., April 28, 1866, son of Gideon and Matilda (Brubaker) Warner, the former from 1855 to 1879 a frontiersman in Nebraska, Colorado, Wyoming, and Montana. W. P. S. Warner received his education in a business college at Sioux City, Ia., and at Iowa City, Ia. In 1868 his parents located in Dakota county, where he commenced teaching school in 1885, and studied law and was admitted to the bar in 1891. In 1889 he was elected county judge of Dakota county and reelected in 1891, and was secretary of the county judge's association of Nebraska for 1892 and 1893. Mr. Warner was appointed to fill an unexpired term as county attorney, and by election and reelection to the office he served six years. In politics he has always been a republican, and has several times been chairman of the Dakota county republican committee and of the judicial committee of the eighth district, and has been a member of representative and congressional committees and of the state central committee. He was elected to and served in the state senate from the eighth senatorial district during the 28th session. He is a Mason, a Knight Templar, a member of the blue lodge at Dakota City, the chapter at Wakefield, council at Fremont, and the commandery at Norfolk, Neb., and the Shrine at Omaha. He was married February 16, 1893, to Alice M. Graham of Sioux City. They are the parents of four children: Margaret, William G., Herbert, and Philip. Mr. Warner and his family have resided in Dundee, Omaha, since his appointment as United States marshal for the district of Nebraska.

WARNES, EDWARD, deceased, first settler of Lincoln, Neb., was born April 1, 1818, at Kingslynn, county of Norfolk, England, and was a son of Wil-

liam Warnes and Mary (Dolman) Warnes, the third of nine children and the only one to come to America. He died at his home in Lincoln, June 24, 1911, aged ninety-three years, two months and twenty-three days. Edward Warnes received his early education in England and worked there in the freighting business until 1857. Often he used four, six, eight, ten, and sometimes even thirty-six horses, as his load demanded, frequently transporting railway engines from one point to another, the trips involving several days and nights upon the road. He assisted in the transportation of the first locomotive which ran from the city of Lynn to London at the head of a construction train. This engine was conveyed from Peterborough to Downham, a distance of forty miles, by thirty-six horses, and placed upon the track, the tender being drawn by eight horses. In 1857 Mr. Warnes embarked for America and came to Chicago, from whence he went to Peoria, Ill., and in 1861 crossed the Mississippi and Missouri rivers and settled at Wyoming, Otoe county, Neb., and lived there for one year. In March, 1862, he removed to the present site of Lincoln, Neb., and filed on 160 acres extending from A street to South street and from Seventh to Fourteenth street, and built a log house on the site where his late home stands at the corner of Seventh and A streets and where his death took place. The lumber for the house was hauled from Nebraska City at a cost of \$12 to \$14 per thousand for hauling. For six weeks after settling in Lancaster county, Mr. and Mrs. Warnes saw no white people. He assisted in building the first houses in Lincoln and planted the first trees on the townsite; one of these, a maple, now measures six feet in circumference and stands on the lot on which he built. He gave the east eighty acres of his claim to Jacob Dawson, who, to reimburse him for forty acres for his gift of eighty acres to the state for the capitol building, deeded to Mr. Warnes forty acres near where the penitentiary now stands. The balance Mr. Warnes platted and sold for town lots, with the exception of his home site. Mr. Warnes always affiliated with the republican party. He belonged to the Methodist church for over sixty years, and the first prayer meeting, the first regular service, and the first Sunday school were held at his instance and at his house. He started the first Methodist church in Lincoln on Wood street near Tenth street, which is now a residence. His first wife, Anna (Crockett) Warnes, died before he left England, and he was again married to Charlotte Jeckell, of Norfolk, England, who came to this country with him, and died at their home in Lincoln in 1876. The following year he was married to Miss Hannah Hubbard, a native of Over Whittiker, Warwickshire, England,

daughter of James and Lydia Hubbard, who in 1876 came to Lincoln and lived at what is now the Country Club, which was built by Governor Butler and then sold to Lord Jones and was occupied by Miss Hannah Hubbard and her brother, John Hubbard, now of Germantown, Seward county, Neb. Mr. and Mrs. Warnes were the parents of one child, Mary Ann, who is the wife of Max Petersen, a resident of Lincoln, actively engaged in the real estate business on his own account, building and selling residences. He was born in Denmark in 1876, son of A. M. and Cecelia (Petersen) Petersen, who came from Denmark to Chicago in 1880 and to Lincoln in 1882, where Mr. A. M. Petersen engaged in the grocery and confectionery business. Mr. and Mrs. Max Petersen have two children, Edward Mathias and Eva Mary.

WARREN, DAVID, of Douglas county, came to Nebraska in 1857 and at once located on the northwest quarter of section 1, Chicago precinct, Douglas county, and has continuously resided upon this place since that time. As the years have gone by Mr. Warren has gradually accumulated more property until now he owns 500 acres of splendid land with modern improvements. Mr. Warren is the only son of James and Maria (Lowarch) Warren, who came to Nebraska in 1857. James Warren came from Buckinghamshire, England. Mrs. Warren was a native of Newton, Wales. Both passed away after coming to Nebraska. David Warren has been an active and a progressive citizen of the state and has been unusually successful. Among other local offices which he has filled is that of school director in his local precinct. Mr. Warren is a member of the Methodist Episcopal church. He was married to Miss Sarah Hanger and their children are: John W., of Sioux county, Neb.; Schuyler C., Charles Thaddeus, William, Frank, Robert, Grace, Janette, and Martha, wife of William C. Miller.

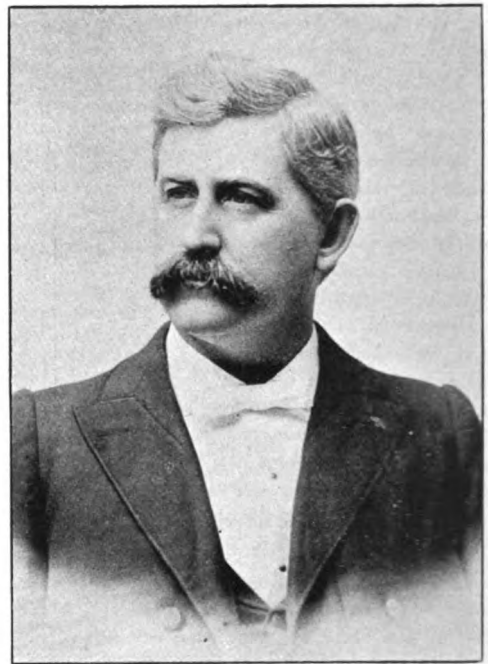
WARREN, GEORGE J., manager for the Nebraska Telephone Company at Red Cloud since 1898, first settled in Nebraska in 1876, coming from Chicago, where he had been engaged in the printing business. He located at Beatrice and engaged in newspaper work on the *Express* under General Colby. He then went to Lincoln, where he was employed upon the *State Journal* up to 1883, and for a time was in partnership with the late Jacob North, in the Tribune Printing & Publishing Company, which sold out to the *State Journal*. In 1883 he retired and went to Red Cloud, Neb., where he bought the Webster County *Argus*. He edited and published this paper for fifteen years, when he sold it to L. E. Tate. Mr. Warren helped to get the Nebraska Telephone Company into Red Cloud. He

is a republican in politics, and served two terms as mayor of Red Cloud and two terms as member of the city council. The Red Cloud electric light plant was put in while Mr. Warren was serving as a member of the council. He is a charter member of the local lodge, Independent Order of Odd Fellows. While a resident of Lincoln he was a charter member of the Typographical Union in that city, and now holds an honorary membership in that institution.

WATERS, WILLIAM SAMUEL, formerly cashier of the American Exchange Bank of Elmwood, Cass county, Neb., now (1911) president of the First National Bank, was born in New London township, Henry county, Ia., June 20, 1857, son of James and Nancy Ann (Cox) Waters. James Waters, with his wife, in October, 1863, came from Iowa and settled on land near the town of Greenwood, in Cass county, Neb. In 1848 James Waters married Nancy Ann Cox, who was born in Canada, and at an early age with her parents removed to Ohio, later to Indiana, and then to Henry county, Ia. She accompanied her husband to his new home in Nebraska territory, and underwent all the trials incident to pioneer life. James Waters was a republican, and with his wife a member of the Congregational church. He was also a member of the Independent Order of Odd Fellows. He died on the 20th of October, 1883, the twentieth anniversary of his arrival in the territory of Nebraska. His wife survived him about eight years, dying at Elmwood, Neb., June 18, 1891. William S. was reared on his father's farm near Greenwood, and remained there until November, 1886, when he engaged in banking, becoming the cashier of the Bank of Elmwood, a position he held until July 5, 1889, when he with others organized the American Exchange Bank of Elmwood. This bank was opened for business September 9, 1889, with Mr. Waters, cashier. Later he resigned and accepted his present position. In politics he is a republican and takes an active part in the affairs of the party. He is a member of the Independent Order of Odd Fellows, and of the Methodist Episcopal church. May 12, 1888, he was married to Miss Lettie Alton, and is the father of five children: Winfred B., James A., Nancy M., Mary J., and William Waters.

WATSON, CLAUDE, M. D., Nebraska City, Neb., son of Dr. Lemuel and Susan (Smith) Watson, grandson of William Watson, who was a first cousin of the late Sir Thomas Watson, eminent physician of London, England, was born May 4, 1855, in Ray county, Mo. His preparatory education was obtained at the University of Missouri, Columbia, where he took the classical course

through the junior year; began to read medicine in 1875, at Lexington, Mo., under the direction of his father, Lemuel Watson, M. D.; attended two courses of lectures at the Missouri Medical College, St. Louis, and graduated March 2, 1877. He afterwards took a two months' course at the post-graduate medical school and hospital, New York city, in 1891, and attended the post-graduate medical school in Chicago in 1902. Dr. Watson practiced medicine at Lexington, Mo., for three years following his graduation in 1877; was at Mexico, Mo., through the year 1880; at Kansas City in 1881; and at Nebraska City since that year. He is a member of the Otoe County Medical Society, was its treas-



CLAUDE WATSON, M. D.

urer in 1890, and its president now; is a member of the Nebraska State Medical Society; of the American Medical Association; was president of the board of health of Nebraska City from 1889 to 1895; physician to the Nebraska institution for the blind, Nebraska City, 1890-94; lecturer on physiology and anatomy in Carey's Academy, Nebraska City, 1888-89; was surgeon to the Nebraska National Guard, 1st regiment, 1888-91; was secretary, 1886-88, and president, 1888-90, and since 1892 of the board of U. S. examining surgeons for pensions at Nebraska City. He has been a member of the city school board, 1894 to 1911; was reelected in 1895 as president of the board, and has been elected president each year since that time. He is a 32d

degree Mason, an Odd Fellow, and was the organizer and promoter of the Nebraska City Hospital Association, serving as its president since its organization in 1890. He has been a member of the Christian church since his fifteenth year, and is a democrat in politics. Dr. Watson was married June 3, 1885, to Miss Helena, daughter of Edward and Elvira (Booth) Powell, of Nebraska City, who died April 3, 1908. On December 7, 1910, Dr. Watson married Sarah R. Woodhouse.

WATSON, ELI PRESTON, deceased, late of Plainview, Neb., son of Eli and Sophia (Preston) Watson, was born on the Black river, N. Y., July 3, 1820. His father removed, with his family, to Michigan in 1837, and settled in the town of Watson, Allegan county. The town was named for his father. The Watson family became well known in that section of Michigan, and some of the descendants of the family are still there. Eli Watson followed the occupation of farming with his father, near the town of Watson. Later he was elected county clerk of Allegan county, in the year 1851, and served two years. After retiring from the clerkship, he returned to the farm, and continued to work there until the fall of 1854. At this time, in company with his oldest son, Gilbert P. Watson, he started for Nebraska. He had been preceded by two brothers, William R. and Charles E., who arrived in Sarpy county, Neb., in the summer of 1854. Mr. Watson reached St. Mary's, opposite Bellevue, in the late fall of 1854, and in about ten days the family group was completed by the arrival of Mrs. Watson and daughter, who had made the trip by way of St. Louis and St. Joseph on a steamboat. A temporary home was established at St. Mary's, where the family remained during the winter of 1854-55. In the meantime Mr. Watson was making preparations for his home on the Nebraska side. In the spring of 1855 their home was completed on a 160 acre preëmption, located about three miles west of the town of Bellevue, where they remained until 1881, when Mr. Watson moved, with his family, to Omaha, where he resided for a period of about one year, when he went to Pierce county and took a homestead and timber claim, consisting of 240 acres. He remained on this farm until 1897, when he sold it to his son, Gilbert Watson, and retired to Plainview, where he lived until his death, which occurred May 26, 1899. Mr. Watson was a democrat in politics, and an old-time greenbacker. He served as assessor in Sarpy county, and was a notary public, tax collector, and a member of the school board in his precinct for several years. One reason assigned for his election to the school board was that he could read and write, and there were only two other men in the district at the time who

could boast of this accomplishment. Mr. Watson was married in December, 1845, to Miss Elizabeth Gilbert, of Allegan county, Michigan. She was a native of Canada, of English ancestry, and was twelve years of age when she went to Michigan to make her home. She was a woman of splendid Christian character, and brought up her family to revere Christian institutions. She died May 13, 1903, four years after her husband. Three children were born to Mr. and Mrs. Watson: Gilbert Preston Watson, now of Plainview, Neb. (see sketch in this volume); Isadore Frances, wife of James S. Cameron, of Omaha; and Edwin Eli Watson, also a resident of Plainview.

WATSON, GILBERT PRESTON, of Plainview, Pierce county, Neb., president of the Union Fire Insurance Company (see sketch in this volume), son of Eli and Elizabeth (Gilbert) Watson, was born in Allegan county, Mich., March 21, 1847. In 1854 he came with his father across the plains of Illinois and Iowa and reached St. Mary's, Iowa, opposite Bellevue, in the fall of 1854. He received his early education in the public schools in Sarpy county, Neb., and also in the school then located at Bellevue, and worked on his father's farm until a young man. He continued to reside in Sarpy county until 1879, when he went to Pierce county and took a homestead, where he engaged in farming and stock raising, and very extensively in buying and selling cattle. He gradually acquired more land until he owned over 700 acres in Pierce county. He retired in March, 1909, and moved to Plainview, Neb. Mr. Watson is a democrat in politics and was elected on the fusion ticket to the lower house of the Nebraska legislature, in 1898, representing the 19th representative district, composed of Pierce and Cedar counties, and served one term in the legislature, was a member of the committee on telephone and telegraph, and voted forty-two times for William V. Allen for United States senator. He was a member of the farmers' alliance in the early days of that movement, and was a leader in the populist movement which followed. Of recent years he has affiliated entirely with the democratic party. He is a member of the Independent Order of Odd Fellows, and of the Congregational church, and joined the Knights of Pythias, at Bellevue, a number of years ago. He was married March 8, 1876, to Miss Anna McCarragher, a native of Scotland, who came with her parents to Sarpy county, Neb., when she was sixteen years of age. They are the parents of three sons: Charles Eugene Watson, in the stock business at Brunswick, where he married Miss Margaret Johnson; Ansel Claude Watson, engaged in farming on his father's homestead, who married Miss Grace Speer; and Doctor Eli Arthur Watson,

a graduate of class of 1908 of the Creighton Medical College, and is practicing at Brunswick. He married Miss May Mullen, formerly of Omaha.

WATSON, HENRY D., Kearney, Neb., was born at Amherst, Mass., October 14, 1846. His father was a boot and shoe manufacturer and a bank director, who died in 1870, aged sixty-three years. For pastime he operated a small farm of ten acres of sterile New England land, with a variety of soil, which was so intensively cultivated that it was considered a model. Here the son learned those lessons which made him noted, by their application to the development of 10,000 acres near Kearney, Neb., known as "Watson's Ranch." He started his business life at the age of twenty and was a successful commercial traveler for two years. He then undertook book canvassing and attracted the attention of D. Appleton & Company, who engaged him as manager of their subscription book department. He increased the business from \$250,000 to \$875,000 in sixteen months. A. J. Johnson & Son, publishers of cyclopedias and atlases, then offered him a partnership in their business, which he accepted. When this was dissolved he went into Wall street, where he did a large business in stocks and bonds until he "went broke" one memorable Black Friday. He moved to Greenfield, Mass., where he commenced the publication of the *Housewife*, the circulation of which built up to 100,000 copies before it was three years old. All through his business career his love of the soil kept him in close touch with agriculture. During a four years' residence in California he planted some 17,000 fruit trees on the slopes or foothills of the Sierra Nevadas. His health failing, he sought Nebraska in 1888. His knowledge of agriculture fitted him for a leader and teacher. The drouth of 1890, which caused untold suffering all over western Nebraska, apparently sealed the doom of this region so far as successful agriculture was concerned. Mr. Watson then began a systematic exploration of the country with the hope of finding some forage plant which could be depended upon to grow in this semi-arid country. He found that alfalfa would grow without irrigation, and sowed over 3,000 acres and began a campaign of education to stimulate the general adoption of the alfalfa plant. Mr. F. D. Coburn, then secretary of the Kansas state board of agriculture, invited him in 1898 to address that body at the state capital, which he did. In the few years immediately following thousands of acres of the alfalfa plant were being grown on the semi-arid lands of Kansas. He set about teaching its value to the farmers of Nebraska, and to that end he built on his ranch a dairy barn having a hay capacity of 800 tons, 1,300 tons of ensilage storage, and stabling for 350 cows, each in

a separate stall. Mr. Watson filled this great barn with Holstein cows, built a creamery near by and soon demonstrated to his neighbors the value of the dairy business. It was slow work at first, there being only \$100 worth of cream brought in the first three months of the creamery's operation. Five years later, when the creamery was destroyed by fire, he was paying his neighbors about \$70,000 a year. Mr. Watson spent in a single season over \$200 for seed wheat and had thirty different kinds of wheat growing in experimental plots that he might find out whether spring or winter wheat was the better for western Nebraska. As a result, spring wheat has been entirely displaced by fall wheat, there are no more chinch bugs, and Buffalo county, Neb., has for some years been the banner county of the whole country for this crop. In one year the yield was over thirty-three bushels to the acre on an average all over the county. The magnitude of Mr. Watson's agricultural operations on his ranch is illustrated by the fact that in 1903 2,200 acres were planted in corn and 1,800 acres in small grains, and there are growing on the ranch over 60,000 fruit and shade trees, the result of Mr. Watson's knowledge and faith in tree growing without irrigation. Trees which were put out during the experimental years have already paid a large interest on the investment. The cherry orchard produced during the year 1906 about \$1,000 in cash, or more than twenty-five per cent on the cost of the land, trees, and all labor spent upon the orchard. He declares that it is of little concern what one man does with 10,000 acres, but it is of great importance what one hundred men can do with eighty acres each. Dr. Roberts, director of the government experiment station at Cornell University, Ithaca, N. Y., in writing to the general manager of the Union Pacific railroad, stated that Mr. Watson had solved the forage problem of at least two states, and probably the nation. Mr. Watson is optimistic, aggressive, forceful, and at his best when meeting and overcoming obstacles.

WATTERS, WILLIAM W., was a veteran of the 36th Illinois infantry and a member of the Independent Order of Odd Fellows. He settled on a farm near Shelton, Neb., in 1880, and served as postmaster at Shelton. In 1892 he removed to Grand Island and was elected water commissioner for three terms. In 1905 he resigned and his son, Rupert O. Watters, was appointed in his place, and elected to the position at the next election on the municipal ticket, by petition. The Grand Island water plant has (1908) eighteen miles of mains, eighty-seven hydrants, and a capacity of 2,000,000 gallons per day, the consumption amounting to about 1,000,000 gallons per day on an average. The



A. J. Weaver.

lighting plant was installed March 1, 1907. It is modern in every way, and increasing in patronage. Rupert O. Watters is a member of the Masonic lodge and has the chapter degrees; also of the Independent Order of Odd Fellows and the Encampment branch, and is a republican in national politics. He is a native of Iroquois county, Ill., and settled with his parents in Buffalo county, Neb., in 1880, removing from there to Grand Island in 1893. Prior to 1903 he was engaged in newspaper work. He published the *Mail* at Shelton, Neb., and also served as a reporter and advertising manager on the *Times* at Cañon City, Colo. In Grand Island he was connected with different papers. The widow of William W. Watters and a daughter reside at Grand Island, the latter (1912) being a teacher in the Conservatory of Music.

WATTLES, GURDON W., of Omaha, Neb., president of the Omaha & Council Bluffs Street Railway Company, and vice president of the U. S. National Bank, Omaha, is a native of Richford, Tioga county, N. Y., born in 1855, son of James Wattles, who served during the Civil War in the 109th New York regiment as second lieutenant of his company. The coming of the family to this country dates back to 1652, when John McWattles came from Scotland and settled at Norwich Landing, Conn. Among his immediate descendants the "Mc" was dropped. Nathaniel Wattles, the great-grandfather of Gurdon W., was born at Lebanon, New London county, Conn., in 1749. His second son, Jehiel Wattles, born in North Hampton, Mass., in 1776, was for many years a resident of Virgil, Cortland county, N. Y., where James Wattles, father of Gurdon W., was born in the year 1820. Mr. Wattles's mother, Betsy Ann Whiting, was descended from a Scotch family. Her father, born in Connecticut, was a graduate of Harvard college and was engaged in the practice of medicine. In 1821 he removed to Tioga county, N. Y., where he was killed by an accident in 1845. Betsy Ann Whiting was born at Richford, in that county, in 1822, and died at Carroll, Ia., in 1896. In 1866 Gurdon W. Wattles accompanied his parents to Glidden, Ia., where he remained until 1876. In 1876 he entered the Iowa State College at Ames. In the class of 1879 he stood second in class honors in the freshman year and first in the sophomore year. In the first term of his junior year, he was elected delegate from Iowa to the interstate oratorical contest at St. Louis. He took first honors for his oration at the college junior exhibition. On June 7, 1906, the Iowa State College conferred on Mr. Wattles the degree of M. Ph. He was a member of the Crescent society and the Delta Tau Delta fraternity. He taught for several years before and after leaving college and

studied law and was admitted to the bar in 1882. In 1882 he organized the Farmers' Bank at Carroll, Ia., and became cashier. It was reorganized in 1889 as the First National Bank of Carroll of which he was president until he came to Omaha in 1892 and entered the Union National Bank as vice president. In 1885, in company with eastern capitalists, he organized the Rochester Loan & Banking Company, of Rochester, N. H. When the Trans-Mississippi and International Association was organized in 1895 Mr. Wattles was elected president and so continued during the term of the exposition. To his tireless activity the success of this great undertaking was very largely due. For a young western city such as Omaha, the metropolis of a state that was just emerging from a long period of depression due to the general hard times and an unprecedented era of poor crops, the undertaking was almost appalling. Many serious troubles beset the progress of the exposition after its inauguration, some of which were doubtless due to differences among its directors and managers, but through them all Mr. Wattles retained the confidence of the management. It was his privilege to extend the welcome of the management to the many representative organizations and delegations that came to Omaha during the progress of the exposition. On the occasion of the formal opening of the exposition, June 1, 1898, he delivered the principal address. Mr. Wattles is a republican and was county superintendent of schools in Carroll county, Ia., in 1880 and 1881. He was a delegate to the national republican convention in 1904. During his residence in Omaha he has been identified with the leading commercial and social clubs of the city. Mr. Wattles is a member of the vestry of All Saints Episcopal church of Omaha. In 1903 he organized the Omaha Grain Exchange, of which he was president for five years. He was president of "Ak-Sar-Ben" for three years, and president of the state commission to the Louisiana exposition in 1904-5. He was married in 1881 to Miss Jennie Leete of Clarksville, Ia., a former classmate at college. One child was born to them in 1885 and died in 1889 at Carroll, Ia.

WEAVER, ARTHUR J., of Falls City, Neb., son of the late judge and congressman, A. J. Weaver, of this state (see sketch, p. 797, Vol. I), was born at Falls City, Neb., November 18, 1873. His mother was Martha A. Myers, a member of one of the old families of the Wyoming Valley, Pa. Her grandfather, Philip Myers, and his brother, Lieutenant Lawrence Myers, participated in the Revolutionary War and were in the battle of Germantown. Her grandfather on her maternal side, Thomas Bennet, was also a Revolutionary soldier and a noted Indian fighter in the early settlement of the Wyoming Val-

ley. Mr. Weaver is strictly a Nebraska product, having been reared and educated in the state, with the exception of three years spent at Wyoming Seminary, Kingston, Pa., from which institution he graduated in 1892. In 1895 he graduated from the University of Nebraska, receiving the degree of A. B., and the following year he received the degree of LL. B. from the university law school.

During his college life he was prominent in university affairs, having twice represented the institution in the interstate debate, opening and closing the debate for Nebraska in both contests. He was also manager of the university football team.

From 1897 to 1905 Mr. Weaver was engaged in the practice of law at Falls City. He has been city attorney of Falls City three terms and county attorney of Richardson county. In 1899 he represented his county in the state legislature. Among the measures he introduced was the present law permanently locating the state fair at Lincoln. In 1905 he retired from active law practice to devote more time to his private business, and has since been exclusively engaged in banking and land investments. He is a director of the First National Bank of Falls City, Neb., as well as interested in other substantial enterprises. He is a large land owner in Richardson county and is engaged in farming, live-stock and fruit growing on a large scale, the Weaver orchards in which he is interested being among the largest commercial apple orchards in Nebraska.

Mr. Weaver has been married twice. His first wife, Persa Morris Weaver, a graduate of the Nebraska Wesleyan University, died at Battle Creek, Mich., in 1906. In 1908 he was married to Miss Maude E. Hart of White Pigeon, Mich., a graduate of the Michigan Normal College. They have one child, Maude Harriet.

In politics Mr. Weaver is a republican, although he supported W. J. Bryan in his first two campaigns for the presidency. He is a member of the Elk, Odd Fellow and Masonic lodges, being a Knight Templar, a 32d degree Mason and a Shriner.

WEBSTER, EDWIN CATLIN, real estate dealer, formerly of Hastings and Omaha, Neb., now of Alvin, Tex., was born in the town of Phelps, Ontario county, N. Y., April 26, 1850, son of Isaac Catlin Webster and Armenia (Burtis) Webster. The Webster family to which Isaac Catlin Webster belonged, came to Massachusetts early in the seventeenth century and were among the founders of Hartford, Conn. One of them and the direct ancestor, John Webster, was for many years an official and later governor of the Hartford colony. Richard Treat, one of the patentees in the royal charter, and John Hopkins, were direct ancestors of Edwin Catlin Webster and among the founders of the Hart-

ford colony. James Webster of Connecticut, his great-grandfather, served with the Connecticut forces in the Revolutionary War.

The early Dutch records of New York city show that Petro Caesar Alberto, ancestor of Armenia Burtis Webster, was a religious refugee from Venice, Italy, who came to Nieu Amsterdam with the very earliest settlers. It is also recorded that Alberto married Judith Manji, who was a daughter of Jans Manji, and that the latter was killed in battle with the Indians at Stamford in the early wars. Mrs. Webster's grandfather and great-grandfather, both named John Burtis, served in the Revolutionary War. Arthur Burtis, her father, was one of the early members of the Tammany Society and a member of the board of aldermen of New York city, active in the organization of the public charities of the city and the first superintendent of Bellevue hospital.

Isaac Catlin Webster came with his father, James Webster, from Connecticut and settled in Ontario county, N. Y., as did Arthur Burtis, his father-in-law. He died when Edwin Catlin Webster was seven years old. The latter was educated in the country, public and private schools and later was prepared for college in the Phelps union and classical school, but on account of limited means decided to take employment in T. J. Lyman's general store in his native town. In 1872 he went to Cincinnati, O., and found employment in the freight offices of the Ohio & Mississippi railway, now the Baltimore-Ohio Southwestern, later he was station agent at Belton, Mo., near Kansas City, and then bookkeeper and collector for the railroad transfer company of Kansas City, Mo. In 1875 he resigned to accept a place with the Iowa Loan & Trust Co., of Des Moines, Ia., as assistant secretary, which place he resigned in 1881 to go into the real estate loan business in Hastings, Neb. In 1882 he assisted in the organization of the Nebraska Loan & Trust Co., and became its treasurer, which place he filled until 1900 when he resigned to go to Omaha, Neb., where three of his sons were employed, and engage in the real estate and insurance business. While in Hastings he was active in all movements to build up that city, and was twice a member of the city council.

Mr. Webster has always been an active republican; his first vote was cast in New York state at the time the Tweed control was overthrown. He was a member of the republican state central committee during the campaigns of 1888, 1893, 1896, and 1900. He has been quite active in Masonic circles, having been presiding officer of the four York Rite bodies in Hastings, of which he is a life member, was grand commander of Knights Templar in Nebraska, 1897-98, has been a 33d degree Mason of the A. & A. S. Rite for the southern jurisdiction



John P. Abbot

of the United States since 1888, is also a member of the A. O. U. W., Sons of the American Revolution, and Society of Colonial Wars. In October, 1875, he was married in Galveston, Tex., to Rosa Evalyn Smith, niece of Judge Cole of that city and daughter of Benjamin Franklin Smith of Charleston, S. C., who was a brother of J. Lawrence Smith, the noted chemist of Louisville, Ky.

Mrs. Webster's mother was Julia Adelaide Jaudon, a descendant of the French Huguenot settlers of South Carolina. They have had five children, the oldest son, Louis S. Webster, who was for years with the Omaha National Bank and later assistant auditor and cashier of the *Houston Chronicle* in Houston, Tex., was taken down with illness from exposure and overwork, which he gave up too late, and died at his parents' home in Alvin, Tex. The daughter, Edna Lawrence Webster, married Oswald T. Radinsky, of Omaha, Neb. The other sons are: J. Frank Webster, who is associated with his father in the real estate and insurance business in Alvin, Tex.; the next, Cornelius C. Webster, is salesman for the Alvin Japanese Nursery Co., and the youngest, Albert Pike Webster, is a student in the Alvin high school. All of the family are members of the Presbyterian church.

WEBSTER, JOHN ROBINSON, of Omaha, Neb., has for many years been prominently identified with railroad and other business interests of Omaha. He was born in Detroit, Mich., November 21, 1851. His father, Samuel Cheever Webster, was born in Hartland, Vt., February 2, 1810, and at the age of twenty-one left the New England farm for Detroit, Mich., where he engaged in the manufacture of sash, doors, and blinds. During his later years he resided in Omaha, and died in that city August 7, 1892. His mother, Elizabeth Cutter Robinson, was born in Albany, N. Y., November 10, 1828. Her family moved to Canada, near Detroit, Mich., where she was married. She died in Omaha, April 1, 1907.

Through his father, Mr. Webster traces his lineage through seven generations of New England farmers to John Webster, who came from Ipswich, England, to Ipswich, Mass., where he was made a freeman March 4, 1635. His father's mother was Thankful Cheever, a descendant of six generations of New England parsons, among whom were Ezekiel Cheever, the eminent colonial author and educator, and Michael Wigglesworth, author of the *Day of Doom*, and other religious works. His father's grandmother was Thankful Hammond, a descendant of Elizabeth Penn, sister of the admiral, and aunt of William, the founder of Pennsylvania. His great-grandfather, Moses Webster, when a boy of twenty years, stood behind the rail fence at

Bunker Hill and later charged the Tory breastworks at Bennington.

When Mr. Webster was eleven years old his family moved to Bay City, Mich., at that time a lumber town of 5,000 or 6,000 inhabitants. Soon after and while engaged in his duties as foreman of the mill of Samuel Pitts, his father was so severely injured by a blow upon the head from a rapidly revolving shaft as to entirely incapacitate him for business or work. His mother was a remarkable woman of untiring industry and great ability. She held her family of seven children together and kept them in school until each received a fair education.

Young Webster, like most of the other boys, generally worked about the saw mills during the summer and attended the public schools in winter until 1866, when he secured a position in a furniture store, which, at his mother's wish, he gave up for school in the following winter. The next year he secured employment as janitor of the Y. M. C. A. rooms, and the year after was appointed janitor of the second ward school. This place he held for several years, which enabled him to attend the public schools both winter and summer, until, while still a pupil in the high school, he was appointed assistant teacher in the same school. In 1872 he graduated from the Bay City high school and entered the class of 1876 in the University of Michigan, but owing to his mother's illness he was compelled to give up his college course, and in March, 1873, he left the university and engaged in teaching. He successively held the following positions: Teacher and principal of ward school, Bay City; principal of high school, Romeo, and superintendent of public schools, Big Rapids, Mich. While teaching Mr. Webster occupied his spare time reading law and in 1877 he entered the office of Ashley Pond. In 1878 he was admitted to the bar and opened an office in Detroit.

On January 13, 1880, Mr. Webster married Miss Gertrude M. Potter, born at Evans Mills, N. Y., daughter of Samuel Treat and Barbara (Keller) Potter, at that time residing in Big Rapids, Mich. She is a descendant of old colonial families, and is a member of the Daughters of the American Revolution through Lieutenant-colonel Wagner, Casler, and Klock, of New York. She is also a member of the Society of the Descendants of Colonial Governors through Governor Roger Wolcott and Governor Matthew Allyn, of Connecticut, and through Governor John Green, of Rhode Island. Through these and the Drakes of Connecticut she is also a member of the Society of Americans of Royal Descent.

In 1881 Mr. Webster removed from Detroit to Mapleton, Ia., and in 1886 came to Omaha and embarked in the insurance business, and is still (1911) a partner of the firm of Webster, Howard & Co.

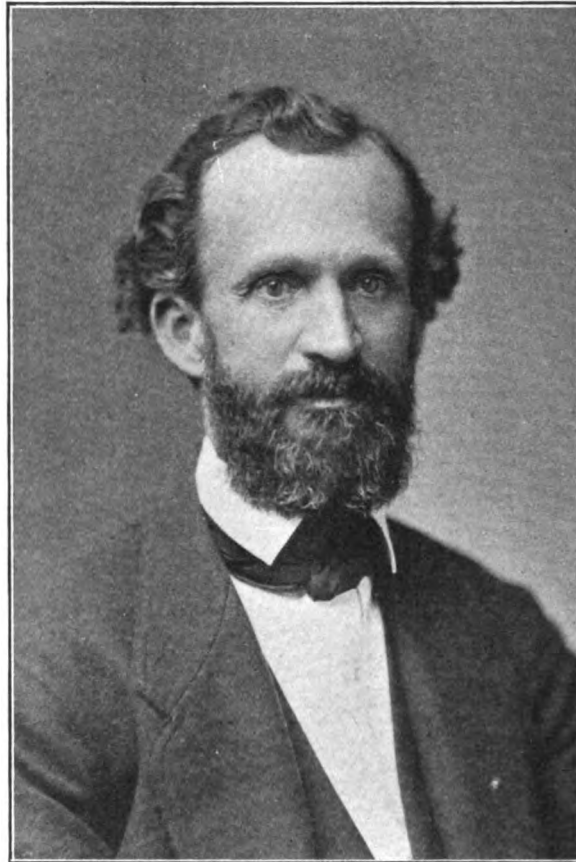
In 1890 Mr. Webster assisted in the organization of the Interstate Bridge & Street Railway Company, and the construction of a street railway intended to develop the properties of the East Omaha Land Company. When the railway company was reorganized as the Omaha Bridge & Terminal Railway Company he was elected assistant general manager, and in 1898, at the request of Drexel & Company, of Philadelphia, the largest stockholders, he was elected vice president and general manager. The policy and scope of the company was enlarged, extensive additions were made to its trackage and facilities, and in 1899, when the Illinois Central railroad constructed its line from Fort Dodge to Council Bluffs, Mr. Webster arranged with the holders of the stocks and bonds of the terminal company to sell the same to the Illinois Central railroad, but at the special request of Mr. Stuyvesant Fish, at that time president of the Illinois Central railroad, Mr. Webster remained in charge of the terminal property. In 1900 he was appointed general agent of the executive department of the Illinois Central railroad at Omaha.

At the present time (1911) Mr. Webster's business interests in Omaha are varied. He is director of the City National Bank and the City Trust & Safe Deposit Company, director and secretary of the City National Bank Building Company and the Terminal Land Company. He is a director and the general manager, secretary and treasurer of the Omaha Bridge & Terminal Railway Company; general agent of the Illinois Central Railroad Company, and is connected with other business enterprises, among which is the Webster-Sunderland building, the East Omaha Land Trust, and the John R. Webster Company.

In politics Mr. Webster has always been a republican. He has been president of the Nebraska State

Society Sons of the American Revolution; is past master of Capitol lodge No. 3, A. F. and A. M., is a member of the Omaha Club, Commercial Club, director of the Happy Hollow Club, and vice president of the University Club of Omaha.

When fourteen years of age he joined the Baptist church and is still (1911) an active member of the First Baptist church of Omaha, and for twenty-five years has been the teacher of the Webster bible class.



JOSEPH WEBSTER

In May, 1901, Mr. Webster founded a scholarship for needy students at Grand Island College, and since that date has founded similar scholarships at the University of Nebraska and the University of Michigan.

Mr. and Mrs. Webster have one child, John Potter Webster, born in Omaha, May 18, 1889, who was educated in the public schools of Omaha, entered the literary department of the University of Michigan, where he won his "M" as a member of the tennis team, and graduated with honors in 1911, at which time the University of Michigan conferred upon his father the distinction of an honorary degree. Thus father and son, at the same time, each received a degree from the same institution of learning.

WEBSTER, JOS., son of Benjamin Webster and Margaret (Maule) Webster, the only child by this, his father's second marriage, was born in Chelton Hills, Pa., January 27, 1826. His parents were of old Quaker stock and members of Abingdon meeting of that society. The members of the family founding the American branch came over at the time of the early Quaker settlement of Pennsylvania and received the patent for their land direct from William Penn. This homestead remained in the Webster family until its sale by Benjamin Webster in 1854. Mr. Webster, after receiving a common school education, gradu-

ated from a private boarding school at Jenkintown, Pa., and taught school for a few years following. After the sale of the old homestead at Chelton Hills, Mr. Webster's father bought a smaller place on Washington Lane, near Germantown, Pa. It was here that Joseph Webster began his married life, when in 1854 he was united in marriage to Emma Walton, also of Quaker parentage. His father and his half-sister occupied a portion of the house until the death of the father in 1859. During the residence of about twelve years on Washington Lane, two children were born to them, Mary (1855), and William (1857). Upon the sale of this place, a farm was bought near Oxford Valley, Bucks county, Pa., which was their home for one year only. They then removed to a farm near Sorrel Horse, Montgomery county, remaining there until 1871. Mr. Webster had long taken a keen interest in the welfare of the Indians and often expressed a desire to labor among them. In the summer of 1871, upon the recommendation of Genesee and Philadelphia yearly meetings of Friends, Joseph Webster was appointed by President Grant to the position of U. S. Indian agent for the Santee Sioux Indians in northern Nebraska. The appointment was promptly confirmed by the senate. He, with his family, came west to take charge of the agency, arriving there July 7th, succeeding the retiring agent, Asa M. Janney. At this date there were no railroads west of Sioux City, Ia. The distance from Sioux City to the agency was about one hundred miles, which was made by stage and private conveyance. At the time Mr. Webster took charge of the Santee, the Indians were living in their lodges clustered about the agency buildings. Probably the most important work of Mr. Webster's administration was the survey of the reservation and the allotment of the land in severalty to the Indians and their removal from the lodges at the agency to comfortable frame or log houses upon their respective claims. At the close of his administration he had the satisfaction of seeing the Indians tilling their claims and the congregation of tipis about the agency entirely dispersed. Upon the expiration of his term of office, July, 1875, he was reappointed and confirmed for another term of four years. He, however, did not serve longer than the fall of this year, but resigned, his resignation to take effect October 1st, and removed to the farm he had purchased in Platte county, near the present town of Monroe, where he made his home during the remainder of his life. For a number of years he was actively engaged in farming and stock-raising. In 1892 he, together with his son, son-in-law, Major Charles Hill, ex-Lieutenant Governor Geo. W. Snow, and Reuben Groot, all of Springfield, S. D., organized the Bank of Monroe and opened for business Au-

gust 15th of that year. Mr. Webster served as its president from the first, and his son, William Webster, as cashier. A little later he took an interest in the Bank of Springfield, S. D., a bank owned by the South Dakota stockholders in the Bank of Monroe. On October 9, 1900, after a lingering illness, Mrs. Webster died at the sanitarium at Sioux City, Ia. Her husband survived her but a short time; contracting pneumonia while on a visit for the holidays with his daughter at Springfield, he died January 2, 1901, and was laid to rest beside his wife in Genoa Friends cemetery, near Monroe. For many years he and Mrs. Webster were elders of Genoa monthly meeting of Friends.

Joseph Webster was a man of exemplary habits and genial disposition; he made but few enemies and many friends. The daughter, Mary Webster, wife of Major Charles Hill, was for some years a teacher in the Santee Indian schools.

WEBSTER, JOSEPH RAWSON, Lincoln, Neb., was born May 5, 1839, in Ahmadnagar Hills, near Bombay, British East India. His parents were of American birth, and resided in Victor, N. Y. He is the son of Elijah Ashley and Marietta (Rawson) Webster, the former born in Whitesboro, N. Y., February 20, 1813, and died February 19, 1855, at Ontario, Ind.; the latter born in 1811, at West Stockbridge, Mass., died at Galesburg, Ill., in February, 1879. Elijah Ashley Webster was a printer, and in 1835 went to Bombay, British East India, to take charge of the American Board of Foreign Missions printing house. He was an artist in metal work, and finding the type in Bombay unsuitable for good work, himself cut the dies and cast reformed fonts of type in the Maharatta language, so reduced in size that the Bible was printed in one volume instead of four, yet in a neater and more legible letter press. He remained there seven years, training a couple of native workmen, whose successors are still in charge of the printing house and use the same style reformed fonts of type. While there, he distinguished himself in rescue of troops from two transports wrecked in Bombay harbor, and for this was "gazetted" by the governor-general in the official paper of the Indian government. His wife, whose grandfather fought in Bunker Hill, also engaged in missionary work. They returned to New York in 1842, and in 1847 removed to LaGrange county, Ind., where Mr. Webster engaged in farming and school teaching. Joseph R. Webster is eighth in descent from John Webster of Hartford, deputy governor of Connecticut in 1659, having emigrated to America in 1635. He received his early education in the log school houses of Indiana, afterwards was a student of LaGrange collegiate institute of Ontario, and graduated from Wabash College,



W. Webster



Lenore Perry Webster M. G.

Crawfordsville, Ind., in 1862, with the degrees of A. B. and A. M., taking the class honors. He enlisted at Crawfordsville, Ind., as private in Company I, 11th Indiana volunteer infantry, in April, 1861, for three months' service, was discharged in July of that year, but reënlisted July 4, 1862, in Company G, 88th Indiana volunteer infantry, and was elected captain of the company. He was in the battles of Chaplin Hills, Ky., Stone River, Tenn. (1862), Chickamauga, the sieges of Chattanooga and Nashville, and the battle of Nashville (1864). He was commissioned major but never mustered, because of depletion of the regiment by service and casualties. In the spring of 1864 he organized the 44th United States colored volunteer infantry at Chattanooga, Tenn., and was commissioned lieutenant colonel. He resigned from service in February, 1866. The last two years of service he read law by the camp-fire. At the close of the war he settled at Rosedale, Miss., where he engaged in cotton planting. In 1869 he returned to Indiana, afterwards went to Iowa City, where he took lectures in the college of law of the Iowa State University. In July, 1869, he moved to Council Bluffs, Ia., and was admitted to the bar at Glenwood. In October, 1869, he moved to Lincoln, Neb., where he formed a partnership with L. W. Billingsley. In 1871 he moved to Crete, but two years later resumed his law practice in Lincoln, where he had at different times as partners: Smith B. Galey, Lionel C. Burr, Allen W. Field, William E. Stewart, Halleck F. Rose, and Denis J. Flaharty. Mr. Webster has always been a republican, casting his first vote for president in 1861. He was attorney general of Nebraska in 1874, and county judge of Lancaster county in 1878 and 1879, member of the board of education, city council, city attorney of Lincoln, 1897-8, and 1901 was appointed assistant attorney in the office of assistant attorney general, department of the interior, Washington, D. C., and in March, 1909, was advanced to assistant attorney in the office of the secretary. Mr. Webster filled the chair of equity jurisprudence, college of law, University of Nebraska, from the organization of the college to June, 1899. He drafted the act for registration for payment of state, county, and city warrants, which greatly strengthened municipal and public credit; also the act authorizing maintenance of city libraries; the act for collection of decrees for alimony in divorce proceedings like other judgments; the first act for organization of sanitary drainage districts; the act authorizing the use of voting machines; the recent acts for government of the home for the friendless, and for that of the Milford home, and other laws and amendments, as well as the amendments to the Lincoln city charter. A fact of great local importance which he discovered, was

that the record of the issue of two series of Midland Pacific railway subsidy bonds of Lancaster county, of \$150,000 and \$100,000, drawing ten per cent interest, had been erroneously made to appear as though issued payable at the end of twenty years, while in fact payable at the county's option. At his own expense and under bond of \$20,000 he undertook to compel surrender of these bonds prior to their supposed maturity, and effected the transaction, so that over \$149,000 was saved within the supposed term of the bonds. The county paid only his actual expense, about \$800, with no compensation for his services. He litigated the question whether the telephone was a public utility or a private business, and established in a case of first instance, that the telephone is a public servant, liable, like the common carrier, to public control. Mr. Webster is a member of the Phi Delta Theta college fraternity, the Grand Army of the Republic, Farragut post, Lincoln, department of Nebraska; Burnside post, Washington, D. C.; Society of Colonial Wars, Washington, D. C.; and the Loyal Legion and Law Society Phi Delta Phi. He was at one time member of the Presbyterian church in Indiana, but placed his membership with the Congregational church in Lincoln. He was married June 12, 1873, in Lima, Ind., to Sara Cooper Thompson, and one daughter was born to them, Joy L. Webster. Mrs. Webster died March 23, 1904. Mr. Webster was again married in November, 1906, to Dr. Lenore Perky, whose biography appears in this history.

WEBSTER, DOCTOR LENORE (PERKY), wife of Joseph R. Webster, was born at Mt. Hope, Holmes county, O., May 23, 1857. Her parents were Dr. John Firestone Perky and his second wife, Esther Martin, both natives of Pennsylvania, who moved to Ohio with their parents when children. The name Perky is a corruption of Berky, by the descendants of Christopher Berky, who migrated from Switzerland, canton of Berne, in colonial days. Dr. John F. Perky, on his mother's side (Firestone) was of Huguenot descent. He practiced extensively in Hancock, Holmes and Wayne counties, O., and died at Smithville, August, 1872, never having been able to practice actively after service in the field hospitals of the sanitary commission in the War of the Rebellion. His widow, with their children, Lenore, and Kirtland I. Perky, now a lawyer of Boise, Ida., moved to Lincoln, Neb., in 1880, and thence to Wahoo, Saunders county, in 1884. Dr. Lenore Perky's early education was in the common schools and normal school at Smithville and Lebanon, O. At Wahoo, Neb., she conducted a photograph business, began the study of medicine and later entered Hahnemann Medical College, Chicago,

Ill., graduating in 1890. Before graduation she was volunteer assistant to her mother, aiding in opening the state industrial home for girls at Milford, Neb. Soon after graduation Dr. Perky began practice at Fremont, Neb., but removed in October, 1890, to Lincoln and began practice there. In 1897 she was appointed physician to the home for the friendless by Governor Holcomb, was reappointed by Governor Poynter, and served in that office until April, 1901. While in that office her attention was drawn to the need of public provision for the cure and education of ruptured, crippled, and deformed children, neglected by Nebraska and other states. Convinced of the great need of this work, and of its beneficial possibilities both for the unfortunates and the state, viewed from its philanthropic and its economic sides, she began agitation for state provision by preparing and reading a paper on the subject before the Nebraska State Homeopathic Medical Association at Omaha, in 1904. That body made her chairman of a special legislative committee to present the subject to the legislature of 1905. Others joined in the work, which resulted in a bill, introduced by Representative James H. Casebeer of Blue Springs, and its enactment into a law for the establishment of the Nebraska orthopedic hospital. The beneficent results of these efforts are now history in the hospital's annual reports and its work is known to many. Dr. Perky Webster is a member of the American Institute of Homeopathy, the Nebraska State Homeopathic Association, the Homeopathic Medical Association, District of Columbia, the Orificial Surgeon's Association, the Nebraska State Home for the Friendless Society, Nebraska Woman's Suffrage Association, Order of the Eastern Star, Daughters of Rebekah, and is a member of All Soul's church (Unitarian), Washington, D. C. She remained in active practice of medicine at Lincoln, Neb., until November 29, 1906, when she married Joseph K. Webster, attorney at law, now at Washington, D. C.

WEBSTER, WILLIAM, of Columbus, formerly of Monroe, Neb., son of Joseph and Emma Walton Webster, was born in Cheltenham, Pa., May 26, 1857. His father was of Quaker parentage and a native of Pennsylvania, and an elder in the society of Friends, and was recommended by the Friends Indian commission as a suitable man for the position of Indian agent for the Santee Sioux, and in 1871 he was appointed to that position by President Grant, taking charge of the agency in northern Nebraska in July of that year. After serving four years he was reappointed in 1875 and confirmed by the senate, but resigned in the fall of the same year and removed to a tract of land purchased in Platte county, near the present town of Monroe. There he,

with his son William, engaged in farming. In 1892, a station having been located on the Union Pacific at Monroe, Joseph Webster organized the Bank of Monroe and became its president, a position he held until his death, January 2, 1910. Emma Walton Webster died October 9, 1909. William Webster, in 1892, was elected cashier of the Bank of Monroe and at the death of his father he was elected president and was its managing officer from the beginning until May 1, 1911, when he sold his interest in the bank and retired to Columbus, Neb. He has affiliated with the republican party and is a member of the society of Friends. Wm. Webster married, January 1, 1903, Mrs. Nellie C. Lownes, of Benet, Neb. They are the parents of two children: Alice Bedell, and Margaret Maule.

WEEKES, WILLIAM BYRON, grain and livestock dealer, Omaha, Neb., formerly of Scotia, Greeley county, was born near the city of Cairo, Ill., November 5, 1859, son of Thomas Weekes, who was a soldier in both the Mexican and the Civil Wars; and mortally wounded at Hartsville, Tenn., December 1, 1862, was taken prisoner and soon after died in Libby prison. The mother of Mr. Weekes was in maidenhood, Elizabeth Lindridge. In 1875 William settled upon a homestead in Greeley county. He has always been a republican. From 1886 to 1890 he served as treasurer of Greeley county, and in 1891 was one of the board of county supervisors. He is a Mason of the Royal Arch degree and is a member of the Methodist Episcopal church. He was married June 12, 1881, to Nora A. Whitehead, and has six children: Dr. Charles W., Edward and Edgar—twins, Chester, Cecil, and Edith.

WEIR, AUSTIN HARRIS, deceased, late of Lincoln, Neb., was a native of New Jersey. His father, William Weir, died when Austin was an infant. His mother, Elizabeth B. (Kennedy) Weir, was descended from a Scotch family. A. H. Weir went to Colorado about 1861 and enlisted in the 3d Colorado infantry, which was soon sent east. Later the 2d and 3d Colorado infantry regiments were consolidated into the 2d Colorado cavalry, and in this Mr. Weir served until the end of the war. Later, he took a partial course in the old Chicago University. His early business training was in the lumber trade at Moline, Ill. From there he went to Burlington, Kan., where he was engaged in the lumber business for a time. In 1882 he settled at Lincoln, Neb., and opened the lumber business for the firm of S. A. Brown & Co., of Chicago, then one of the large line yard concerns. S. A. Brown & Co. sold out their business in Lincoln in 1890, and Mr. Weir was then with the Badger Lumber Com-

pany of Kansas City, Mo., until May, 1905, when, in partnership with the Yates interests, he bought out the Badger Lumber Company, which became strictly a local concern, managed by Mr. Weir as president up to his death, April 8, 1907, aged sixty-five years. Mr. Weir came out of the army a republican in politics. Of his later political affiliations he said a short time before his death: "I remained steadfast with the republican party until nominated for mayor, but although being refused consideration by the republican managers because I would not sacrifice my birth-right as an American citizen and serve their selfish purposes, I am still thoroughly republican in sentiment, but have found the best exposition of my republican ideas among the independent organizations and interests." Mr. Weir was twice elected mayor of the city of Lincoln, and felt a great pride in the many friends who supported him in the reforms that he undertook. He was known as the "reform mayor," and while he always appreciated the suggestions of those interested, in every case he acted upon his own judgment, without fear or favor. Mr. Weir was a member of the order of Hoo Hoo, and was rapidly promoted to all its offices, ending with the immortal snark of the universe. He was also a member of the Grand Army of the Republic, and of the Independent Order of Odd Fellows, and was honored with most of the highest officers in the order. He believed this to be "one of the best secular organizations on earth." Mr. Weir was first married in Kansas City, Mo., to Miss Mary E. Farmer. They were the parents of one child, Grace Adele, the wife of Lewis Stull, formerly of Lincoln, now of Seattle, Wash. Mr. Weir married a second time, Miss Matilda Smith, a native of Jefferson county, N. Y., near Watertown, who survives him and resides in Lincoln, Neb.



AUSTIN HARRIS WEIR

of land titles, Albion, Boone county, Neb., was born at Bergen, near Birkenfeld, grand duchy of Oldenburg, July 29, 1840. His paternal grandfather was for many years burgomaster of the city of Nieder Ingelheim, Rhenish Hesse, during the time of the Napoleonic wars at the beginning of the nineteenth century. That section of country was subject to harassment, first by one army and then by the other, and the devastation was as great at the hands of friends as of foes. Burgomaster Weitzel was a man of powerful physique and indomitable will. He died at the age of fifty-two years, leaving five sons

and three daughters. Mr. Weitzel's grandparents on his mother's side came from Saxony. His grandmother belonged to the nobility, but a thorough education was the only advantage she enjoyed. Her husband was a landed proprietor, and their eldest son was for many years confidential secretary to the Grand Duke of Hesse-Darmstadt. He died in 1850. William Weitzel's father, Gottfried Weitzel, was a minister of the German Reformed church for forty-eight years and died at the age of eighty-six years at Ingelheim, Rhenish Hesse, Germany. He was educated at Mayence, Bonn, Gießen, and Utrecht, and was gifted with a spirit of stern integrity and strict frugality, evidenced by the fact that on a salary amounting to \$600 a year he reared

twelve children. He married Louise Krebs, daughter of Karl Frederick Krebs, a landed proprietor of Heidesheim, Rhenish Hesse. When William Weitzel was seven years old his father removed to a new parish, where he attended the common school until he had reached the age of ten. At that age his father took him and his elder brother into his own charge, giving them lessons privately in Latin and grammar. When he was twelve years old he accompanied an elder brother to America. For four years he worked upon a farm in Pennsylvania, and then went to Cincinnati, O., and secured a position in a store. After a year at that

WEITZEL, WILLIAM, abstractor and examiner

service he followed an elder brother to Illinois, where they established themselves in the grocery business. In 1864 Mr. Weitzel enlisted at Peoria, Ill., in Company F, 139th Illinois volunteer infantry. September 9, 1867, he was married at Lacon, Marshall county, Ill., to Emma M. Mayer, and in October, 1871, they came to Nebraska. He went first to Albion, Boone county, and soon afterward homesteaded a quarter section of land. In 1876 he was elected assessor and held the office for three years. In 1879 he was made county superintendent of schools, in which capacity he served until 1882. In the latter year he accepted a position as deputy county clerk, until 1887, when he was elected county clerk. Since 1894 he has been engaged in abstracting and examining land titles. Mr. Weitzel is a member and secretary of Albion lodge No. 78, A. F. and A. M. He belongs to the Congregational church at Albion. Two children have been born to Mr. and Mrs. Weitzel: Frederick M., educated at Gates College, Elliott's Business College at Burlington, Ia., and Beloit College Academy. He was deputy clerk of internal revenue at Nebraska City under John Peters for two years, and is now assistant cashier in the First National Bank of Albion. The other son, William C., at the age of fourteen years entered the employ of the Albion National Bank, and in six years became cashier of the Newman Grove State Bank. In the fall of 1889 he became manager of the Crowell Lumber & Grain Company at Petersburg. Resigning that position he engaged in business with his father.

WELCH, ANSON A., judge of the ninth judicial district of Nebraska, was born on a farm in Bennington county, Vt., in 1854, son of Andrew Jackson and Parmelia (Camp) Welch. His great-grandfather, Ebenezer Welch, removed from Rhode Island to Vermont and was at the battle of Bennington. In 1856 A. A. Welch was brought by his parents to Illinois. At the age of nine years he lost one foot by accident, which made it necessary that he secure an education to fit himself for a life work instead of pursuing the vocation of his father as a farmer and mechanic. He attended school at Galva, Ill., and taught school in the county in the winter after he was seventeen years of age. He took up the study of law while teaching, and in 1883 was admitted by the supreme court of Illinois to practice, after an examination in which he stood second in a class of twenty-one. Judge Welch came to Wayne county, Neb., in 1883 and began the practice of law and continued in this until he was appointed district judge in 1907. In 1885 he was elected county superintendent of schools of Wayne county, but declined to be a candidate for another term in order that he might devote his en-

tire time to the law. In 1894 Judge Welch was elected county attorney of Wayne county, holding the office for two terms, and in 1900 was again elected county attorney. In February, 1907, he was appointed by Governor Sheldon as judge of the ninth judicial district to fill the vacancy caused by the resignation of Judge Boyd who was elected to Congress. In the November election in 1907 Judge Welch was elected to fill the vacancy for the full term, there being no opposition to his nomination by the republicans at the primaries and no nomination by the democrats or any other party against him. In 1911 he was again elected over Senator William V. Allen. The ninth judicial district of Nebraska comprises Madison, Wayne, Pierce, Knox, and Antelope counties. Judge Welch has always been a republican and is a member of the Presbyterian church. He married in 1885, Anna Davies, who was born in Wales in 1861. They are the parents of three children: Florence, of Wayne, a teacher; Leslie A., a student at the Nebraska State University; and Herbert A., a graduate of the Wayne high school, 1911, who is now engaged in teaching.

WELCH, MERRITT D., deceased, Omaha, formerly of Lincoln, Neb., was secretary and general manager of the Omaha (Neb.) Cooperage Company, which he organized in 1888. This is one of the largest cooperage plants in the United States and the only one in Nebraska. The company employs one hundred and fifty men and has a daily capacity of 6,000 barrels. The superintendent, assistant superintendent, and foreman have been with the company since its inception. This is one secret of the success of this enterprise, and indicates wise management in selecting the right men and in directing and retaining their services. The buildings used are among the finest, being the only absolutely fireproof cooperage buildings used for cooperage purposes. The main buildings are entirely of steel and concrete, each 60 x 250 feet, and three stories high. There are nine warehouses, occupying an entire block. The product is largely taken by the packers of South Omaha, Sioux City, Nebraska City, St. Joseph, and Kansas City, and the company is also patronized by the distilleries of these cities, and a great number of apple barrels are made for the increasing orchard production of the west. Mr. Welch foresaw the growing importance of the packing interests and the fruit prospects of southern Nebraska, and the establishment of this cooperage followed. His only son, Raymond Marvin Welch, educated at the Nebraska State University, is president and treasurer of the company, and gives to the business all of his attention and time. Merritt D. Welch first visited Lincoln on a business trip in 1868. He was then manager in Illinois and Iowa for the J. I. Case Company of

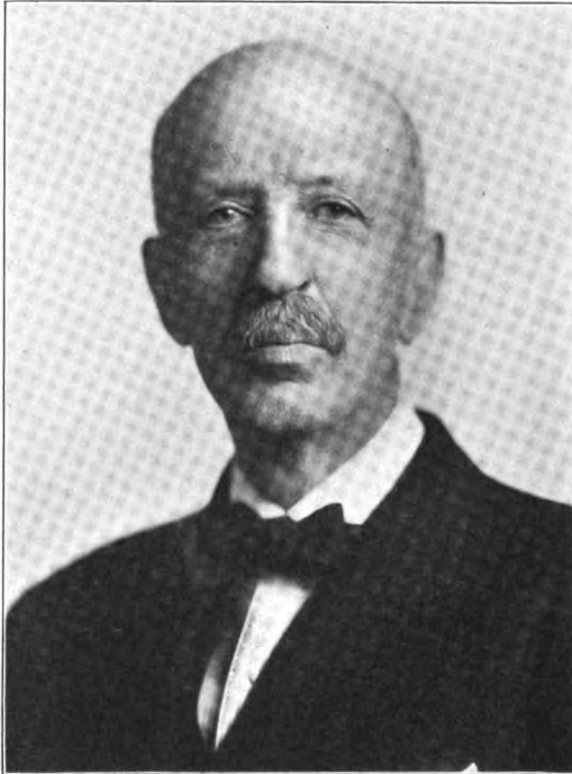
Racine, Wis., and resolved that at some future time he would make Lincoln his home. In 1881 a Kansas manufacturing company offered Mr. Welch the management of their Nebraska business in wagons and he at once accepted and became a resident of Lincoln. Mr. Welch was a life long democrat, and took a prominent part in political affairs. He served on the state central committee and in 1896 and in 1900 managed Mr. Bryan's campaign in Lincoln and Lancaster county. Between Mr. Bryan and Mr. Welch there was a close friendship, each holding the other in high esteem. Mr. Welch was a member of the Masonic order.

Mrs. Welch was educated at the Rockford (Ill.) Seminary. She was one of the founders of the Woman's Christian Association of Lincoln and was its secretary and a member of the board of directors for ten years. She is a member of the Daughters of the American Revolution, both her paternal and maternal ancestors having been officers in the Revolutionary War, and is a member of the Sorosis and Woman's club. Mrs. Welch was appointed by the governor of Nebraska a member of the advisory board of the industrial home at Milford, Neb., and was elected president of the board. She was one of the active workers in the establishment of a detention

home for juvenile court offenders, and was a member of the city charity organization and humane society and at times has served as an officer in the city improvement society. Mrs. Welch was, in maidenhood, Miss Elizabeth C. Root, a native of Coventry, Conn., daughter of Rev. Marvin Root, a graduate of Williams College, 1829, and a Congregational minister for twenty-five years at points in New York and Illinois, from 1858 until his death. He was a son of Captain Nathaniel Root, who was in the battles of Long Island, Trenton, and Princeton, 1775-1777, and served through the Revolutionary War. Thirty-two members of the Root family from Connecticut

served in the Continental army. The mother of Mrs. Welch was Loxea Bushnell of Westbrook, Conn. The Bushnells were also a colonial family, and her paternal grandmother was Candace Hammond. Mr. Welch was born at Clifton Park, Saratoga county, N. Y., and removed to Illinois in 1859 as a young man. His mother was Lucinda Burdick of New York. Mr. Welch's grandfather was a soldier in the Revolutionary War. Mr. and Mrs. Welch were members of the Presbyterian church. Mr. Welch is survived by his widow and two children, Raymond M. Welch, president and treasurer

of the Omaha Cooperage Company, and Helen Burdick, the wife of Daniel L. Dougherty. Mr. Welch died June 14, 1912, at his home in Omaha.



MERRITT D. WELCH

WELCH, PATRICK, came to Omaha in 1857 from Washington county, Pa., where he settled in 1853 and had a contract for the building of a portion of the railway, now in the Pennsylvania system. He came from County Clare, Ireland, town of Dunbeg, in 1849. He married at Bakers Bridge, N. Y., Miss Mary McMahon, also from County Clare. Mr. Welch built part of the Omaha Northwestern, now the Chicago, St. Paul, Minneapolis & Omaha, and part of the Omaha & Southwestern, now the Burlington. He con-

tracted in Omaha and over the west. His death took place in 1895 at the age of sixty-three years and Mrs. Welch died in the same year, aged sixty-one years. They were charter members of the St. Mary's and St. Philomena churches on Eighth and Ninth streets. To Mr. and Mrs. Welch were born eight children, only one of whom is living: James J. Welch, of Omaha, who was born in Washington county, Pa. He was telegraph operator at the age of eighteen, then station agent at North Bend, Brady, Julesburg, and other places, and for the past twenty years has been chief rate clerk in the freight auditor's office for the

Union Pacific railway and has been with this company thirty-six years. James J. Welch married Miss Mary O'Gorman of Omaha, daughter of Patrick and Mary O'Gorman (see sketch in this book). They have six children: John A., at Creighton College, Catherine, Frank J., at Creighton College, Marie, Charles, and Margaret, who died February 8, 1910, at the age of three years and one month. Mr. Welch, as operator and agent for the Union Pacific in the early days, experienced all the hardships and dangers incident to the Indian and cowboy times. At Julesburg he succeeded an operator who had just been shot while in the discharge of his duties.

WELLER, HENRY D., Stella, Neb., first came to Richardson county in 1868 on a visit to his aunt, Mrs. Julia Hayes, who located there in 1858 on the Muddy river. Mr. Weller bought a farm one-half mile east of the present site of Stella. September 2, 1869, he married, in Westmoreland county, Pa., Miss Mary J. Campbell, daughter of Jesse and Mary Campbell, and they at once made their home upon the Nebraska farm. Mr. Weller was born near Ligonier, Westmoreland county, Pa., March 30, 1841, son of Frederick and Rachel (Ambrose) Weller. August 17, 1861, he enlisted in Company C, 11th Pennsylvania infantry and was discharged June 21, 1865, as lieutenant of his company. He was wounded three times, at the battle of Antietam very severely. He took part in all the engagements of his regiment except when in the hospital from wounds. Mr. Weller assisted in the survey of the townsite of Stella and was a member of the first school board, serving on this for fifteen years. In 1888 he was elected on the republican ticket, to the house of representatives in the Nebraska legislature. He was very active in business and public affairs and attended state and local republican conventions as a delegate and was well known over the state. In 1905 he was sergeant-at-arms of the state senate. Mr. Weller's death took place March 7, 1910, at the age of sixty-eight years, eleven months, and seven days. He is survived by his widow, five children, and five grandchildren, all born in Nebraska. His children are: Ralph B. Weller, of Omaha; Jeanette Edith Weller, of Stella, Neb.; Ambrose W., of West Point; Denny C., of Pender; Frank M., of West Point, Neb. These sons compose the lumber firm of Weller Bros., with headquarters at Omaha and yards at several points in Nebraska. One son died at the age of twenty-two years. Mr. Weller was a member of the McKinley post, G. A. R., Stella, Neb., and the A. O. U. W. He was the eighth of twelve children, five of whom survived him, but none came to Nebraska. Ralph B. Weller married Miss Clarissa M. Wilhelmy, eldest daughter of John F.

Wilhelmy of Omaha, in the wholesale hardware business, who came to Nebraska City in 1869. They are the parents of four children: Ruth W. Weller, Frederick H. Weller, Dorothy L. Weller, and Robert A. Weller. Denny C. Weller married Miss Gertrude Love, only daughter of S. D. Love, a pioneer of Seward county, Neb., and a veteran of the Civil War. They are the parents of two children. Mary Doris Weller and Verne Henry. Ambrose W. Weller married Miss Ella Shearer, daughter of James W. Shearer, a veteran of the Civil War, a pioneer of Cuming county, and cashier of the West Point (Neb.) National Bank. They have one child, Catharine Janette.

WELLER, WILLIAM J., Raymond, Neb., son of Adam Weller, a farmer and a native of Pennsylvania, of German descent, and Sarah (Longstreath) Weller, a native of Ohio, of English descent, was born February 26, 1844, at Zanesville, O. He received a country school education, supplemented by one year in high school, and removed from Ohio to Iowa in 1865, where he resided four years and came to Nebraska in 1869, and homesteaded 160 acres near the town of Raymond. This homestead he still owns and also 160 acres adjoining, together with property in the village of Raymond, where for the past seventeen years he has been engaged as a general merchant. He enlisted for the Civil War at Zanesville, O., September 9, 1861, served as a private in Company E, 78th Ohio volunteer infantry, and was discharged at St. Louis, October 9, 1863, on account of wounds received in battle. He reenlisted in May, 1864, in Company K, 161st Ohio infantry, to serve nine months, and was elected second lieutenant and discharged at Camp Chase, Columbus, O., November 9, 1864. He participated in the following battles: Shiloh, Corinth, Jackson, Champion Hills, and Vicksburg, and was wounded at the latter engagement. He is a member of the G. A. R. and a republican in politics, and is a member of the Methodist Episcopal church. Mr. Weller was married March 2, 1865, in Ohio, to Flavia Adamson. Eight children have been born to them, five of whom are living, namely: William F., Henry S., George E., Sarah E., wife of Mr. Shuss, and Bessie B., wife of Mr. Lattun.

WELLES, ANGELO PRENTISS, deceased, physician and surgeon, late of McCook, Red Willow county, Neb., was born October 31, 1845, near Bath, Steuben county, N. Y. His paternal family was founded in America by the great-grandfather of Dr. Welles, who settled in Connecticut in 1709. Benjamin F. Welles, the grandfather of Dr. Welles, when about twenty-two years of age, left his New England home and settled in what is now Steuben

county, N. Y., to which place he was soon followed by two brothers, Henry and Elihu Welles. Henry Welles, who was a law partner of the grandfather of Dr. A. P. Welles, became one of the judges of the supreme court of New York. Gideon Welles was a cousin of Dr. Welles. Benjamin F. Welles, in addition to practicing law, was a teacher of Latin and Hebrew in the seminary at Prattsburg, N. Y., where he died at the age of ninety-eight years. The father of Dr. Welles, John Prentiss Welles, in early life was engaged in educational work and law, and some years before the war became a piano manufacturer in Syracuse, N. Y. He enlisted for the Civil War, was commissioned a captain and later a major, and was captured and for eleven months



ANGELO PRENTISS WELLES

kept in Andersonville and other southern prisons, and soon after his release died of disease caused by his confinement and exposure. Major Welles married Miss Jerusha Slater, born in 1819 near Vandalia, Ill., where her father was a pioneer. She died in 1899 at the age of seventy-nine years. Dr. Welles attended the public schools until he was fifteen years old, when he was sent to Prattsburg Seminary. After a year there, on October 6, 1861, he enlisted in Company I, 85th regiment, New York volunteers. The company was sent to Fortress Monroe in April, 1862, and until the close of the war was in active service, in the battles of Wil-

liamsburg, Fair Oaks, Malvern Hill, and several skirmishes under General George B. McClellan, and was then transferred from the Army of the Potomac to the Carolinas, and was in the battles of Newburn, Kingston, Whitehall, Goldsborough, and Plymouth. In the last named Dr. Welles was made a prisoner and sent to Andersonville where he was kept from April, 1864, until March, 1865. In the fall of 1863 he was detached for hospital duty, as hospital steward, until the spring of 1864, when he was promoted to assistant regimental surgeon with the rank of first lieutenant. He was mustered out of service at Elmira, N. Y., June 15, 1865. Dr. Welles acquired his medical education in Rush and Hahnemann medical colleges of Chicago, graduating in the spring of 1874, when he became hospital physician for two years, and then practiced on his own account in Illinois, for twelve years, settling in McCook, Neb., in the fall of 1886. He there formed a partnership with Dr. B. F. Stutzman, which was dissolved a year later by Dr. Stutzman's leaving that part of Nebraska, after which Dr. Welles was alone in practice. He was a member of the American Institute of Homeopathy, of which he was president for two years, the Nebraska State Medical Society, of which he served as secretary for two years and as president in 1905, and a member of the local county society. He was a member of the Grand Army of the Republic, serving for three terms as post commander, and of the Independent Order of Odd Fellows, and the Ancient Order of United Workmen. He was also a member of the Methodist church. In May, 1868, he was married to Laura J. West, and in May, 1889, to Miss Matie Stevens, who survives him with two children: Doctor Eugene Kenneth Welles, and Lillian Marie Welles, son and daughter of the first marriage.

WELLS, ABBOTT & NIEMAN COMPANY.
In 1870 N. W. Wells and H. W. Nieman came from Madison, Wis., and built a small water-power flour mill on Shell creek, two miles north of Schuyler, Neb., under the firm name of Wells & Nieman. In 1882 they built a steam flour mill in Schuyler, of a capacity of 200 barrels per day, and then abandoned the old mill. In 1899 Chauncy Abbott, who first came to Nebraska in June, 1871, and who was for some time prior to 1899 connected with the business, acquired a large interest and the firm name was changed to Wells, Abbott & Nieman, and was incorporated in 1903, as Wells-Abbott-Nieman Company. The mill was enlarged several times thereafter and is now of 2,000 barrels daily capacity, being one of the largest mills west of the Mississippi river and, with one or two exceptions,

the largest hard winter wheat mill in the world. Their trade extends from the Atlantic to the Pacific coast, north to Minnesota and south to the gulf, also to Europe and the West Indies. Of this firm Chauncy Abbott is president; Chauncy Abbott, Jr., vice president; and Gerald Eherenberger, secretary and treasurer.

WELPTON, JOHN W., a banker of Ogallala, Neb., was born near Salem, Ia., October 29, 1858. He attended the public schools until fifteen years of age, when he determined to take up the battle of life for himself. He entered the employ of C. H. Lane at Red Oak, Ia., where he first secured an insight into business affairs. Later he removed to Emerson, Ia., where he spent two years. Attracted by the better opportunities offered by Nebraska he came to this state and located at Osceola, in the grocery business, where he accumulated his first thousand dollars. With this amount he returned to Emerson, Ia., and again engaged in the mercantile business, remaining there eleven years, in the meanwhile investing in land in Keith and Perkins counties, Neb. In 1892 he returned to Nebraska, locating at Grant, Perkins county, where he opened a real estate office. Having large land investments, the panic of 1893 caused him heavy losses, but nothing daunted, and with implicit confidence in the realty values of Nebraska, he weathered the storm and emerged successful, and in 1895 he opened the Exchange Bank at Grant as a private bank and managed it so that it became known as a profitable and sound business institution. In order to enlarge his field he removed the bank to Ogallala in 1897, and in 1900 incorporated as the Exchange Bank of Ogallala, which has since become one of the solid banks of western Nebraska. In 1903 Mr. Welpton purchased the Bank of Sutherland, Sutherland, Neb., and incorporated it as the Sutherland State Bank. In 1905 he organized and incorporated the Welpton Investment Company of Ogallala, which is now one of the sound financial institutions of the state. In May, 1906, he organized the Commercial State Bank of Paxton, Neb; in 1907 the First State Bank of Brule, Neb.; and in 1910 he incorporated the Bank of Keystone, Neb. In 1908 he organized and incorporated the Welpton Lumber Company, which is one of the largest lumber companies of western Nebraska, and operates six large yards in Keith county. He is president of all these corporations, which are practically owned and controlled by him. Mr. Welpton is a self-made man and one of Nebraska's solid business men. He is still largely interested in Keith county lands and live stock, and loses no opportunity to advance the good work of developing the material resources of western Nebraska. He is a member of the American Bankers'

Association and the Nebraska Bankers' Association; was president of the northwestern group of the Nebraska Bankers' Association for five years and president of the state association during 1910; was vice president of the American Bankers' Association for Nebraska in 1911; is a 32d degree Mason, a member of the Eastern Star, Pythian, and Elk fraternities; a member of the Congregational church, and was for thirteen years superintendent of the Sunday school in Ogallala. Mr. Welpton is a republican and has served for fourteen years as chairman of the Keith county central committee.

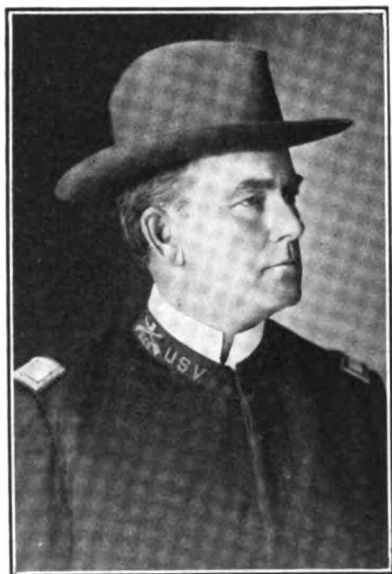
On November 4, 1879, he was married to Miss Hester Corp, and four daughters have been born to them: Mabel, Winifred, Bess, and Marguerite. Winifred died in 1899. Mabel graduated from the Fremont Normal School in 1902 and was married to O. K. Reed in 1906. Bess graduated from Franklin Academy of Music in 1904 and was married to T. I. Dutch in 1909. Mr. Dutch is a graduate of Doane College and is now general manager of the Welpton Lumber Company. Marguerite died in February, 1912, while a student at Brownell Hall, Omaha.

WENTWORTH, D. H., Hastings, Neb., came to Nebraska from Gloversville, Fulton county, N. Y. He was born in Connecticut in 1849, son of George and Jane M. (Scott) Wentworth. He settled in Fulton county in April, 1877, where he farmed until 1885. He is a democrat in politics, and has always taken an active part in political affairs, was justice of the peace for seven years in Fulton county, and was postmaster under Cleveland's administration. Later, Mr. Wentworth moved to Adams county, Neb. From 1892 until March 11, 1901, he was supervisor of wards at the state insane asylum and received reappointments under Governors Boyd, Crouse, Holcomb, and Poynter, and was supervisor of Adams county from 1905 until 1907. He was married to Miss Clara A. Hager, daughter of J. M. Hager, and four children have been born to them: Martin, in the First National Bank of Hastings; Herbert E.; Chester, cashier of American Express Company, Des Moines, Ia.; Clinton, a jeweler in North Dakota. Mr. Wentworth is a member of the Modern Woodmen and Independent Order of Odd Fellows.

WERTZ, GEORGE WILLIAM, Schuyler, Neb., was born in Green county, Ill., April 3, 1868. His parents, Seymore S. Wertz, and Mattie E. Wertz, came to Nebraska in 1880. The former was a veteran living on his pension. George W. Wertz was for some time a student in the law department of the State University of Iowa. He came to Wood River, Dawson county, Neb., in May, 1880, with his

parents. He was admitted to practice the profession of law in Nebraska, June 12, 1897, and filled the office of county attorney, Colfax county, from January, 1903, to 1905. Mr. Wertz has always been a republican, and is a member of the Knights of Pythias and I. O. O. F. He was married June 29, 1896, to Lottie V. Guernsey, a pioneer girl of Dawson county. They have no children.

WERTZ, JOHN WESLEY, formerly postmaster at Stuart, Neb., was born on a farm in Plain township, Wayne county, O., January 2, 1852. His paternal family was founded in America in 1732 by Jacob Wertz, who came from Europe, and settled



JOHN WESLEY WERTZ

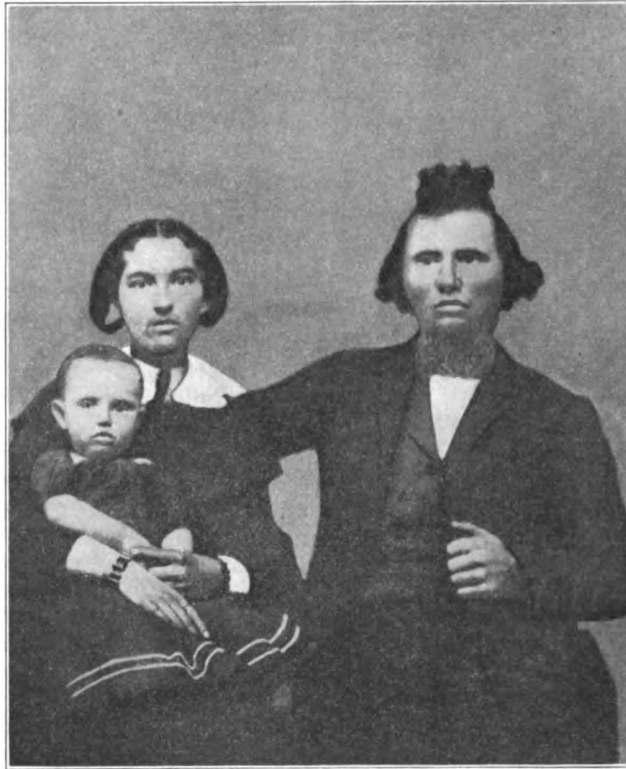
in Philadelphia, and his maternal family was founded in America by his grandfather, Alexander McGregor, who came from Scotland in 1782. His father, Levi Wertz, was born in Pennsylvania in 1827, married Margaret J. McGregor, and in 1856 went from Ohio to Iowa county, Ia., and six years later to Keokuk county, in the same state. John W. Wertz is one of four children born to them. When he was twenty years of age he commenced teaching school, which he continued for ten years, and attended the Western College in Linn county, Ia. In March, 1880, he took up a homestead in Willow Dale township, Holt county, Neb., and was one of the organizers of the township and its first assessor. In 1881-82, he taught the first school in the township, his own sod house being the school house. In 1883 he moved to Stuart, and in 1886 bought the *Stuart Ledger*, and for ten years was its publisher and editor. In 1896 he gave up

this work to give his attention to other business and in 1901 sold the paper. In 1883 and again in 1899 he was the candidate on the republican ticket for county clerk of Holt county. From 1892 to 1896 he was postmaster at Stuart, and was again appointed to the office in 1900, from which he resigned in April, 1912. He served one term as a member of the board of county supervisors, and for ten years as justice of the peace in Stuart township. He assisted in the organization of Company M, of the 3d regiment, Nebraska volunteers, and enlisted May 25, 1898, was elected second lieutenant of the company, and after three months' service in Cuba, was mustered out at Augusta, Ga., May 10, 1899. Mr. Wertz is a member of the I. O. O. F. fraternity. In February, 1902, he married Miss Jessie Stuart of Evanston, Ill. They are the parents of two sons, John Stuart Wertz, and Robert Franklin Wertz.

WEST, LEE L., Haigler, Neb., son of James M. and Elizabeth (Elliott) West, was born in Scott county, Ky., June 6, 1844. His father was a native of Virginia who moved to Kentucky in early life, and from Kentucky to Missouri, where he practiced law in Boone county, served as an officer in the Black Hawk War, and died in 1878. His mother was a native of Kentucky and he was the third of her five children. She died at Clinton, Mo., in 1886. In 1865 he went to Texas and engaged in the stock business. In 1872 he removed to Colorado and continued in the stock business, and in 1883 he came to Nebraska, settling in Dundey county near the present site of Haigler. He took a homestead and engaged in the livery business, raised cattle, farmed his homestead, and paid particular attention to the growing of alfalfa. He early saw the benefits to be derived from irrigation and took an active part in the great irrigation work which has made his section of the state prosperous. He has always been a democrat, and was sheriff of Dundey county for one term. He is past master of Justice lodge No. 180, A. F. and A. M., and a member of the Christian church. He was married to Miss Amanda Kaufman, of Harlan county, Neb., on December 22, 1884. She was born near Elkader, Ia., in 1858. They have four living children: Julia M., Asa L., Elliott E., and Teresa, and one deceased, Clara.

WEST, WILLIAM, deceased, Fremont, Neb., was born in Canada, near Toronto. He was a son of Thomas and Rebecca (Phillips) West, and when a boy moved with his parents to Racine, Wis. His brother, Gideon West, was a pioneer of Fremont, but upon the outbreak of the Civil War he returned to Wisconsin and joined a regiment from that state, and died in later years in Fremont. In 1856 William West moved to Fremont with his wife and

two children. In company with his brother-in-law, Wilson Reynolds, he traded with the Indians and operated freighting trains from Fremont to Genoa and across the plains to Denver. A partner in this business was John Monroe. William West married Cynthia Reynolds, a sister of Wilson Reynolds (see sketch in this volume) in 1854. William West died in 1861 and his widow, Cynthia Reynolds West, was married to W. H. Hamilton, who settled in Fremont in 1877. He was an attorney at Racine, Wis., but did not continue his practice in Nebraska. He died in 1903. His son, Stephen Hamilton, of Clifton, Kan., is an attorney, and another son, James H. Hamilton, of Omaha, Neb., is engaged in the grain business. He is also survived by his daughters, Gratia C., widow of Dr. N. H. Brown, of Fremont, and Mrs. Jas. Brearley, of Minneapolis, Minn., widow of Jas. Brearley, a retired railway superintendent. In 1881 Mr. and Mrs. Hamilton adopted as their own child a niece of William West—Lydia R., a daughter of Gideon West. She took the name of Hamilton. She is married to Ray Penkow, of Sioux Falls, S. D., and they are the parents of two children, Cynthia and Ada.



MR. AND MRS. WILLIAM WEST AND CHILD

WESTCOTT, CAPTAIN JOHN H., deceased, late of Lincoln, Neb., was born in Brownville, Jefferson county, N. Y., October 11, 1839, son of Willard and Helen (Putnam) Westcott. Willard Westcott was also a native of New York, and a son of Daniel Westcott, a native of the same state, who died in Jefferson county, N. Y., in 1832. Willard Westcott owned a farm near Brownville, on Pillar Point, which extended into Lake Ontario. He cleared this land of the native timber and resided there until his death in 1867. He was originally a member of the whig party, but subsequently be-

came a republican. His wife, Helen Putnam Westcott, was a native of Pennsylvania, daughter of John Putnam, a descendant of General Israel Putnam. During her childhood, her parents moved to Jefferson county, N. Y., and after several years removed to Illinois, where she died. John H. Westcott was the eldest of three children, the others being Martin H., and Minerva J., the latter deceased. John H. acquired his early education in the common schools and at the academy in Fulton, N. Y., and the high school at Watertown. After teaching one term of school in the winter of 1861-2

Mr. Westcott enlisted, July 26, 1862, in Company H, 10th New York heavy artillery. He was mustered in as sergeant, and one year later was promoted to the rank of second lieutenant, and in another year became first lieutenant, and in August, 1864, was made captain, in which capacity he served until April, 1865, when he resigned on account of ill health. The 10th New York heavy artillery formed a part of the Army of the Potomac, and made the first attack on Petersburg. The regiment was then transferred to Washington, where it remained two months, before returning to the Shen-

andoah Valley. After two months' confinement in the hospital, with fever and ague, Captain Westcott was placed on detached duty and sent to Harper's Ferry, where he was the officer of ordnance for two months. After another spell of illness he was transferred on detached duty to Carlisle, Pa., where he remained until receiving his discharge. In 1866 he made a trip through the west, but returned to Jefferson county and bought a farm. This he disposed of the following year, and in 1868 moved to Bureau county, Ill., where he bought a farm ten miles north-east of Princeton. He resided there until 1878, when, on account of ill health, he moved to Prince-

ton. In 1880 he removed to Nebraska and settled upon a 320 acre tract of land which he had previously purchased, in section 26, Elk precinct, Lancaster county. At this farm home his mother died in 1886. Captain Westcott brought this farm to a high state of cultivation, and engaged quite largely in breeding Galloway cattle and Percheron and road horses. He has been prominently identified with the Lancaster County Agricultural Society, and served as chairman of the board of directors. In 1891 he was elected a member of the board of county commissioners, of Lancaster county, and the following year removed to Lincoln, where he resided until his death, April 1, 1908. He served on the county board by reelection for six years, and was chairman of the board for two years, and was a republican in politics. In 1897 he was elected vice-president of the Columbia National Bank, of which he had previously been a director. He was president of the Lincoln Horse Importing Company, a director of the Security Savings and Loan Association, and treasurer of the American Savings and Loan Association, and one of the organizers of the latter company. Mr. Westcott was a 32d degree Mason, a Shriner, and a member of Farragut post No. 25, Grand Army of the Republic. When at home on a furlough Captain Westcott married, November 5, 1863, Miss Augusta H. Middleton, who was born at Le Ray, Jefferson county, N. Y., in August, 1841, daughter of Samuel Middleton, a native of Rutland, N. Y., and a farmer by occupation. He resided in New York until 1873, when he moved to Princeton, Ill., and died on a visit to Los Angeles, Cal., January 27, 1887. His father, Robert Middleton, was a native of Ireland and emigrated to America during his young manhood, settling on a farm in Jefferson county, N. Y. The mother of Mrs. Westcott was in maidenhood Phebe Ingerson, a native of Jefferson county, N. Y., daughter of Isaac and Hulda (Weed) Ingerson. The latter died in Princeton, Ill., May 4, 1874. Captain and Mrs. J. H. Westcott were the parents of four children: Carleton H., private secretary to W. E. Sharp, president of the Royal Highlanders; Harry M., of Lincoln; Mabel, of Lincoln, and Florence E., wife of Edgar E. Duncan, of Lincoln.

WESTERDAHL, CARL J., of Omaha, inspector of public works, was born in Skona, Sweden, April 21, 1847, son of Olaf and Johanna W. Westerdahl. The father was a merchant and Carl J. received his early education in Sweden, graduating from an agricultural college. For five years he was general superintendent of the estate of Count Gustave Wachtmeister of Hanascog, province of Skona. Mr. Westerdahl was married to Elise Ruselle Wehn, a governess in the employ of the count, and a native

of Neuchatel, Switzerland. The young couple sailed at once for America and settled in Illinois, and in 1872 removed to Omaha. After one year in their service Mr. Westerdahl was appointed by the Singer Sewing Machine Company as superintendent of all their agencies west of the Missouri river to the Pacific coast. In 1878 he was elected assessor of Omaha, and in 1879 became chief of police. He retired from public office in 1882 and reentered the service of the Singer Manufacturing Company as manager and superintendent of agencies in the southwest, for Texas, New Mexico, Indian Territory, and Mexico. From 1887 to 1892 he was a



CARL J. WESTERDAHL

commercial traveler in Minnesota and the Dakotas. In 1893 he was appointed superintendent of the agricultural exhibit of Nebraska at the World's Columbian Exposition at Chicago. In 1894 he became deputy United States marshal. He then served as sanitary inspector and city detective of Omaha, up to and including 1898, when he became superintendent of the working department of the Omaha city prison, until 1903, and then deputy city assessor from that time until May, 1909, when he resigned and was appointed to his present position. He has always been a republican in politics, and was delegate to the republican state convention of Texas in 1885. Four sons were born to Mr. and Mrs. Westerdahl: C. Anton, who married Berthan Simpson of Council Bluffs, Ia., and died at the

age of forty-one years, May 22, 1911, leaving two sons; Casimir, who married Georgia Saunders, and is superintendent of the stamp department of the Omaha postoffice; George W. (died July 14, 1911), who was in charge of the immigration division of the passenger department of the Union Pacific railroad. He married Edith Allen, who died in 1898, leaving one son, George Allen. Arthur I., who married Fannie Bollinger, of Omaha, and is in the employ of the Wells-Fargo Express Company at Los Angeles, Cal. They have one son. Mrs. Carl J. Westerdahl died March 17, 1902. Mr. Westerdahl is a member of the Independent Order of Odd Fellows, and a past noble grand. He put the "lid on" in Omaha thirty years ago, when, as marshal and chief of police, he arrested many gamblers, closed the gambling houses, and compelled the saloon keepers and others to respect the Sunday closing laws, arresting Dr. George L. Miller for printing his paper, the *Herald*, on Sunday. When Mr. Westerdahl was elected to his second office, he had as his opponent Omaha's oldest citizen, William P. Snowden.

WESTON, CHARLES, Hay Springs, Neb., auditor of public accounts, state of Nebraska, was born in the city of New York, July 4, 1853, son of Nathan and Jane (Cloyde) Weston. His paternal family for many generations resided in the New England states, principally Vermont. His father, Nathan Weston, was born at Wilson, Niagara county, N. Y., resided at Troy, and in New York city, until 1858, when he removed to Champaign county, Ill., and settled on a farm. Charles Weston attended the Chicago public schools, and subsequently the schools at Champaign, Ill. By labor on his father's farm he earned much of the money to pay his way through the University of Illinois, which he entered in 1872 and graduated in 1876 in the course of literature, science and arts. While in the university he was an active member of the Adelpic literary society, of which for some time he was president. During his senior year he was the president of his class, and so remained until graduation. While in college he was a delegate in the convention that organized the Inter-State Oratorical Association. After leaving the university, for two years he taught school, then engaged in the study of law in the office of Judge J. W. Langely, of Champaign, and subsequently in the office of William H. King, for many years president of the Chicago board of education, and at that time one of the leading members of the Chicago bar. Mr. Weston was admitted to the bar in Illinois by the supreme court at Ottawa, in December, 1880, and for four years practiced at Chicago. In 1885 he went to Chehalis, Lewis county, Wash., and there was editor of the Lewis County

Bee. In 1886 he returned east, and settled at St. Edward, Boone county, Neb., where for a year he was engaged in the grain and implement business. During his residence in Boone county he was admitted to the bar of Nebraska. He has never engaged in active practice in this state, but has devoted his attention to the mercantile, banking and live stock business. In 1887 he located at Hay Springs, Sheridan county, and has continuously resided there since, besides his banking interests being largely engaged in the live stock industry, and in politics has always been a republican. He has occupied various local offices and in 1893 was elected regent of the University of Nebraska, and in 1900 was elected state auditor of public accounts, and was reelected, serving from January, 1901, to January, 1905. Mr. Weston is a member of the Masonic order, and of the Congregational church of Hay Springs. He was married March 23, 1887, to Eugenia C. Clark of Centerville, New Brunswick. Mrs. Weston died July 29, 1890, the mother of one child, Margaret Cloyde Weston.

WETTLING, LOUIS EUGENE, of Lincoln, Neb., accountant in the office of the attorney general of Nebraska, in express and railroad rate cases, was born December 6, 1863, at Vitry-le-Francois, France, son of Louis and Amelie Jeanne (Holtz) Wettling, both of whom were born in Alsace. The father's ancestors were Swiss, while those of the mother were German. Mr. Wettling's grandfather, Jean Thibodeau Wettling, served in the battle of Waterloo under Napoleon. Louis Eugene Wettling was educated in the common schools of St. Louis, removing to Kansas City, Mo., in 1882, to Omaha, Neb., in June, 1892, and to Lincoln in June, 1899. He was engaged in the wholesale fish and oyster business from 1882 to 1895, then as a public accountant until 1899, then became treasurer of the Farmers and Merchants Insurance Company, and since 1908 has been accountant in the office of the attorney general. Mr. Wettling has always been a republican, and is a member and a vestryman of the church of the Holy Trinity. He is a member of the Scottish Rite of Freemasonry and has the 33d degree, and is trustee of the Elks lodge. Mr. Wettling was married to Miss Laura Jane Gregory, who was born in Morgan county, Ind., where her parents settled, coming from Virginia in 1803. Mr. and Mrs. L. E. Wettling are the parents of three children: L. Eugene, Nelson B., and Mary A., all at home.

WHEELER, THOMAS E., of Bennet, Neb., late deputy county recorder for eight years, was born in Butler county, Pa., son of J. L. and Maggie (Purvis) Wheeler, who came to Nebraska in 1869 and

homesteaded two and three-fourths miles north of Bennet, where they resided up to 1890, when J. L. Wheeler, Thomas E. Wheeler, and J. A. Wheeler went into the merchandise business at Bennet, which they continued under the name of J. L. Wheeler & Sons until September, 1910, when T. E. Wheeler purchased the interests of his father and brother and still continues the business.

WHEELING, MARTHA ANN (SHORT), believed to be the oldest living white settler of Nebraska, now residing at Lincoln, Neb., was born at Atlanta, Ga., May 31, 1831, daughter of Daniel and Elizabeth (Langely) Short, the former a farmer in



MRS. FRANK J. WHEELING

moderate circumstances. Her parents were both natives of Georgia, and when she was one year old they settled in Arkansas. In 1840 her parents accompanied the soldiers up the Missouri river as far as the present site of Omaha, Neb., returning to Fort Leavenworth, Kan., one year later. Martha A. Short acquired her early education at Fort Leavenworth in a private Episcopal school. Seven years after her first visit to Nebraska, in the meantime having married Frank Jackson Wheeling, she accompanied her husband to Bellevue, Neb., where Mr. Wheeling established a ferry between Bellevue and Traders Point, Ia. Frank J. Wheeling had served as a soldier in the Mexican War, and previously in the Seminole War, for which he enlisted in Florida, about 1844. He was married Feb-

ruary 5, 1846, to Martha Ann Short. He was at that time stationed as a soldier at Fort Leavenworth, Kan. After establishing the ferry at Bellevue in 1847, he operated it until the year 1852, when he sold to Peter A. Sarpy, and with his wife and three children started west. Near the present site of North Platte, Neb., Mr. Wheeling was suddenly stricken with cholera and died after an illness of two days. After another day's travel westward Mrs. Wheeling turned back with four Mormon elders, and passing her old home at Bellevue she settled near Hamburg, Ia. A few years later she removed to Nebraska City, Neb., where she lived until 1900, when she accompanied her daughter to Lincoln, Neb., where she resides at the present time in perfect health. She is a



FRANK J. WHEELING

member of the Methodist Episcopal church. She has three children, Frank M. Wheeling, who acquired fame as a scout and guide, known as "Utah Frank," now resides in Salt Lake City, Utah; John D. is deceased, and her only daughter, Mrs. Charles Emerick, now resides in Seattle, Wash.

WHIFFEN, THOMAS URIDGE, lumber merchant of DeWitt, Neb., son of John and Sarah (Seaton) Whiffen, was born September 5, 1847, in Oneida county, N. Y. His father's parents came from London to America in 1832, settling in Oneida county, where his mother's people, also of English birth, settled. John Whiffen, butcher and stock dealer, moved to Wyoming, Ill., in 1850 and farmed. In 1856 he moved to Kewanee and followed the stock business, dying in 1897. Thomas Whiffen enlisted in Company A, 124th Illinois infantry, before

he finished his high school course and was engaged in many skirmishes in the siege of Spanish Fort, Ala. In November, 1868, Mr. Whiffen came to Beatrice, Neb., and the next year settled on land near DeWitt, where he became owner of a lumber yard, which is one of the largest and best in the state. Mr. Whiffen is an active republican, and for twelve years has been on the board of education and a village trustee for two terms, and has served on the board of directors of the Nebraska Lumber Dealers' Association. He is past commander of the S. R. Curtis post No. 89, G. A. R. He was married December 1, 1868, to Miss Nettie Waldo, of Beatrice, and nine children were born to them: John Ira, Nora Maud, Mary Gertrude, Charles Vernon, Edna Elizabeth, Nettie May, and Ona Grace. Ralph Walter and Esther died in infancy. Mrs. Whiffen died September 25, 1886. December 4, 1896, Mr. Whiffen was again married, to Miss Frances E. Van Dusen, and one daughter, Norma Lucile, has been born to them.

WHITCOMB, EDWARD, editor and apiarist, president of the United States Bee-Keepers' Association, Friend, Neb., was born in South Auburn, Susquehanna county, Pa., October 24, 1843, son of Anderson Dana and Mary (Kentner) Whitcomb, the former a descendant of the Connecticut family of Whitcombs. Ahira Whitcomb, grandfather of Edward Whitcomb, was the first white child born at Geneva, N. Y. His wife was a member of the Dana family, to which Charles A. Dana and Judge Dana of Pennsylvania belonged. Edward Whitcomb, in August, 1861, enlisted in Company A. 34th Illinois volunteers, was promoted through the lines to second lieutenant and acting regimental quartermaster. After the close of the war he engaged in farming near Elgin, Ill., and in 1870 came to Nebraska and located on a homestead near Friend. In 1872 he engaged in the mercantile business there,

and about 1877 became the owner and editor of the *Friend Telegraph*, which he still publishes. For seventeen years he was postmaster at Friend. At the Columbian Exposition he was superintendent of the Nebraska apiarian exhibit, and was superintendent of the bureau of bee industries at the Trans-Mississippi Exposition, and for many years has been superintendent of the apiarian exhibits at the Nebraska state fair, has been the president of the Nebraska Bee Keepers' Association, and in 1898 was made president of the United States Bee Keepers' Association. He is prominent as a lecturer before the farmers' institutes and other associations on the subject of bee keeping, and all pertaining to the apiarian art, upon which he is considered one of the most reliable authorities. Mr. Whitcomb is a member of the Grand Army of the Republic, and is also a member of the Independent Order of Odd Fellows. On December 10, 1865, he was married to Hannah Fletcher, who is the mother of three children: Harry Anderson, James Edward, at the Chicago Veterinary College, and Nellie.



EDWARD WHITCOMB

he had filled for about ten years. Prior to this he was local attorney at Norfolk, and in January, 1888, came to Omaha as assistant general attorney to J. B. Hawley. Mr. White came to Nebraska in 1886, located at Oakdale, and began practice at once there under the firm name of Holmes & White. The firm moved to Norfolk and Mr. White became associated with Brome & Mapes under the firm name of Brome, White & Mapes. Mr. Brome moved to Omaha and the firm name was changed to White & Mapes and so continued until Mr. White moved to Omaha, November, 1888. He was admitted to the bar at

before the farmers' institutes and other associations on the subject of bee keeping, and all pertaining to the apiarian art, upon which he is considered one of the most reliable authorities. Mr. Whitcomb is a member of the Grand Army of the Republic, and is also a member of the Independent Order of Odd Fellows. On December 10, 1865, he was married to Hannah Fletcher, who is the mother of three children: Harry Anderson, James Edward, at the Chicago Veterinary College, and Nellie.

WHITE, BENJAMIN THOMAS, deceased, late of Omaha, Neb., was general attorney for the Chicago & Northwestern lines west of the Missouri river, which position



Mrs. C.C. White

Monticello, Ia., in 1885, on attaining his twenty-first year. He read law with Judge White at Monroe and at Monticello and was deputy county treasurer under his uncle, B. H. White. Mr. White was born at Countyline, on the line between Wisconsin and Illinois in 1861, February 28, son of Reverend Thomas White and Catherine (Van Benschoten) White. They came to Illinois from Binghamton, N. Y., and made the overland trip to California for the health of Reverend Thomas White, who died in California, as did his wife and daughter, leaving Benjamin T. an orphan at three years of age, when an uncle came to take him to his grandmother White at Binghamton, N. Y. His education was obtained at the Elmira (N. Y.) Academy. While on his way to a college in Kansas he stopped in Iowa

Gwendolen, a graduate of Brownell Hall, class of 1907; Jean, Ruth, Kirke, and Horton. Mr. White died July 15, 1911, aged fifty years.

WHITE, MRS. CHARLES CLARK (Olive A. Johnson), of University Place, Neb., widow of the late C. C. White (see page 770, Vol. I), was born in Freedom, Me., daughter of Andrew and Mary A. (Litle) Johnson. Her father, Andrew Johnson, was born in Maine near Freedom, son of Benjamin and Priscilla Johnson. Benjamin Johnson at the age of sixteen entered the Continental army and served in the Revolutionary War. Mrs. White's grandfather, Robert Litle, also lived near Freedom. Andrew Johnson and his family removed from Maine to Green county, Wis., about 1854 as pioneers and to Valparaiso, Neb., in 1866. Mrs. C. C. White was educated in the schools of Wisconsin and taught at the age of sixteen for a time in Wisconsin and later in Illinois. Mrs. White's brother, A. L. Johnson, of University Place, is engaged with Mrs. White as owner and operator of the Crete Mills, of which Mr. Johnson is president.



BENJAMIN THOMAS WHITE

to visit his uncle and was prevailed upon to remain there. He married at Norfolk, Neb., January 1, 1888, Miss Alice Schwenk, daughter of Doctor Peter and Amanda (Kline) Schwenk, who settled at West Point, Neb., in 1868, coming from Wabash county, Ind. Doctor Schwenk was a veteran of the Civil War, serving in the 47th Indiana, and later in another regiment during the entire war. He now resides in Kimball county, Neb. Doctor Schwenk was active in the early settlement of West Point, where he practiced medicine until his appointment as registrar of the United States land office at Norfolk, Neb., which position he filled for several years, and then engaged in raising, buying, shipping, and selling horses and cattle. He was a republican and a member of the G. A. R. Mr. and Mrs. White were the parents of five children:

WHITE, FREDERIC EUGENE, cashier of the National Bank of Ashland, Neb., was born in Charlton, Worcester county, Mass., July 16, 1856. His paternal ancestors were among the earliest settlers of Massachusetts, and his grandfather, George White, was a soldier in the War of 1812. His father, Hosea White, was a wheelwright and his mother was a daughter of Scott Seagrave, also a resident of Massachusetts. Mr. White attended the public schools of Brookfield, in his native state, and completed his studies at Poughkeepsie, N. Y. His first business experience was gained in Boston, where for some time he was employed by a leather importing house. Later he was employed for four years by the boot and shoe manufacturing firm of E. & A. H. Batchellor & Company, of North Brookfield, then the largest manufacturers of boots and shoes in the United States. In the spring of 1882 he came to Creighton, where he helped to organize the Knox County Bank, and later the First National Bank of which he became a director and the cashier. In 1884 he was elected a member of the Nebraska legislature on the democratic ticket, overcoming an adverse majority in his district. Two years later he was nominated by his party for the state senate, but declined to accept the nomination for business reasons. In April, 1895, Mr. White removed from Creighton to Ashland, Neb., where he became cashier of the National Bank of Ashland, and is also (1911) secretary and treasurer of the Ashland Electric Light & Power Company. In his political belief he is independent. For a number of years he was active in the democratic party, but on

account of its free-silver, anti-expansion, and other principles he became independent. He was married in 1886 to Miss Ada F. Corliss, of East Brookfield, Mass., and is the father of three children: Corinne C., Corliss, and Leon H.

WHITE, HARRY SCOTT, deceased, was born at Elburn, Ill., March 24, 1841, and died at North Platte, Neb., February 25, 1904. Mr. White received his education in the common schools. In 1861 he enlisted for the Civil War in Troop L, Illinois cavalry, and served until the close of the war, when he returned to Illinois. In 1866 he married



HARRY SCOTT WHITE

Miss Annie Platt, by whom he had one son, Arthur Platt White, of North Platte, Neb. In 1879 he went to Wyoming and established a large ranch. In 1885 Mr. White removed to a ranch near Overton, Dawson county, Neb. Mrs. White died in December, 1894, at Elburn, Ill. Mr. White was a republican in politics, and was elected county treasurer of Dawson county in 1891 and reelected in 1893. In 1895 he purchased a controlling interest in the First National bank of North Platte and was elected vice president. He removed to that city and at the next annual election was made president of the bank, holding the position at the time of his death. He served as mayor of North Platte in 1901 and 1902. Mr. White was again married, February 26, 1896,

to Mrs. Helen M. Butt, formerly of Hiawatha, Kan., who was the mother of one son, James W. Butt, dentist, at the time of her marriage to Mr. White.

WHITEHEAD, JAMES, of Emporia, Kan., was born in Yorkville, Racine county, Wis., August 27, 1846. His father, Benjamin Whitehead, was born near Leeds, England, in 1808, and while still quite young was ordained as a local preacher in the Methodist church. In 1842 he settled on a farm in the town of Yorkville, Racine county, Wis., and in the spring of 1855 removed to Marquette county, Wis. He died in December, 1884. Before leaving England he married Sarah Smith, also a native of Yorkshire. On the 4th of July, 1862, James Whitehead enlisted in the 27th regiment, Wisconsin volunteer infantry, at Portage, Wis. January 17, 1863, he was transferred to the 13th United States infantry, then stationed at Newport garrison, Ky., and shortly after he was taken sick and discharged. On January 23, 1864, he again enlisted in Company D, 19th regiment, Wisconsin volunteer infantry, which went up the James river to City Point, Va., May 4, 1864. Then followed the struggles about Richmond in which this regiment took part, at the battle of Drury's Bluff, May 16th. On July 30th they took part in the battle precipitated by the explosion of the mine near Petersburg. October 27, 1864, the regiment participated in the second battle of Fair Oaks, with a loss in killed, wounded, and missing of 141 men out of 192 engaged. On the morning of April 3, 1865, his regiment was among the first to enter Richmond. Young Whitehead was mustered out of the service August 14, 1865. His commander, Colonel Rollin B. Strong, was quoted by the *Omaha Bee* during the campaign of 1892 as follows: "Whitehead was one of the best soldiers I ever knew, always ready to take his life in his hand. When he went with Butler over to the Appomattox and struck the river at Bermuda Hundred a call came for fifteen men out of every hundred to swim the river and give the rebels a tussle on the opposite bank. Whitehead was the first man to step out and offer his services." Mr. Whitehead came to Nebraska in the winter of 1883, reaching Plum Creek, now Lexington, in January, 1884. He took a homestead in Custer county on which the family lived for six years—years that were full of hardships and unremitting toil, and not much that was calculated to fill the home life with joy and happiness. As the homestead was within the limit of the government grant to the Union Pacific railroad, Mr. Whitehead purchased 640 acres adjoining it, and still owns both these tracts of Nebraska soil. When he entered his homestead the nearest neighboring habitation was that of Frank Van Antwerp, who lived in Wood river valley, eight miles distant. This was



J. B. Whittier

also the nearest well of water, and from that and other wells of equal or greater distance, Mr. Whitehead secured for some time his entire supply, hauling it in barrels. From cisterns and from pools of water caused by melting snow and rain a partial supply was obtained. During the winters of 1885 and 1886 he watered some thirty head of stock by melting snow on the family stove. Until 1890 the seasons were favorable and crops abundant. Upon attaining his majority Whitehead was elected a member of the town board of his native place and was subsequently its chairman and a member of the county board. In the fall of 1888 he was elected a member of the lower house of the Nebraska legislature and served during the 21st session. In the summer following he was appointed deputy collector of internal revenue. In June, 1890, he was appointed receiver of the United States land office at Broken Bow, which was opened July 7th of that year for the district which had been newly created. In 1892 he received the republican nomination for Congress in the sixth Nebraska district, but was defeated by Omer M. Kem. Upon the expiration of his appointment as receiver of the land office he removed his family to Callaway and resumed farming, and in February, 1895, received an appointment as state agent of the Nebraska penitentiary. July 1, 1898, he was appointed register of the land office at Broken Bow, in which position he served eight years. He declined to ask for reappointment, and, seeking a lower altitude, removed to Emporia, Kan. He now (1911) occupies his time looking after his farming interests in Nebraska and Kansas. Mr. Whitehead joined the Grand Army of the Republic in 1886, was a charter member of William Hays post of Callaway, and has served as commander of C. C. Washburn post of Broken Bow. He is a member of the Presbyterian church. December 31, 1867, he married Miss Hannah M. Eagleston, a former schoolmate. They have one child, Sadie E.

WHITMORE, JESSE D., Grand Island, Neb., is secretary, treasurer, and general manager of the Union Stock Yards, located one mile east of the city on the Union Pacific railroad, and vice president of Whitmore Bros. Co., and of the Valley Stock Yards and Grain Co., of Valley, Neb. The plant of the Union Stock Yards Company embraces a 1,500 acre ranch, all in tame grass, with sheds and yards for 130 cars of cattle and horses, and 150 cars of sheep, and pasture for 200 cars of horses and sheep. There is also a new hotel of forty rooms, modern in every way. Mr. Whitmore is in the live stock and grain business at Valley, Neb., with his father, W. G. Whitmore, who is president and general manager of the business at Valley. The latter has been in business there for thirty years, as a leading stockman

and citizen. He is at present a regent of the State University of Nebraska, and state statistician for the agricultural department at Washington, D. C. At the Valley and Grand Island stock yards, stock is fed in transit for the Union Pacific Railroad Company. These yards are the best between Omaha and the coast. From Grand Island six markets are easily reached, *i. e.*, Sioux City, Omaha, St. Joseph, Kansas City, St. Louis, and Chicago. In 1906, 1,500,000 head of stock were fed at the Grand Island yards; and 20,000 head of horses were sold at these yards. As a center for the horse trade, Grand Island is now second only to Omaha, and is forging rapidly to the front. J. D. Whitmore was educated in the Valley (Neb.) high school, and the State University of Nebraska at Lincoln. He chose the ranch and stock business in preference to professional life as offering better opportunities. He is an active member of the Grand Island Commercial Club, and is a member of the Masonic order, lodge, chapter and commandery, and is a Shriner. He is commander of Mt. Lebanon commandery No. 6, K. T., and high priest of Deuel chapter No. 11, Royal Arch Masons. He married, on September 11, 1907, Miss Lida M. Edmiston, and they are the parents of two children: Lida M. and Jane D.

WHITNEY, CASSIUS HENRY, attorney, Hartington, Neb., is a son of Daniel R. Whitney and Isypheny (Dow) Whitney. The father was born in Ohio, July 16, 1822, the mother in Garrard county, Ky., November 6, 1827. Cassius Henry Whitney was born in Marshall county, Ia., June 8, 1865, received a high school education, and graduated at the normal college at Shenandoah, Ia., class of 1889, and from the law department of the State University of Iowa, 1891; formed a law partnership at Harlan, Ia., with his brother, and was elected county attorney of Shelby county in 1896, as a democrat, on the first fusion ticket. Mr. Whitney moved to Nebraska in 1899, and settled at Hartington, Cedar county. He was elected county judge in 1903 as a democrat, and was reelected in 1905, receiving no opposition from the republicans. Judge Whitney was married April 5, 1893, to Hattie Elizabeth Records, a native of Delaware. They have three children: Agnes, Dow, and Ruth.

WHITTIER, JACKSON B., M. D., capitalist and land owner, Decatur, Burt county, Neb., was born in Londonderry, N. H. His father, Ebin Whittier, is a cousin of John G. Whittier, the poet. The great-great-grandfather and grandfather of Jackson B. Whittier were of New England birth. Ebin Whittier went to Canada as a teacher in the public schools, but rather than renounce his allegiance to the United States returned to his home. He then went to Ala-

bama and taught there for a time; then returned to his home, riding horseback from Alabama to Londonderry. There he engaged in the mercantile business, and was elected district judge. Ebin Whittier married Emily Nutt of Manchester, N. H. William Nutt settled at Derryfield (now Manchester), N. H. One of the sons of William Nutt, James, was given a tract of land and appointed keeper of the royal trees. Emily Nutt was a daughter of this James Nutt. Dr. Jackson B. Whittier was left an orphan at an early age. He was cared for by relatives, given the advantages of an excellent education; graduated at the high school in Manchester, N. H., and fitted for the sophomore class in Dartmouth college, but did not graduate on account of failing health and limited means. He earned his first money as a school teacher in Hartford, Vt. From Manchester, N. H., his sister accompanied him to Olathe, Kan., and there he conducted the first hotel operated in that town. Later, Dr. Whittier crossed the plains in a "prairie schooner" and for a year followed mining in Colorado. In 1864 he was appointed assistant paymaster in the Union army, and was stationed in New Orleans until the close of the war. In 1866 he located in Fond du Lac, Wis., in the practice of dentistry. Later he studied medicine, and in 1877 graduated from the Hahnemann Medical College of Chicago. In 1881 he located in Burt county, Neb., where he bought and sold real estate and became interested in stock-raising and is president of the First National Bank. Dr. Whittier is one of the most extensive owners of realty in Burt county and owns large tracts in Washington and Douglas counties. He was married February 20, 1895, in Lincoln, Neb., to Miss Ida Stanton.

WHYMAN, CHARLES, deceased, late of Lincoln, Neb., was born in Great Bowden, Leicestershire, England, son of Henry and Ann (Platt) Whyman. Mr. Whyman in 1852 located near Conneaut, O., where he lived until 1868. In this year he came to Nebraska and settled on a farm in Adams precinct, Gage county. He lived upon this farm until 1883, when he moved to the town of Adams and later in 1906 to Lincoln. For many years Mr. Whyman was a justice of the peace and also a school director in Gage county. He was a republican. He was married in England, in 1851, to Miss Amelia Allen. They were the parents of Mary A., deceased, wife of L. O. Clark, of Adams; Alice W., wife of J. A. Sumpter, of Sloan, Ia.; Frank E. Whyman, of Adams, who was a member of the lower house of the Nebraska state legislature, and is a merchant at that place; Horatio O. Whyman, of Amarillo, Tex.; Charles A., deceased, at the age of fifty-two years, formerly of Lincoln, Neb.; Cora B., wife of C. C. Coffman, of Lincoln; Victor W. Whyman, a mer-

chant of Clarence, Ia.; Nellie A., deceased, at the age of twenty-three years; Orin H., in the insurance business at Enid, Okla.; William H., of Boise, Ida.; Charlotte M., wife of W. C. Gray, of Adams; Theodore H., of Brule, Neb., a merchant at that place and formerly county superintendent of schools for Keith county, Neb.; Edith M. Whyman, of Lincoln, a teacher; and Lettie H., who died in infancy. Mr. Whyman was a member of the Presbyterian church and an elder for many years. There are now (1911) forty-four grandchildren and fifteen great-grandchildren. At the last presidential election there were twenty-one votes cast by the Whyman family for the republican presidential candidate. The family complete consists of seventy people. Mrs. Whyman died in 1901, aged seventy-three years.

WIGGENHORN, ERNEST ALEXANDER, founder and for many years president of the Farmers and Merchants Bank of Ashland, Neb., was born in Germany, March 23, 1830, son of Wilhelm and Josephine Wiggenhorn. He received his education in Germany and Holland, and came to the United States in 1850, and settled in Watertown, Wis. He removed to Plattsmouth, Neb., in 1867, and to Ashland in 1870, and engaged in the lumber trade, and later in milling. In 1883 he founded the Farmers and Merchants Bank of Ashland. He was married in 1856 at Watertown, Wis., to Augusta Niemyer, who died in Ashland, Neb., August 3, 1881, the mother of eight children, namely: Josephine, wife of William A. Harnsberger of Ashland; Eugenia; Hugo A., president of the Farmers and Merchants Bank of Ashland; Edwin C., cashier of the Farmers and Merchants Bank of Ashland; Ida, wife of Arthur W. Meyer, of Watertown, Wis.; Dora; Ernest A. Wiggenhorn, Jr., and Selma, wife of Arthur C. Pancoast, of South Omaha, attorney at law.

WIGGINS, WILLIAM SHIPMAN, physician and surgeon, DeWitt, Neb., was born at Manchester, Mich., August 14, 1870, son of William Henry and Helen (Shipman) Wiggins, the parents of the former being natives of Pennsylvania and of the latter of Wyoming county, N. Y., and all living beyond the age of four score years. At the age of fifteen years he entered the high school at Adrian in his native state, where, after a year's attendance, he began teaching. In 1891 he entered the Michigan College of Medicine and Surgery at Detroit, from which he graduated in 1895. For two years he was president of the junior class and the last year of his attendance was valedictorian, and for two years he was assistant physician of the emergency hospital in Detroit. In July, 1897, he located in Ne-

braska and commenced practice in DeWitt, which place has since been his field of labor. Dr. Wiggins is a member of the Masonic and Pythian orders and is a member of the Nebraska State Medical Society. He belongs to the Methodist Episcopal church. February 22, 1899, he was married to Miss Anna Ainsworth, of DeWitt.

WIGTON, ALONZO L., of Omaha, retired, formerly of Hastings, Neb., came to this state April 6, 1873, locating at Hastings. Just as soon as he could get the material on the ground, he began the publication of the *Hastings Journal*, issuing the first copy May 24, 1873. The paper was issued as a republican organ. About the year 1879 he bought the *Gazette*, published at Juniata, combined the two under the name of the *Gazette-Journal* at Hastings, and continued under this name for some years. He was superintendent of the Adams county schools for two years, 1875-76, and was one of the incorporators, and very active in the establishing of Hastings College. He has been called the father of this college and has been a member of the board of trustees from its inception in 1876, and was a charter member of the First Presbyterian church at Hastings, of which he was an official during his residence in Hastings. He was elected to the state senate from his district and served during the session of 1879-80, and was for some years a member of the state republican central committee and chairman of Adams county central committee. He was also an active member of the I. O. O. F. of Hastings. In 1891 he located in Omaha, where he has engaged in the life insurance business up to the present time. At Hastings he organized the Union Life Insurance Company, in 1885, serving as its secretary until 1899. In 1891 he changed the headquarters of this institution to Omaha, where he continued as secretary up to the time of its consolidation with the Royal Union Mutual Life Insurance Company of Des Moines, Ia., in the year 1899. Mr. Wigton's brothers, George A., of Hastings, and J. W., of Denver, came to Hastings about 1876 and were associated with him in the publishing business there. Mr. Wigton, in company with Mr. M. K. Lewis, came from Brooklyn, Ia. Mr. Wigton was born in Delaware county, O., and was the son of Z. P. and Margaret (Harrison) Wigton. His parents were pioneers of this state, coming to Ohio in 1825 from Bradford county, Pa. The grandfather, Thomas Wigton, was in the Continental army in the Revolutionary War. The maternal ancestors (Harrisons) were settlers in New Jersey, near Trenton. A. L. Wigton enlisted in Company G, 88th Ohio infantry, in 1863, serving until near the close of the war, when he was discharged for disability. He was a member of the

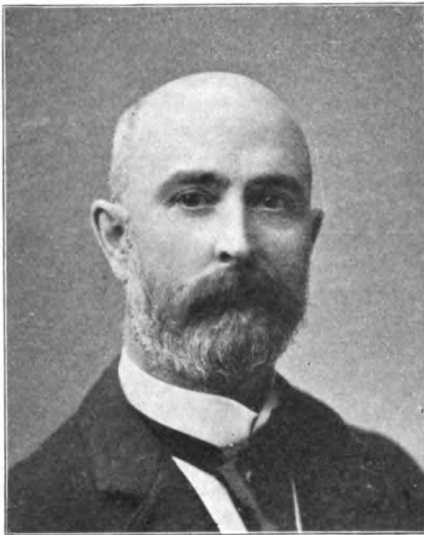
G. A. R. at Hastings and now has his membership in Grant post of that organization at Omaha. He was educated in the Central College, Delaware county, O. Mr. Wigton married Miss Mary Hunt, daughter of Reverend John Hunt of Delaware county, O., and Sophia (Bingham) Hunt. Reverend John Hunt was a Presbyterian minister. The Bingham and Hunts were of old colonial stock. To Mr. and Mrs. Wigton were born three children: William Wigton, of Omaha, president of the Equitable Endowment Insurance Company, who was with the Union Life Insurance Company from the date of its organization until 1901, at which time he organized the Equitable Endowment Insurance Company; Clara L. Wigton, who married James H. Adams, attorney of Omaha, and died March 23, 1900, at Omaha; and Dr. Harrison A. Wigton, Omaha, graduate of the Hastings college and of the Omaha Medical College. Dr. Wigton was for two years assistant superintendent of the asylum at Lincoln, Neb., under Dr. Hay.

WILBUR, GEORGE RUSSELL, of Hood River, Ore., attorney at law, formerly of Wayne, Neb., was born at Ponca, Dixon county, Neb., March 15, 1879, son of Guy Russell Wilbur, county judge of Cedar county, Neb. (1882-3), and district attorney 7th judicial district, Nebraska (1885-6), and Ella Josephine (Linebarger) Wilbur. His grandfather, Russell Holmes Wilbur, was a pioneer respectively of Dakota, Dixon, and Wayne counties, Neb., and was elected to and served as representative of Dakota county in the 1st session of the Nebraska legislature. George R. Wilbur was educated in Wayne county (Neb.) public schools, at Nebraska Normal College at Wayne, and attended two years at the State University at Lincoln, and received the degree of Bachelor of Laws at the University of Michigan in 1903. He practiced the profession of law at Wayne, Neb., from 1903 to 1909, and was county attorney of Wayne county, 1907-08. He served during the Spanish-American War from May 12, 1908, to October 24, in Company M, 2d regiment, Nebraska volunteer infantry. He was married on November 26, 1903, to Clara Louise Philleo. They are the parents of two children, Guy Russell and Robert Goodwin.

WILCOX, MELVILLE S., of Burt county, Neb., was born in Litchfield, Herkimer county, N. Y., September 20, 1842, son of Dudley Wilcox, a native of Stonington county, N. Y. In 1867 he came to Elk City, Douglas county, Neb., and in 1882 removed to Burt county and engaged in farming and stock-growing on an extensive scale. He is a member of the Masonic order, and has served as master of Lanark lodge No. 222. He was married Sep-

tember 26, 1872, to Mary E. Thrush, and is the father of five children, namely: Earl W., George C., Alice B., Edith G., and Lewis M.

WILCOX, MAJOR ROBERT STILLMAN, was born in Bath, Steuben county, N. Y., April 6, 1845. His father, Elijah Wilcox, a native of Massachusetts, was a descendant of one of the pilgrims who landed at Plymouth Rock in 1620. His mother was Sallie Ann Cummings. Elijah Wilcox went from Massachusetts to New York in his early manhood. Robert S. Wilcox, on September 13, 1861, enlisted at Bath for three years in Company E, 1st New York light artillery and owing to a severe shock



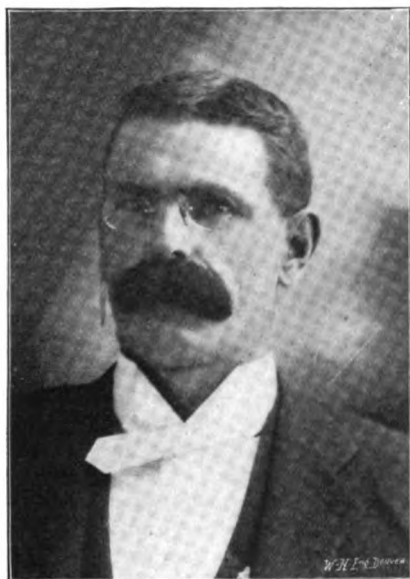
ROBERT STILLMAN WILCOX

from lightning he was discharged in September, 1862, and for three years remained in a helpless condition. He reenlisted in Company C, 179th New York volunteers, and was wounded in front of Petersburg, in the right eye by a spent ball, as a result of which he permanently lost its sight. In March, 1865, in the same vicinity, he was wounded in the thigh. He was discharged May 29, 1865, and upon returning to his home in Bath attended Haverling Union College for a term and a half and spent one term at Lowell Commercial College in Binghamton, N. Y. He entered the clothing house of Theodore A. Bartlett at Bath as a clerk. A year later he removed to Chicago with the firm, which subsequently sold out to Swartout, Ackerman & Co., of Syracuse, N. Y. Mr. Wilcox remained with the establishment four or five years. He endeavored to intercept a thief who was stealing a suit of clothing from a dummy in front of the store, and re-

ceived for his interference a bullet through the right side. The wound inflicted was a dangerous one, and for a long time it was thought he would not recover. In the spring of 1869 Mr. Wilcox came to Omaha, but soon returned to Chicago and reentered the employ of Swartout, Ackerman & Co., as manager of a store they had just established. About a year prior to the great Chicago fire he entered the employ of the Putnam Clothing Company. In a short time he engaged with Field, Leiter & Co., in the cloth department. When this firm opened up after the fire in the car barns at Twentieth and State streets, Mr. Wilcox was placed in charge of the clothing department. At the end of the year he left this employment and became cashier in Race Bros.' oyster house, where he served for nine years. The day after he had severed his connection with that establishment he entered the employ of Browning, King & Co. At the end of six and a half years he was given charge of the company's Omaha store, a position which he has retained to the present time. Major Wilcox is a member of the Commercial Club and was one of the retail men to attend the first meeting which effected the preliminary organization of the present Knights of Ak-Sar-Ben, and has been a member of the board of governors since its organization. He is a member of the Grand Army of the Republic, and was senior vice commander for the Nebraska department, with the rank of brigadier general, and is a member of the Omaha Club, the Elks, and the National Union and Royal League. He belongs to the Methodist church and has served as a member of the board of trustees of the Methodist hospital. Major Wilcox is a republican. July 12, 1870, he was married to Miss Annie Goodman, of Chicago. She was born in England, but came to America with her parents when young. They are the parents of six children: Edward R., married to Miss Nellie Irenee Corbett; Lillian A., Ada R., Robert, Jr., Marguerite Ethel, and Ruth.

WILKINSON, THOMAS, deceased, of Washington county, Neb., was born in Yorkshire, England, near the town of Bradford, July 5, 1838, son of James and Hannah (Terry) Wilkinson. When fifteen years of age, he came to America. For awhile he was at Detroit, Mich., and then went to Chicago, where he remained for three years. He then spent two years in the Michigan pineries near Lake Huron, and returned to Cook county, Ill. In 1858 he went to Louisiana for two years, then returned to the north and spent two years at Barrington, Ill., and later worked in Grundy county in the same state. He came to Nebraska in 1865 and for a time was located in Douglas county, then went to what was known as Lincoln, later called Tuberville, and now

known as Dodge, and finally to Elk City, where he remained until 1885, when he located in Washington county, near Blair. He gave his attention to diversified farming, and to stock raising. For some time he has resided in the city of Blair, where he has large property interests. In politics he has always been a democrat, and in 1893 was appointed postmaster of Blair by President Cleveland. He has always taken an active part in local and state politics and for many years has been in attendance at the state and county conventions, sometimes as a delegate. He is a member of the Masonic order, a charter member of Fremont lodge, A. F. and A. M., and the lodge at Waterloo. He was married in 1859 to Lucy S., daughter of John Jackson of Lake county, Ill., and is the father of four children: Ida, the wife of J. F. Smith, of Omaha; Emma, wife of H. S. Shields, of Omaha; Nettie, wife of George Dybold, of Omaha; and William W. Wilkinson, who married May Pierce, and resides at Blair, Neb. Thomas Wilkinson died July 18, 1912, aged seventy-four years.



CLARENCE B. WILLEY

WILLEY, CLARENCE B., attorney at law, Randolph, Neb., son of B. B. and Sarah J. (Warn) Willey, was born April 6, 1869, at Auburn, N. Y. His father was a lawyer, well known in political circles and one of the organizers of the republican party and later identified with the Greenback party. He removed in 1861 to Neligh in Antelope county. C. B. Willey is a descendant of Isaac Willey, who settled in Boston in 1634 and in 1645, with John

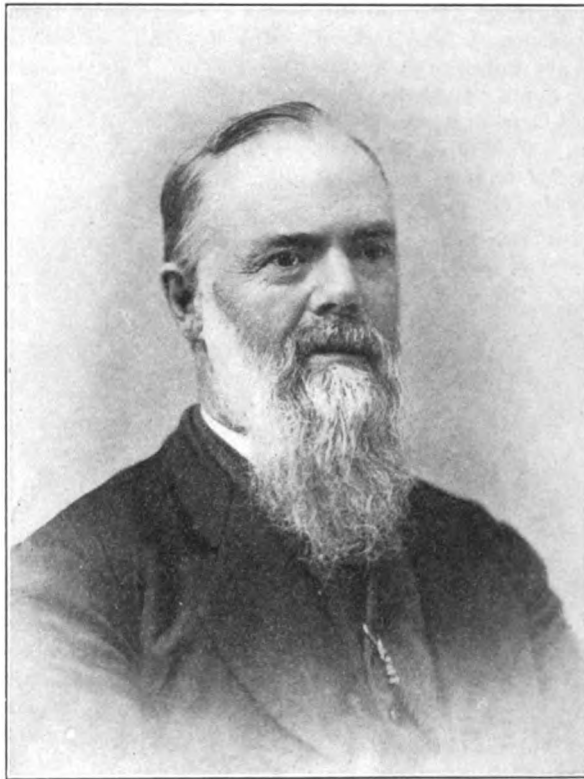
Winthrop, moved to New London, where in 1647 both were chosen "to act in all Toune Affairs." Isaac Willey in 1649 was summoned before the general court at Hartford charged with releasing an Indian committed to his charge and in 1667 good-wife Willey was fined five shillings "for not attending public worship and bringing her children thither." The great-grandfather of C. B. Willey, of East Haddam, Conn., was a captain of the Connecticut militia in the Revolutionary War. Clarence B. Willey studied law in his father's office, and commenced practice at Osmond, Neb. In 1898 he removed to Randolph, Cedar county. Mr. Willey makes a specialty of commercial law, and is a democrat in politics. He is past chancellor of the local Knights of Pythias lodge, also past master of the Masonic lodge. Mr. Willey was married at Argyle, December 26, 1893, to Bertha M. Million. They have one daughter, Edith M., and one son, Howard.

WILLIAMS, REVEREND ALVIN DIGHTON, deceased, late of Kenesaw, Neb., was the first pioneer settler within a radius of six miles of Kenesaw, he having located there in August, 1872. He came from Peru, Neb., where for one year he was president of the state normal, resigning to move to his farm. He came to Peru from Flemington, W. Va., where he had been president of the Free Baptist College, known as the West Virginia College, of which he was the first president, and was also state superintendent of public instruction of West Virginia. He was educated at Whitestown Seminary and Hamilton College, New York, graduating in the class of 1849, and was pastor of the church of Lawrence, Mass., this being the largest congregation of Free Baptists in the state. Throat trouble caused him to resign his pastorship to seek health in the west. For a time he was pastor in Minneapolis, Minn., resigning to become president of the Wasioja Seminary in Dodge county, Minn., but the Civil War broke up his school. He then became president of the Cheshire Academy in Ohio. In 1869 he was a delegate from Minnesota to the first prohibition convention at Chicago. He did not approve of taking the temperance cause into politics and hence did not affiliate with the prohibition party. He was always a republican in politics, and edited the *Kenesaw Times*, the *Lowell Register*, and the *Hastings Nebraskan*, first called the *Central Nebraskan*. In Minnesota he edited and published the *Minnesota Beacon*, a Good Templar paper. In Massachusetts he was one of the editors of the *Free Baptist Quarterly*, also of the *Freewill Baptist Review* in Minnesota, and was chairman of the Free Baptist church state committee for organizing churches in Nebraska. He was for many years a member of the board of trustees of the insane asylum at Lincoln,

braska, and also a member of the Nebraska state board of agriculture and interested and active in the Nebraska state fair. He wrote much for the *Nebraska State Journal*, and was an active and influential factor in the upbuilding of the state of Nebraska, morally, religiously, and materially. He at one time owned about 800 acres of land near Kenesaw, and received a prize of forty acres of land near Firth for an essay on sheep raising in Nebraska. In the nineties he went from Nebraska to Oakland City, Ind., and raised the money, founded, and became president of the Oakland College of the general Baptist denomination. He gave \$10,000 and his library to this school, having worked his own way through college and knowing the value of an education. He was born October 15, 1825, at Springfield, Bradford county, Pa., and was the son of Phineas Cromwell and Mary Marilla (Loomis) Williams. The former was born in Connecticut and the latter in Pennsylvania. He was married to Miss Sarah Harn of Frederick county, Md., daughter of John and Charlotte (Hay) Harn. She was a native of Baltimore. Mrs. Williams was a graduate of Cedar Hill Seminary, and taught in this school for some time prior to her marriage. To them were born six children: Cromwell Harn, who died in infancy; Emma Loomis, wife of I. D. Evans, Kenesaw, Neb. (see sketch in this work); Mary Harn, of Kenesaw; Minnie, who died at the age of twenty-two, a graduate of the Nebraska State University, class of 1881; Kate, now Mrs. Joseph R. Thrall, Hemet, Cal., and George Thomas, of Denver, Colo. As a boy at home he published the *Desert Home Times* and later the *Kenesaw Times*, and has been for over twenty years a worker on the Denver papers. Mrs. Sarah Harn Williams was an active coworker with her husband in the home and also in religious and social work. She was a member of the Woman Suffrage Association and was in the early

days president of the Free Baptist Woman's Mission Society for Nebraska and Kansas. The burden of the pioneer life, the management of their large farm, and the care and education of their children fell largely on her. Her death took place at Kenesaw, February 4, 1901. Her daughter, Mary Harn Williams, of Kenesaw, was educated in the Peru Normal and the Nebraska State University. She was for some years in the office of the *Kenesaw Times*, and was associated with Mrs. Colby in the organization of the suffrage association and in work on the *Tribune* at Beatrice, and was for ten years in the

government printing office at Washington, D. C. She is corresponding secretary of the local suffrage club, and in 1906 was elected corresponding secretary of the Nebraska Woman Suffrage Association and later a member of the national executive committee. She is a member of the W. C. T. U., and is local correspondent for the *Adams County Democrat*, of Hastings.



REVEREND ALVIN DIGHTON WILLIAMS

WILLIAMS, ANSON SHELDON, deceased, late of Yankee Hill precinct, near Lincoln, Neb., was born in Huntington, Hampshire county, Mass., February 7, 1840, son of Morris and Clarissa (Searl) Williams, both of whom were natives of Massachusetts, being of Welsh and Scotch descent. Both

parents died when Anson S. Williams was seven years of age. The Williams family were descended from the Pilgrim Fathers of New England. Anson S. Williams enlisted for the Civil War, but was rejected, owing to disability, and in 1864-65 he worked under his brother, Captain George Williams, an officer in the quartermaster's department with the Army of the Potomac, in the field. As a young man he engaged in the mercantile business and continued this until he came to Nebraska in 1868, locating upon the farm in Lancaster county, where he continued to reside until the time of his death, April 12, 1908, at the age of sixty-eight years. After the war he

went to Chicago and carried on a mercantile business under the firm name of Williams & Stoddard. Captain George Williams also located at Yankee Hill and died there in 1875. Another brother, Alonzo Williams, served through the Civil War and located at Des Moines, Ia. Mr. A. S. Williams was a successful farmer and owned and farmed 160 acres. In addition to his farming he kept a large amount of live stock and gave to his farming and his live stock business personal attention. Politically Mr. Williams was a republican. He was for many years a school director and being public spirit-

Brown, located at Brownville, Neb., in the fifties. The children born to Mr. and Mrs. Williams are as follows: George L., a farmer of Yankee Hill precinct; Homer D., also a farmer; Watson W., of Lincoln; Frank Alonzo, of Lincoln; and Helen, a teacher in the public schools of Lancaster county. The widow of Mr. Williams now resides in Lincoln with her three younger children. Previous to coming to Nebraska she taught school in Ohio, then in Lancaster county from 1867 to 1873, altogether about seven years, being therefore one of the pioneer teachers of Lancaster county.



ANSON SHELDON WILLIAMS

ed took an active part in county and state politics, and was ardent in his advocacy of the principles of the republican party. For many years he was justice of the peace and twice a candidate for the office of sheriff of Lancaster county. He was a member of the Masonic order. He was married November 27, 1873, to Miss Mary C. Brown, who came to Nebraska in 1871 from near Bryan, Williams county, O., her native state. She is a daughter of Samuel and Mary J. (Logan) Brown, pioneers of Lancaster county and early settlers in Yankee Hill precinct. Mr. Brown was an active democrat and took much interest in public matters, and in Ohio was for many years justice of the peace and a leader in his party in that state. His death took place in Franklin county, Neb., in 1878, where he had located in 1874. An uncle of Mr. Brown, Washington

WILLIAMS, RIGHT REVEREND ARTHUR L., bishop of the Episcopal diocese of Nebraska, residing at Omaha, is a native of Canada, where he was born January 30, 1856. At the age of three years he was brought to Michigan by his parents, Reverend Richard J. and Elizabeth (Johnstone) Williams. The paternal grandfather of Bishop Williams was also Richard J. Williams, a captain in the British navy, and his maternal grandfather was William Johnstone, a designing engineer in the Portsmouth navy yard, England. Arthur L. Williams was tutored by his father and finished his education at Greenwich Academy, R. I. He went to Colorado in 1880, where he was paymaster of construction on the Denver & Utah Pacific railway, now the Burlington & Missouri River railway; and then became traffic agent. While in the railway service he was confirmed in the Episcopal church and decided to take holy orders. He entered the Western Theological Seminary at Chicago, in 1886, was graduated in 1888, returned to Colorado that year, and was ordained deacon by Bishop Spaulding. In 1889 he was advanced to the priesthood by the same prelate. His first work was at Meeker, on the old Ute reservation, a place which took its name from the fact that a man named Meeker was killed there by the Utes in 1879. Bishop Williams held the first religious services of any kind in that part of Colorado. During the four years at Meeker he succeeded in erecting a stone church at a cost of \$6,500. This church served 300,000 square miles of territory that was without a railway. During his service here Bishop Williams traveled about 23,000 miles on horseback and by buckboard. In 1892, he became rector of Christ church, Chicago, remaining there until 1899. During his eight years at Christ church he built a church and parish house and rectory at a cost of \$40,000, and left a communicant list of about 700 members. On October 18, 1899, he was appointed coadjutor bishop of the diocese of Nebraska. Bishop Worthington, being at that time broken in health, gave over the entire administration to Bishop Williams. Upon the death of Bishop Worthington in 1908, Bishop Williams succeeded to

the office. Under his administration the church and diocese of Nebraska have had a very prosperous growth. The Bishop Clarkson memorial hospital founded in a small way in 1881, has just completed a new concrete fire-proof building, one of the finest and most complete west of Chicago, which with the grounds cost \$150,000. Bishop Williams is president of the board and is also president of the board of trustees of Brownell Hall, which is one of the leading academic schools for girls in the west; its graduates being admitted to all universities and colleges without examination. The Trinity cathedral chapter house and parish house are living monuments to Bishop Clarkson, who built them. Bishop Williams was married in Boston to Miss Adelaide Makinster. Mrs. Williams is a member of the Omaha chapter of the Daughters of the American Revolution. They have one daughter, Lenora Ethel.

WILLIAMS, EDWARD, florist, Grand Island, Hall county, Neb., is a native of Colwyn Bay, North Wales, son of Hugh and Katherine (Elias) Williams, who settled at Attica, N. Y., in 1887. Mr. Williams came to Council Bluffs, Ia., in 1895. He is one of the largest dealers of central Nebraska, in general greenhouse stock—hardy shrubs, cut flowers, etc.—the trade extending all over western and northern Nebraska, and well into the eastern part of the state. For fourteen years he has been engaged in this business at the corner of Elm and Front streets, where he has 18,000 square feet under glass. Mr. Williams is a republican in politics, and in 1906 was elected county supervisor of Hall county, and was chairman of the finance committee of the board. He was county commissioner until January 1, 1911, and chairman of the board during 1910. He is a member of the republican county central committee, and a member of the Commercial Club of Grand Island. Mr. Williams married Miss Nina Rutledge, daughter of Amos and Lucy Morton Rutledge. They have two children, Edward Lamont and Irwin Richard.

WILLIAMS, JOSEPH ALBERT, Sioux City, Ia., was born near Galena, Ill., August 6, 1860, son of Richard and Elizabeth (Kitto) Williams. Richard Williams was born at Hendra, Cornwall, England, and was superintendent of mines and a farmer at Galena, Ill. He died at Hazel Green, Wis., September, 1892. Mrs. Elizabeth Williams was a teacher in Cornwall, England. J. A. Williams received his early education in Hazel Green, Wis., graduating from the high school there in 1878, from the University of Wisconsin (A. B.) in 1885, and from the law college in 1886. He was city superintendent of the Galena (Ill.) schools for three years. In 1893 he came to Omaha and practiced law until

1900, when he removed to Pierce county, Neb. In 1896 Judge Williams went to London and spent some time in studying the London educational system with which his cousin, Edward Williams, has been connected for more than thirty years. Judge Williams served two terms as judge and was state railroad commissioner with Dr. Winnett and H. T. Clarke, Jr. They were the first Nebraska commissioners. One conversant with the facts makes the following strong statement as to the result of Mr. Williams's candidacy for reelection:

"Judge Williams was clearly elected state railway commissioner at the election in November, 1908, but was counted defeated by 237 votes after eliminating what were acknowledged to be fraudulent before the count was completed. It was afterwards discovered that by frauds in the large cities and especially in the third ward of Omaha he was the victim of thousands of fraudulent votes."

He is the author of the lectures, "The Real Boy" and "The Real Girl," which he has delivered many times before different institutions of learning. He is a republican and a member of the A. F. and A. M. and the I. O. O. F. lodges and also of the First Congregational church of Lincoln, Neb. Judge Williams was married on September 10, 1889, to Miss Anna Wilkinson, who graduated in 1885 from the Wisconsin University and was assistant principal of the high school at Lancaster, Wis. They are the parents of five children, Isabella, Anna, Hillis Albert, Joseph Edward, and Donald Eugene. Isabella Williams graduated from the Western Conservatory of Music of Chicago in 1909 and in 1911 from the Wisconsin School of Music, where she won a scholarship and was elected as one of the faculty to teach theory and piano. She is now studying in European conservatories. Anna is a graduate of Lincoln high school.

WILLIAMS, LORENZO B., of San Diego, Cal., came to Omaha, Neb., in 1868 to engage in the dry good business, locating on the southeast corner of Dodge and Sixteenth streets, where the Union block now stands. In January, 1872, his store building and its entire contents, together with his home just east of the store, with its furnishings, were totally destroyed by fire. He contracted for a new building before the ashes had cooled. It was finished, completely stocked with merchandise, and opened for business in exactly thirty days from the date of the fire. A few years later he built the three-story brick building on the site now occupied by the Union Pacific office buildings on the northeast corner of Dodge and Fifteenth streets. In the new building, under the firm name of L. B. Williams & Son, he originated the department store idea, adapted to the



H. J. WINNETT
See biography on page 726.



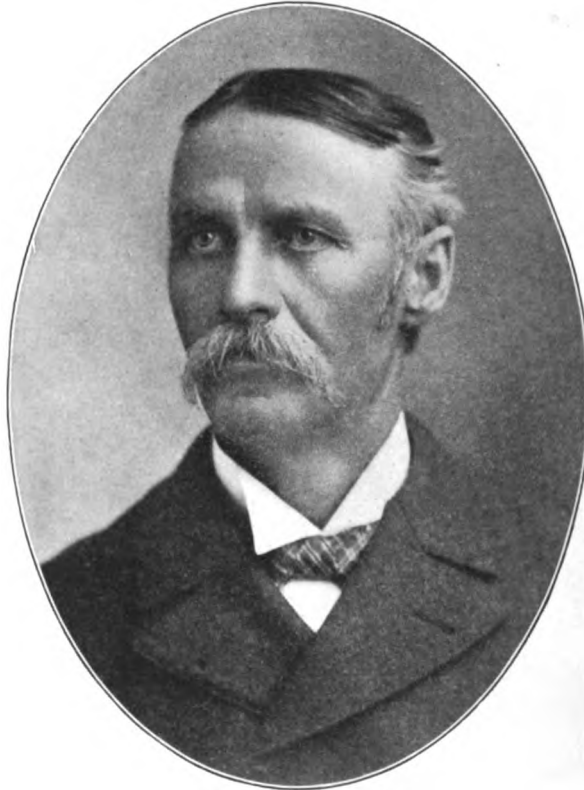
J. A. WILLIAMS
See biography on page 714.



HENRY T. CLARK
See biography on page 489.

needs of the growing western city. In this building Mr. Williams fitted rooms for the first home of the city library, also rooms for the Y. M. C. A. Soon the entire floor space was required by him to meet the demands of his growing business. For twenty years his slogan, "We will not be undersold," was featured in his advertising campaigns. In the new store the company employed from seventy-five to one hundred people. Mr. Williams was an official in the First Presbyterian church, the public library, the Y. M. C. A., a trustee of Bellevue College, and one of the organizers in 1890 and a trustee of the Presbyterian hospital. He was an officer in the Cable Tramway Company until it was absorbed by the Omaha Street Railway Company, but continued in the directory of the latter company until he made San Diego, Cal., his permanent home. He was also one of the organizers and directors of the Commercial National Bank, which afterwards combined with the United States National Bank, besides being a stockholder and a director in several other financial institutions. Mr. Williams was a republican in politics. He was born in Albany, N. Y., and married in 1855 Miss Ellen Van Aernam of Albany, daughter of Benjamin and Margaret Van Aernam. They were the parents of four children: Oscar B. Williams, of Omaha, who married Miss Alice Rogers, daughter of Milton Rogers, deceased (see p. 765, Vol. II, of this work); Ed. B. Williams, of Omaha, who married Miss Harriet Johnson, daughter of Samuel R. Johnson; Anna wife of George L. Barney of San Diego, Cal.; and Margaret, wife of Thomas Hamilton, of San Diego, Cal. Mrs. L. B. Williams died in Indianapolis, Ind., in 1903.

WILLIAMS, PARIS ALBERT, Riverton, Neb., son of Samuel Williams, was born at North Liberty, St. Joseph county, Ind., July 2, 1848. His grandfather, George Williams, was a native of



PARIS ALBERT WILLIAMS

Maine and a captain in the Revolutionary War. Samuel Williams was a farmer, a stockman, and a carpenter. In 1837 he traveled by wagon and boat, via Lake Erie, to St. Joseph county, Ind., where he resided until his death in 1888. He married Eliza Frost Thomas. Paris A. Williams attended the Northern Indiana College at South Bend, Ind., and graduated from the normal school at Chicago, June 30, 1870. He taught school for several terms and was principal of the high school at Walkerton, Ind. He then engaged in the mercantile business in South Bend, Ind., and later started for the west, settling at Riverton, Neb. In 1875 he engaged in the drug business, later adding other lines and dealing in grain and stock. Mr. Williams disposed of his mercantile business in 1888 and has since traveled extensively. In 1878 he engaged in newspaper work and May 1, 1894, purchased the Franklin County *Guard*, now the *Review*, which he still edits. He is a republican. He married Miss Amanda M. Elder, October 28, 1875, at South Bend, Ind. To Mr. and Mrs. Williams have been born two sons, Gold and Snow. The former served in the Spanish-American War as a member of the 2d regiment, United States volunteer engineers.

WILLIAMS, RICHARD F., attorney at law, formerly of St. Edward, and now of Bridgeport, Morrill county, Neb., is a native of Michigan, and was born December 25, 1841, son of William P. and Sarah (Canon) Williams, the former born in Wales, and the latter at Dover, Del. At the outbreak of the Civil War he enlisted at Niles, Mich., and during the conflict participated in more than a hundred battles and skirmishes, in Missouri, Mississippi, Kentucky, Tennessee, Georgia, Alabama, and other parts of the south, and was promoted to corporal, sergeant, lieutenant, and captain. After the war he settled in Missouri, where he studied law and was admitted to the bar in 1874. In 1887

Mr. Williams came to St. Edward, and in 1896 to Cheyenne county. He is a member of the Grand Army of the Republic, was commander of Post No. 140 for five terms, and served for one term on the staff of Commander-in-Chief Weissert. He was a democrat, but became a republican, and for a number of years was a member of the Boone county republican central committee. He has served as justice of the peace, and was president of the Boone county board of commissioners, when the county voted \$25,000 in bonds for the building of a new court house, and when the county poor farm was purchased. He was for three terms chancellor commander of the Knights of Pythias lodge No. 158, and was postmaster four years under President Harrison and four years under Presidents McKinley and Roosevelt. He was married May 17, 1863, to Frances A. Bowman, daughter of Nathaniel Bowman, and six children have been born to them: Dorr E., May E., Jay E., Eva E., and Iva E., Dorr and Eva died at an early age. In 1906 Mr. Williams homesteaded in Cheyenne, now Morrill county, Neb., and is engaged in law practice with his son, Ivan E., who is county attorney of Morrill county, residing at Bridgeport, Neb. Jay E. died in 1904.



RICHARD H. WILLIS

WILLIS, RICHARD H., deceased, was born in 1837 in Charlton, Saratoga county, N. Y., and was a son of Robert Frazer and Mary (Callaghan) Willis. He was educated in the schools of his native

county and when eighteen years of age apprenticed himself to learn the carriage trade. After learning his trade he engaged in the merchandise business in Joliet, Ill., where he was married to Mira Tonner. In 1864 he moved to Omaha, Neb., and engaged in the wholesale liquor and tobacco business. He had sixteen men at work manufacturing cigars, and built the first three story brick building in Omaha on Fourteenth street between Douglas and Farnam. It was well stocked with goods and at that time he had one of the largest wholesale trades west of Chicago. He died May 6, 1874, at Charlton, N. Y., and was buried at Joliet, Ill. (See sketch of his brother, John G. Willis, page 407, Vol. II, of this history.)

WILLITS, ED. L., Alma, Neb., was born at New Boston, Ill., where his father, Wells Willits, operated a pork packing business and general store from 1854 to 1878, when he closed out all his interests and came to Alma, Neb. At that time Ed. L. Willits entered his father's employ and there received his business training. In 1879 he established the firm of Willits & Company, and carried on a general mercantile business. In 1881, together with his father, he started the Alma Creamery Company. Ed. L. Willits was also the founder and first president of the Harlan County Bank, established in 1900. He was a Mason and a member of the Eastern Star. Mr. Willits was married in May, 1882, to Miss Blanche Conklin, of Alma, who died in 1897, leaving one son, Lee C. Willits. Mr. Willits was married again in 1898, to Miss Rebecca Metz, and one son, John Metz, was born May 14, 1902. Ed. L. Willits died October 8, 1903.

WILMETH, FRANK LINCOLN, M. D., of Lincoln, Neb., who has been most active in advancing the interests of Eclecticism, and of Lincoln Medical College in particular, was at the last meeting of the National Eclectic Medical Association, in session at Washington, D. C., honored with the presidency. He was born in Salem, Henry county, Ia., August 19, 2862. He is a son of William H. and Esther Conner Wilmeth. His father was of German-English descent and a soldier in the Civil War, under Grant and Sherman, serving in Company F, 25th Iowa Infantry. His mother was of Scotch descent, the daughter of a Quaker family of eastern Iowa. F. L. Wilmeth acquired his earlier education in the public schools and at Whittier College, a Quaker school of Salem, Ia., and taught school two years in Henry county, removed to Nebraska in 1887, and engaged in teaching in Furnas county. He graduated from the Lincoln Medical College, medical department of Cotner University in 1894, and took postgraduate work at the Bennett Medical



Wells Willis



L. Willis



A. L. Whitcomb M.D.

College in 1900, and the following year at the Chicago Clinical School, having special instructions under Professor Eckley, author of Eckley's Surgical Anatomy. He annually renews his acquaintance with his work by association with the leaders of his profession in the middle west. Dr. Wilmeth practiced medicine at Eagle, in Cass county, Neb., from 1894 until 1898, when he removed to Lincoln to take charge of the college hospital as superintendent. He lectured in the Medical College, medical department of Cotner University, on anatomy, in 1894 and 1895, and during the following six years taught materia medica and therapeutics; he was then elected to the chair of surgery, which position he still holds. All the authorities of all the schools of medicine, of the time, may be found on the shelves of his library. The most reliable and those which are most relied upon and practiced, are those which conform to specific medication.

In 1896 he was elected as a member of the board of directors of the Medical College Corporation, and continued as such until 1910, during which time he served as treasurer in 1898, and as president from 1901 to 1904, as dean of the college from 1906 to 1908, and from 1909 to 1911, when he requested the appointment of a committee by the state society to take the active management of the Eclectic Medical School of Nebraska, this resulting in creating the present medical department of Cotner University. Dr. Wilmeth was surgeon for the Nebraska state penitentiary from the year 1901 to 1903. He has served as a member of the board of directors of Cotner University since 1901, in which year he served as vice president of the National Eclectic Medical Association. He belongs to the Nebraska State Medical Society and the City Specific Medication Society, and was secretary of the state society from 1898 until 1905, the attendance increasing during this time from eight to ninety, when he was chosen president. Dr. Wilmeth also holds honorary membership in the State Eclectic Medical Societies of South Dakota, Missouri, Oklahoma, Kansas, Colorado, and Illinois. He conducts a sanitarium, called Esther's Hospital, named for his daughter, located at the corner of Seventeenth and J streets. Dr. Wilmeth is one of those who throw their lives into their chosen calling, and conscientiously labor for the upbuilding of the profession. He has been the influence that has not only assisted the school and society to maintain their integrity, but has also been that with which it was necessary for those to deal who were not particular as to the character of the school, or desired its annihilation. He accumulated a large share of the stock of the old corporation to protect the institution from improper influences. He has a host of friends in this and ad-

joining states, where he is known as a warm advocate of eclectics and eclectic institutions, not simply because they are eclectic, but because he believes that to be the best system of practice for the people, and as such is best for the profession. He is known as a good fighter and a good friend, and controversies either within or without the ranks are not taken as a personal matter, the best interests of the school and society being at all times paramount to personal consideration for any one, and himself included. He is a Scottish Rite and a York Rite Mason, a Shriner, and belongs to other fraternal organizations. He is a member of the Lincoln Commercial Club, and has been a member of the Christian church since young manhood. Dr. Wilmeth married Jessie Drummond in 1889, at Arapahoe, Nebraska, a niece of Captain James Drummond, of Mt. Pleasant, Ia., and a daughter of T. J. and Mary (Coombs) Drummond. They are the parents of four children: Ossie, and Hal, students in Cotner University; and Elmer and Esther.

WILSON, EMMA PARKS, Lincoln, Neb., the eldest daughter of Captain Benjamin D. Parks and Ann (Farnsworth) Parks, was born at Agency City, Ia., June 23, 1856. Mr. Parks was captain of Company D, 23d Iowa state volunteers. He enlisted in the service early in the Civil War and after passing unharmed through many hard-fought battles, fell at Winchester, on September 19, 1864, the ninth anniversary of his wedding day.

Mrs. Wilson is a direct lineal descendant in the tenth generation, on her father's side, of Governor Thomas Dudley, second colonial governor of Massachusetts Bay colony, who was born at Northampton, England, in 1576, and died at Roxbury, Mass., July 31, 1653. Thomas Dudley was the governor whose signature is affixed to the charter of Harvard College, and for whom the rank of major-general was created. The seventh son became Governor Joseph Dudley. Mrs. Wilson is descended from Thomas Dudley through his endest son, Rev. Samuel Dudley, of Exeter, N. H., whose wife was the daughter of Governor Winthrop and whose eldest sister was Anne Bradstreet, the first American poet.

Ann Farnsworth Parks is descended from a noteworthy family of Stouts in New Jersey, being a direct descendant of Penelope Princessen and Richard Stout, whose romantic history is related in Stockton's *History of New Jersey*. Although by the death of her husband Mrs. Parks was left to rear her three small children, she kept them together and finally saw them all graduate from the University of Nebraska.

Mrs. Wilson received her preliminary education in the common and high schools of Agency City, Ia., and later at the academy at Wilton, Ia. She en-

tered the freshman class of the University of Nebraska in September, 1876, and was a member of the Union Literary Society and served one term as its president. Her name was frequently among those who were chosen to represent this society in joint debates and literary contests, and she was at one time editor of the *Hesperian*, the college paper. She graduated in June, 1880, with the degree of Bachelor of Science. After graduation she taught in the graded and high schools of the city of Lincoln with marked success. In June, 1897, she delivered the alumni oration, choosing for her subject, "The tendencies of Modern Fiction."

Mrs. Wilson has kept in touch with contemporary life and learning by taking a course of lectures at the university on two separate occasions since her graduation. She received her A. M. degree in 1898. She has also assisted the faculty in entertaining the students, and possesses their acquaintance and confidence.

In 1894-95 Mrs. Wilson was president of the City Federation of Woman's Clubs of Lincoln. She was one of the three women who organized the Lincoln Woman's Club, and became the first dean of women of the University of Nebraska in 1898.

Mrs. Wilson delivered a course of lectures on English fiction, for which her post-graduate studies especially prepared her.

Mrs. Wilson is a member of the Daughters of the American Revolution, belonging to the Deborah Avery chapter, of Lincoln, Neb. Her revolutionary ancestor was Thomas Campbell, who fought in the battle of Bunker Hill.

WILSON, HENRY H., attorney at law, Lincoln, Neb., was born near Fremont, Sandusky county, O., January 1, 1854, son of Nathaniel and Mary (Feasel) Wilson. Nathaniel Wilson, a son of Robert Wilson, was born in Luzerne county, Pa., September 13, 1813. He settled in Sandusky county, O., in 1834, where he remained until 1871, when he removed to Nebraska and settled in Saunders county, and went to Cheyenne county in 1886, where he remained two years, returning to Saunders county, where he died in 1890. Nathaniel Wilson's paternal grandfather was a native of Scotland and his maternal grandfather of Ireland. Mrs. Nathaniel Wilson was born near Columbus, O., May 23, 1819, and was the eldest child of Henry and Jane (Kendal) Feasel, the former a descendant of a respectable family of Hollanders and the latter a daughter of a son of an English lord, who at an early age came to America to escape the tyranny of an elder brother. She died September 8, 1874, the mother of nine children, seven of whom survive her.

Henry H. Wilson received his early education in the common school near his birthplace in Ohio, attended the high school at Fremont, O., a private academy at Bryan, O., and coming to Nebraska with his parents in March, 1871, he, after working for a year on his father's farm and teaching one term, entered the State Normal School at Peru, Neb., where he equipped himself for teaching. In 1873 he entered the Nebraska State University, preparatory department, and completed the six years' course in five years, was graduated in 1878 with the degree of Ph. B. and seven years later his alma mater conferred upon him the degree of A. M. and in 1895 that of LL. M. During his university career he had numerous college honors conferred upon him; was president of the Adelpian Literary Society, later of the Union Literary Society; and was the business manager and subsequently the editor in chief of the *Hesperian*, the college paper. In 1890 he delivered the annual oration before the alumni association under the title, "The Reign of Law," and the winter commencement oration in 1905. For two years, beginning in September, 1878, he was principal of the high school at Seward, Neb., and during this time devoted his leisure to the reading of law. Resigning as principal of the Seward school, he entered the law office of Lamb, Billingsley & Lambertson as a law student, and on February 2, 1881, was admitted to the bar. In November of that year he formed a partnership with Arnott C. Ricketts in Lincoln, which partnership continued for a period of one year, when Walter J. Lamb entered the firm which, under the name of Lamb, Ricketts & Wilson, continued to 1892, when the firm again became Ricketts & Wilson and this firm continued to 1899. In the latter year he took as partner his nephew, Elmer W. Brown, and in 1908 Elmer J. Burkett came into the firm which then became Burkett, Wilson & Brown, which is still the style of the firm. In 1899 he became one of the faculty of the central law school and upon the establishment of the law college as a department of the University of Nebraska in 1891, Mr. Wilson was made a member of the law faculty and has occupied the chair for the past twenty years, devoting, however, only a small portion of his time to it. He is a member of the American Bar Association and has served as president of the Lancaster County Bar Association and is one of the Nebraska commissioners to the national conference on uniformity of state laws. As an attorney Mr. Wilson has been of counsel in many important and some notable cases. Among the noted cases was that involving the contest for the governorship of Nebraska in 1890 and 1891, when he was of counsel for contestant. He participated in the argument before the supreme court in the mandamus case

against the speaker of the house of representatives, and also participated in the case involving the legality of the joint convention of the two houses of the legislature to try the contest. He was one of the counsel in *Arndt vs. Griggs*, 134 U. S., 316, a leading case in the supreme court of the United States, involving the power of the state over titles to real estate lying within its boundaries. Mr. Wilson's contention as to such power was sustained by that court and *Arndt vs. Griggs* has become a leading case on this important question. Mr. Wilson is a member of many orders and societies. In Masonry he was master of Lincoln lodge No. 19 from June, 1889, to June, 1891, and was grand master of Masons in Nebraska in 1895-96, is a member of the 33d degree of the Ancient and Accepted Scottish Rite, in 1897 was Master of Kadosh of Occidental consistory, No. 1, at Omaha and later of Lincoln consistory, No. 2, at Lincoln and president of the state council of Scottish Rite. He is also a member of the Ancient Arabic Order of Nobles of the Mystic Shrine, and has been potentate of the temple. He is a member of the round table, a gentlemen's club organized for the discussion of various political, economic, and philosophical subjects; of the scholarship fraternity of Phi Beta Kappa, and of the law fraternity of Phi Beta Phi, and of the legal scholarship society of Theta Kappa Nu. Ever since reaching his majority Mr. Wilson has been a republican. In 1904 he was a presidential elector and was made president of the Nebraska electoral college and was a candidate for governor in 1902. He was married June 22, 1882, to Miss Emma Parks, of Lincoln. They were the parents of five children: Henry Parks, who died in infancy; Helen, who had the distinction of being the first student to matriculate whose parents were both graduates of the University of Nebraska, and who is now (1911) teaching art at York, Neb.; Edith, the wife of Paul T. Bell, living in California; Ralph Parks Wilson, and Walter Feasel Wilson. Three of the children have graduated from the State University and the fourth is soon to complete his course there. Ralph is now a student in the law college and Walter is looking forward to a career as an architect.

WILSON, REV. JOHN, deceased, farmer, banker, and philanthropist, was born in the Province of Smoland, Sweden, July 7, 1827, and died at Stromsburg, Neb., October 28, 1901. At the age of nineteen years he learned the piano-making trade. In 1849 he arrived at New York city, and there for awhile worked at his trade. The California gold fields attracted his attention and in one of the sailing vessels from New York he shipped by way of Cape Horn. A violent storm off the cape threatened the

loss of the vessel and all its crew and passengers. It was then that Mr. Wilson knelt down in prayer to his God, promised that if spared, his life would be devoted to the service of his Creator. The storm passed, and though stripped of its masts and rigging the vessel made a harbor in safety. For three years Mr. Wilson worked with varying success. Then he returned to the east, and settled on a farm in the New Sweden colony in Iowa. In 1858 he removed to Knox county, Ill., and remained until 1880, when he came to Polk county, Neb., and located on a farm some ten miles southwest of Stromsburg. He was a successful farmer and stock-raiser, with economical habits, resulting in the accumulation of money sufficient to enable him to carry out his plans. He acquired land adjoining his homestead, until his farm had grown to be the largest in the county, consisting of more than two thousand acres of the finest farm lands in Polk county, all of which he kept in a high state of cultivation, and as pasture for his large herds of stock. In 1889 Mr. Wilson retired and took up his residence in the town of Stromsburg. In the spring of 1891 he purchased a controlling interest in the Farmers & Merchants Bank of Stromsburg, and a few years later by purchase became its sole owner, and then associating with him in its conduct his three sons, J. W., Nathan, and Victor Wilson, he continued as its president until his death. The Farmers & Merchants Bank, under the management of Mr. Wilson and his sons, became recognized as one of the substantial institutions of its kind in the state, and during the stringent times in the early nineties was the means of greatly assisting many of the Polk county farmers through the depression which threatened them. Mr. Wilson's career was one which reflects the strongest and highest character of the self-made man. He was a man of the strictest integrity, with lofty sentiments and a mind that, while liberal, disdained all that tended toward the baser elements of humanity. In him the moral, the good, and the philanthropic were developed to the highest. He was a Christian in his every-day life and perpetuated his charitable work by bequests, some of which were \$5,000 to foreign missions, a large amount to the home mission and the Olive Branch home in Chicago. In 1856 he became a member of the Methodist Episcopal church, and in 1868 joined the Free Methodist church, with which he associated until his death, and of which he was an ordained minister. In politics Mr. Wilson was a republican up to 1895, when he joined the prohibitionists. Mr. Wilson was twice married. His first wife, to whom he was married in November, 1854, was Miss Winnie Samuelson, of New Sweden, Ia. She died in 1894, the mother of the following children: Alfred, deceased, unmarried; Joseph W., of Stromsburg, married

Miss Johanna-Christina Johnson, of Smoland, Sweden (children: Julia Ellen, Anna Elizabeth, Esther Josephine, Mable Alliance); Matilda, wife of B. E. Nelson, of Polk county; Mary J., wife of C. W. Levander, of Stromsburg; John W. (see sketch in this volume); Emma, who died in 1902, wife of Victor Anderson; Victor E.; and Nathan Wilson, cashier of the First National Bank of Stromsburg. In December, 1895, our subject was married, the second time, to Miss Anna M. Backstrom, of Polk county. They are the parents of two children: Anton V. and Amanda Wilson, who reside at Stromsburg with their mother.

WILSON, JOHN WESLEY, banker, merchant, and capitalist, of Stromsburg, Neb., was born June 8, 1866, in Knox county, Ill., son of the late Reverend John Wilson (see sketch in this book), of Swedish parentage. In 1880 he came with his parents to Polk county and settled on a farm near the site of the town of Polk. He was educated in the common schools and later graduated from the Omaha Commercial College in the year 1890. At the conclusion of his college course he was made assistant cashier of the Park Bank, and in 1891, with his father, bought from C. H. Morrill and J. L. Johnson the Farmers and Merchants Bank, which had a capital of \$15,000, later increased to \$25,000. For ten years he was cashier of this bank, and succeeded his father as president. During his administration the bank was converted from a state to a national bank with a capital of \$50,000. He served as its president until 1907, then becoming its vice-president and retiring from active management he devoted his attention to the platting and developing of the two new towns of Polk and Hordville on the Union Pacific extension to Central City. Under privileges granted by the Union Pacific Railway Company, he, with his brothers, Victor E. and Nathan Wilson, and brother-in-law, C. C. McCune, organized the City Improvement Company, which had for its purpose the development of the towns before mentioned. Mr. Wilson was made president of this organization and under his management, while the site of the present town of Polk was still a wheat field, concrete walks ten feet wide were laid by the company, on what was later to become its main business street. They installed a water works system with steel standpipe and water mains throughout the platted site and at the same time erected several brick buildings on the sites of Polk and Hordville. In 1907 he organized the First National Bank of Polk, with a capital of \$25,000, which was later increased to \$30,000. At its organization he became its president, which position he still holds. He is the senior member of the firm of Wilson-Castile Company, a department store, orig-

inally organized by him in 1897 as the Stromsburg Mercantile Company. He is a large land owner, and owner of city property in the towns of Stromsburg and Polk. Mr. Wilson is a staunch republican, and has served several terms as city treasurer. He is a member of the Masonic order, the Knights of Pythias, and a leader in the moral as well as the financial upbuilding of the community in which he lives. While not a member of any church, he is a liberal contributor to churches and all worthy charities as well as public enterprises. He was married September 20, 1899, to Miss Margaret Olive McCune, the eldest daughter of Calmar McCune of Stromsburg (see sketch in this book), who was born in Polk county and educated in the Stromsburg high school. She is a graduate of the Bryant Normal University and the New York Conservatory of Music. They have an only son, James Calmar Wilson.

WILSON, THOMAS R., of Vacoma, Neb., a son of Michael and Harriet (Creasap) Wilson, was born in Preston county, Va., May 3, 1827. His father was a farmer, and the entire life of the son has been devoted to agriculture. Mr. Wilson removed to Nebraska in 1855, settling near the old town of De Soto, where he remained eighteen years. He then went to Blair, where he lived two years, after which he removed to his present location near Vacoma, Washington county. He is of Irish-German descent, and combines in his character the best qualities of these two sterling races. When he came to Nebraska he secured employment on the Omaha reservation, breaking prairie for the Indians. In the fall of 1862 he enlisted in Company B, 2d Nebraska cavalry, and served for eleven months. Mr. Wilson is a democrat and active in the service of his party, but has never held public office except that of county surveyor, to which he was appointed in 1855, the first in Washington county. He is a member of the Masonic fraternity. April 2, 1866, he was married to Miss Mary A. Tucker, of Burt county, a native of Wisconsin, and eight children have been born to them: Harriet R., Michael V., Mina R., Louisa, Samuel L., James R., Edward W., and Thomas C.

WILSON, VICTOR EMANUEL, attorney at law, and banker, Stromsburg, Neb., was born near Galesburg, Ill., February 2, 1873, son of John and Winnie (Samuelson) Wilson, the former a pioneer farmer and banker of Stromsburg, Neb. (see his biography in this volume). The paternal ancestors of Mr. Wilson were Swedish, one of his great-grandparents being a minister of the Lutheran church, who died in the year 1777. The son of the latter was a teacher in the schools of Sweden, and



Wesley Wilson

his son was a farmer in his native land, and was the father of John Wilson. Victor E. Wilson attended the district school in Polk county, the Bryant Normal University at Stromsburg, and Doane College at Crete, Neb. He then entered the University of Nebraska law school, from which he was graduated in June, 1896, LL. B. In 1896 he was admitted to the bar in Nebraska supreme court, and in the United States district and circuit courts, and commenced his practice in Omaha, in July, 1896. In 1906 he returned to Stromsburg and engaged in the banking business as president of the First National Bank, which position he resigned in 1911 to resume the practice of law. Mr. Wilson cast his first vote as a populist, and since has been a free lance in the political field, generally a supporter of the reform parties. He was in 1894 elected city treasurer of Stromsburg, and a year later was elected city clerk. He has taken an active part in the political campaigns. In January, 1897, he was appointed state bank examiner, and reappointed for two years in 1899. He was the author of the measure passed by the 26th session of the legislature, governing and providing for the supervision of building and loan associations. In the fall of 1908 Mr. Wilson was elected as a democrat to represent the 39th district in the house of representatives of the Nebraska state legislature, and served during the 31st session as chairman of the judiciary committee, and a member of the committees on banks and banking, and cities and towns. He was largely instrumental in the passage of the daylight saloon bill, providing that all saloons in Nebraska should not open for business before 7 a. m., and should close at or before 8 p. m. With Senator Volpp of Dodge county, he was the author of the guarantee bank deposit bill which became a law. He organized the City Improvement Company of Stromsburg, which owned the ground and laid out and started the towns of Polk and Hordville. He was a member of the Commercial Club of Omaha, the Knights of Ak-Sar-Ben and Nebraska lodge No. 1, Knights of Pythias, of Omaha. He was married June 14, 1898, to Miss Helen Pauline Lundeen, of York, Neb., daughter of Colonel N. P. Lundeen, late inspector general of the Nebraska National Guard. They are the parents of three children: Allan, Jane, and John Edward.

WILSON, WILLIAM C., president of the Bankers Life Insurance Company of Lincoln,

was born in Quincy, Mich., October 11, 1858, son of William B. and Sarah M. (Woolford) Wilson, the former an ex-member of the Michigan legislature, past grand master of Masons in Michigan, and past grand commander of the grand commandery, Knights Templar, of Michigan. His death took place at Lincoln, Neb., January 24, 1911. Sarah M. Woolford is a native of New York state, William C. Wilson received his early education in the common schools of Hillsdale, Mich., and finished his studies in the college in the same city. During his attendance at Hillsdale College, he was an active member of the Amphictyon society, and the Delta Tau Delta fraternity. His first wages were earned as a bookkeeper for a wholesale lumber firm, and later he became a partner in the concern. For twelve years he was engaged in manufacturing and wholesale dealing in lumber. Retiring from the lumber business he located in Lincoln, Neb., in May, 1891, and became general manager of the Bankers Life Insurance Company.

Mr. Wilson has always affiliated with the democratic party, and in 1888 was delegate to the democratic national convention at St. Louis, from the 13th Indiana district. He is prominent in Masonry and belongs to all Masonic bodies up to and including the 32d degree, Scottish Rite. He was married in 1886 to Adele A. Stebbins of Detroit, Mich., and they have one son, Howard S. Wilson.

The Bankers Life Insurance Company, of which Mr. Wilson is president, started to build a home office building in the city of Lincoln in December, 1910, and in August, 1911, moved into the completed building. The interior arrangements are not only most convenient and commodious, but are beautiful, and there are few buildings in this country of its size that compare favorably with the home office building of this company.

WILSON, WILLIAM LEWIS, banker, Nebraska City, was born in Berwick, Pa., March 4, 1840, son of Ashbel B. and Frances (Knight) Wilson. The former, a physician, was born in 1798 in Madison county, Va., and died in 1857. His father, William Wilson, was a lieutenant during the War of the Revolution. The mother of William Lewis was born in 1805, in Philadelphia, died in 1886, and was a daughter of Charles Knight, an artist and member of the Royal Academy of Fine Arts, London. William L. Wilson attended a private school in Lee, Mass., and later a business college in Phila-

delphia. He became a telegraph operator in 1856, and later was employed in a bank in Scranton, Pa., until 1862. On the outbreak of the Civil War he was commissioned adjutant and first lieutenant of the 142d regiment, Pennsylvania volunteers, and in February, 1863, was assigned assistant adjutant general first brigade, third division, first army corps in the Army of the Potomac. He participated in the engagements at Chancellorsville, Pollock Mills, and the battle of Gettysburg, in which he was wounded. He was discharged December 13, 1864, and in June, 1870, was commissioned lieutenant colonel and assistant adjutant general of the 9th division, Pennsylvania National Guards. In the years 1864 and 1865 he was clerk in a banking house in New York city, and later cashier of the First National Bank of Plymouth, Pa. In 1872 he removed to Nebraska, where he became cashier of the Nebraska City National Bank, and in 1876 was elected president. Mr. Wilson is a republican in politics, and a member of the Masonic and G. A. R. fraternities. He has been a member of the board of education for six years.

Mr. Wilson was married at Scranton, Pa., October 6, 1864, to Catherine Josephine Doud, daughter of Charles H. and Mary (Scranton) Doud, natives of Connecticut. They are the parents of three children: Harry D., cashier Nebraska City National Bank; Allen B., grain dealer, who married Miss Lulu Reed, of Nebraska City, daughter of James Reed; and Mary Scranton Wilson. Mrs. Catherine J. Doud Wilson died September 28, 1905.

WINNETT, HUDSON JOSIAH, M. D., chairman state railway commission, Lincoln, Neb., was born in Washington county, Pa., son of Hiram Winnett, also a native of Washington county, Pa., and a minister of the Methodist Episcopal church. He served as an itinerant preacher for fifty years, and was instrumental in building twelve churches, one of which, located in Washington county, was named in his honor, Winnett chapel, and was the founder of the Beallsville cemetery, in the same county. He was a first cousin of General Lew Wallace, and was born in 1812, and died in 1887. His wife was Nance Mitchell, and the late Senator John H. Mitchell, of Oregon, was a nephew of Mrs. Winnett. The paternal great-grandfather of Dr. Winnett was born in England. He lived on the ground where the battle of Brandywine was fought, and during the progress of the battle he ran up a British flag, for

which act he came near being hanged when the battle had ended. The paternal grandfather served as a constable during what was termed the "whiskey insurrection" in western Pennsylvania. He married a Miss Wallace, an aunt of General Lew Wallace. John C. Moss, inventor of the photo engraving process, was a nephew of Hiram Winnett. Dr. Winnett spent two years in the office of David Shanor, M. D., of Beallsville, Pa., and entered Jefferson Medical College, and then the Long Island College Hospital, where he graduated in 1870. He practiced in Washington county and Pittsburg, Pa., for nine years, when he removed to a ranch near Sidney, Cheyenne county, in August, 1879. There he and a boyhood friend, J. A. Odibert, engaged in the sheep business. In 1884 they moved to Lincoln. Dr. Winnett engaged in bringing sheep from Utah and Oregon, and feeding them in Nebraska until 1897. In 1885 Dr. Winnett attended medical college in St. Louis, returned to Lincoln in the spring of 1886, and engaged in continuous practice until November, 1906. While in Pennsylvania he was a member of the Pennsylvania Medical Society and the Washington County Medical Society. Since his residence in Nebraska he has been a member of the American Medical Association, the Nebraska State Medical Society, and the Lincoln Medical Society, and has served as president and secretary of the latter organization. He is a republican, and served in the Lincoln city council, in 1897, and was president of this body in 1898. In 1899 he was elected mayor of Lincoln, and served until 1903. At the election, in 1906, he was elected state railway commissioner, his term expiring January 1, 1913. As state railway commissioner Dr. Winnett has rendered efficient service in behalf of the people. He was married August 18, 1886, to Miss Ora Shepard, daughter of the late B. F. Shepard, of Lincoln, Neb. Two children were born to them, both of whom are deceased.

WINSPEAR, JAMES HARRISON, deceased, late of Omaha, Neb., attorney at law, came to Omaha in 1867. He was admitted to the Iowa bar at Sioux City in 1871, having gone there from Omaha, to which city he returned in 1873, and was admitted to the Nebraska bar and practiced his profession there for two years. In 1875 he moved to Denver, where he practiced for a time, when he removed to Del Norte, Colo., and practiced law there for ten years. In 1882 he came back to Omaha and engaged in mercantile enterprises. He was an active

democrat, up to 1887, when he joined the republican party. He was elected to the lower house of the Nebraska state legislature from Douglas county in 1884, and served through the 19th session, and was the democratic candidate for speaker of the house. He was interested in the question of contract convict labor at the penitentiary, which he opposed, and really broke up the Stout control in this matter, and was active in locating the university medical college at Omaha, and in getting the appropriation for the new building of the Nebraska State University. He was public spirited and aggressive for the public good, but did not push his own claims to recognition. He was, under Mayor Bemis, a member of the board of public works, of which he was chairman for five years, and also served on this board, under Mayor Broatch, and was largely instrumental in having good sidewalks put down over the city. While chairman of the board of public works he secured twenty acres of land for the city, known as the Winspear "triangle," in the years 1894-95. This was an accretion formed by the river and perfected by the Illinois Central embankment. The railroad fenced this and claimed it until Mr. Winspear took the city employees and removed the railway fence and erected a fence for the city. It joined the city water works lands and hence really belonged to the city. Mr. Winspear was also street commissioner of Omaha for two years. He was a Mason for many years. He enlisted for the Civil War in 1861 at Buffalo, N. Y., in Battery I, 1st New York artillery, as sergeant and served one year. He then joined the 68th New York volunteers and was commissioned second lieutenant October 30, 1862, and served with this regiment until December, 1863, when he was mustered out, owing to the condition of his health. He served in the Army of the Potomac and was in both Bull Run battles, Antietam, Gettysburg, and others, and saw active service all the time of his enlistment. Upon the organization of the G. A. R.,



JAMES HARRISON WINSPEAR

he became a member of the Custer post, Omaha. He was a native of Lancaster, Erie county, N. Y., the son of John and Catherine E. (Wheelock) Winspear. John Winspear owned large mills and farms. He came from Leeds, England, where the Winspear family was established at an early period. Mr. James H. Winspear was educated at Buffalo, and in Lima College, N. Y. He married Miss Emma L. Cronemeyer, daughter of Frederick and Josephine (Gaugler) Cronemeyer, both pioneer settlers of Omaha, coming from Chicago, Ill., in 1866 and locating on a farm in Douglas county. Frederick Cronemeyer was born in Hanover, Germany. Josephine Gaugler was born in Watertown, N. Y., daughter of Morris and Catherine (Young) Gaugler, both born in France. They located at Chicago in 1836. While residing in Colorado, Mr. Winspear, during the Ute Indian War, had an experience worthy of record. Being at Washington, D. C., during a conference with the Ute Indians, he met with the deputation. On his return he met these Indians at the Palmer House, Chicago, and took them to the cigar stand and bought each a briar pipe and a bag of tobacco. Riding one day alone in the Ute country, he met at a ford in Rio Grande river, about 300 braves on the war-path and thought his time had come. Fortunately some of the recipients of his pipes were the first to come to him and at once gave friendly salutations, showing the red man's memory of a favor and for faces. Mr. Winspear's death took place at his home in Omaha on December 22, 1909, at the age of sixty-six years. His widow and one child, Alice J. Winspear, survive him.

WISEMAN, ARTHUR, deceased, son of Henson Wiseman (see p. 161, Vol. II) and Phoebe Anna Cross Wiseman, was born in Monroe county, Ia., August 23, 1847, and moved to Cedar county, Neb., with his family from Fort Des Moines, Ia.,

in July, 1857. The Wisemans made a stay of a year in Sioux City, the father having gone ahead to prepare a place for the family. His only schooling was gratuitous private instruction from Mrs. Amos S. Parker and Elizabeth Saunders. When his father joined Sully's expedition he left Arthur (then fifteen years old) in charge of the family and the property. On the 23d day of July, 1863, he died a martyr to his trust, while defending the home against Indian marauders. The story of the Wiseman massacre which follows, has been gathered in the main from Henson Wiseman himself, Mary A. Marr, Elizabeth Saunders, John Aten, William C. Jones, Joseph Morton, and Mrs. Amos S. Parker. In the year 1863 Henson Wiseman, his wife, and five children were living in the northeastern portion of Cedar county, Neb. Their cabin consisted of two single-room log houses about 14 x 16, with an open hall between, all under one roof. This open hall had been closed up with boards. The north room was entered by a door on the east side and there was a door to the hall on either side. The south room had a window on either side, and the north room a window on the west side. The house stood on the west side of a ravine formed by the union of two others, just below the juncture. Below the cabin a tributary entered the main ravine from the west. This ravine led to old St. James. The site of the old cabin is included in Theodore Beste's pasture, the east half of section 16, township 32, range 3 east. All that now remains are the ruins of a chalk-rock chimney, a pile of debris covered over with turf, and a locust tree. The place had been selected with admirable foresight. Henson Wiseman discovered and captured a hive of bees, and began bee culture and became locally famous in that industry. The timber abounded in deer and wild turkey. From the Wiseman manse and woodyard steamboats were supplied with fowl, honey, venison, catfish, garden truck, and wood. The transportation by water brought them every coveted pleasure. John Wiseman, the eldest son, was serving in the Federal army. Henson Wiseman enlisted in Company I, 2d Nebraska cavalry, which was ordered to join General Alfred Sully's command. Wiseman requested his wife to move to old St. James for greater safety, but she refused to leave her home. Wiseman had not been on good terms with the Indians. They both feared and hated him. A few months before the massacre an Indian boy named Chaska (about three years older than Arthur Wiseman), belonging to the Yankton Sioux, told William Gyte that a family in the neighborhood would be killed about the time corn was in the roasting ear. Arthur Wiseman had whipped Chaska in a personal encounter. On the 21st day of July, 1863, Mrs. Wiseman left her home for

Yankton, Dakota, to make some purchases, walking to old St. James. Russell Wilbur drove the stage between Ponca and Niobrara, and Mrs. Wiseman took passage with him to Elm Grove, opposite Yankton. Here she stopped over night with George A. Hall's family. When asked if she did not fear to leave her children on account of the Indians, she replied that there was not an Indian within 1,000 miles. The next morning she crossed to Yankton, made her purchases, and returning to Elm Grove, stopped the next night with Mrs. Amos S. Parker. The next morning, as Willie Parker started for school she remarked that her poor little children had no school. Mrs. Wiseman returned by the same conveyance which had brought her, and was delayed at St. James by a thunderstorm. Walking by the bottom trail, she stopped to talk with Mrs. Saunders, and just before reaching home sat down to rest, and was surprised that neither the children nor the dog came to meet her. Approaching the dwelling she saw the yard strewn with books taken from the house, and going nearer she saw blood on her door-latch. Fleeing along the west side she stumbled over something in the grass. It was the dead body of little Henry, eight years old. Passing around the house, she looked into the window of the south room and saw Arthur and his eleven year old brother lying on the floor. There was every evidence that a terrible struggle for life had taken place. Going to the nearest door, she rushed in, but, thinking she saw a live Indian lying upon the hall floor, fled panic-stricken up the west ravine to old St. James. Nine men were there, but not one dared go to the scene of the massacre. The next morning the terrible news reached the East Bow, when Henry Morton, Sr., Werner Marx, Henry Ferber, and Frank Stupbell went directly to the scene of the tragedy. The scene presented would freeze the blood. Henry lay in the yard, where his mother found him, shot in the back; Hannah, aged fourteen, lay in the hall, shot in the mouth; Arthur and Andrew lay upon the floor of the south room. The stock of Arthur's gun was shattered and the barrel was bent, and he grasped his gun by the barrel with both hands. In the north room, Loren, aged four and one-half years, was sitting upon the bed dressed, with his arm about the post. He was stabbed in the right side, the knife entering the lung. He called for water and drank greedily, and when asked who had hurt him, replied "Indians." One squirrel gun was left and the guns used by the boys were not taken. An Indian will never take a gun with which an Indian has been killed. Arthur, Andrew, and Henry were buried in one grave. Loren survived two days and Hannah a night longer. The bodies remained there till the spring of 1893, when, at the instance of their sister Laura

(Mrs. Christ Lawson), they were moved to the public cemetery of St. James and buried beside their mother and the brother, Richard. No sadder tale than the Wiseman massacre was ever told; no braver hero than Arthur Wiseman ever yielded up his life to a battle against fearful odds. The brave Nebraska boy has had neither poet or historian to tell his story.

Sleep, hero, in thy silent grave,
Beside her form who bore thee.
Some bard may open Fame's bright portal,
To tell thy deeds to men unborn
And sing thy name immortal.

Henson Wiseman died in February, 1912, at the age of ninety-four.

WITHNELL, JNO., deceased, Nebraska pioneer, was born near Manchester, Lancashire, England, in the year 1827, and came to America in 1841 with his parents, who settled first in St. Louis, and removed to Omaha, September, 1854. His brother, Richard N., came in 1855. John Withnell, in 1852, married Mary A. Comer, at St. Louis, Mo. Mrs. Withnell was born in 1836, in Somersetshire, England. Mr. Withnell built the first brick house in Omaha for his home. His brother, R. N. Withnell, became associated with him under the firm name of Withnell Brothers, and together they became sub-contractors under Bovey & Armstrong in the erection of the territorial capitol and the old Douglas county court house. They also built the Herndon House at Ninth and Farnam streets, once the Union Pacific headquarters. They first commenced the manufacture of brick in 1859, and manufactured as high as eight million brick per annum. As contractors they built many business blocks, among them the Dewey & Stone building, 1876; the old Boyd theater, the Ware block, the Paxton block, the Sheeley block, the Ramge building, the Bee building, the Karbach block, the Continental block, the Krug brewery, the Pacific Express building, the board of trade build-

ing, the Withnell block, the Granite block, the Jacobs block, the Grand Central Hotel, the Omaha Brewing Company plant, the Metz brewery, and the smelting works. In 1868 Mr. Withnell built at the corner of Fifteenth and Harney streets a building for the government army headquarters which he rented to the government until 1880. This was later known as the Herald building, and still later as the Withnell Hotel. To Mr. and Mrs. Withnell eight children were born: Eliza A., Elizabeth C., Cora B., Charles H., Alwilda, and Frank P. Mrs. Mary A. Withnell died January 3, 1883, and John Withnell died January 29, 1901.



JOHN WITHNELL

WOERNER, MICHAEL, Superior, Neb., owner of the Superior ranch, formerly the famous El Capitan ranch, was born in Baden, Germany, near Strassburg, and is a son of George and Helena (Bealer) Woerner, who settled in Illinois in 1871. Michael Woerner was born September 13, 1854, and moved to Nebraska in 1898 from Jacksonville, Ill., where he had been engaged in the buying and selling of live stock for the Chicago market. Desiring a larger field for operations, he purchased a farm east of Superior, which he successfully operated until March, 1907, when he sold out, having realized over \$15,000 on the property in which he had invested in 1898. Considering the interests of his sons, of whom there are four, he purchased 640 acres upon which he now resides, five miles northwest of Superior. His present ranch is well equipped for stock-raising. During the winter of 1908 he fed and shipped 530 head of cattle, and one bunch fed for seventy days gained three pounds each per day. Mr. Woerner bought over \$20,000 worth of corn in 1907-8. He raises on his ranch, corn, alfalfa, cane, millet, and kaffir corn. He built during 1908 six miles of woven wire fence. He was married November, 1874, to Miss Mary E. Morath, and six children have been born to them: Albert E., Robert B., Harry A.,

Ernest M., Lillian L., and Florence G. Mr. Woerner's father served in the Franco-Prussian War, and Michael Woerner witnessed some of the battles, as operations were carried on near his home city.

WOLFE, THOMAS, president of the First National Bank of David City, Neb., was born in Dorf of Hofheim, Province Nassau, Germany, May 19, 1846, son of Johann and Elizabeth Josephine (Woll-



THOMAS WOLFE

stadt) Wolfe, who came soon after the birth of their son Thomas to Marquette county, Wis. They removed to near Wausau and cleared a farm. When Thomas was ten years of age he worked as carrier boy, paper folder, and helper at the press on the *Central Wisconsin*, and for a number of years followed the newspaper and printing business at Milwaukee and other places. In 1864 he came to Oma-

ha and then began his work as a printer in Nebraska on the *Omaha Republican, Herald, Tribune, and Bee*, and as a job printer, superintendent, writer, and editor. He also became publisher of the *Sunbeam*, a society paper, and was a member of the Omaha Typographical Union, and president, treasurer, and secretary. He was the editor of the *Omaha Daily Union* for a time, and was the editor and publisher of the *Nebraska Reporter*, from 1874 until about 1881, and in 1879 was elected president of the Nebraska State Press Association. In 1877 he represented Seward county in the Nebraska legislature. In 1877 he organized the Butler County Bank, of which he became the president, and in 1883, upon its reorganization as the First National Bank of David City, was elected president, and has held that office ever since. He is now (1911) serving his third term as mayor of David City. Mr. Wolfe is extensively interested in a sheep ranch at Medicine Bow, Wyo., and has other land interests. He has always been a republican. He married in Buffalo, N. Y., in 1896, Miss Madessa Guist of Titusville, Pa. Their children are: Leonel M., deceased, Thomas, Jr., and Medessa. Mrs. Wolfe is a director of the David City public library, is a member of the David City school board, and of the Daughters of 1812, and of the D. A. R.

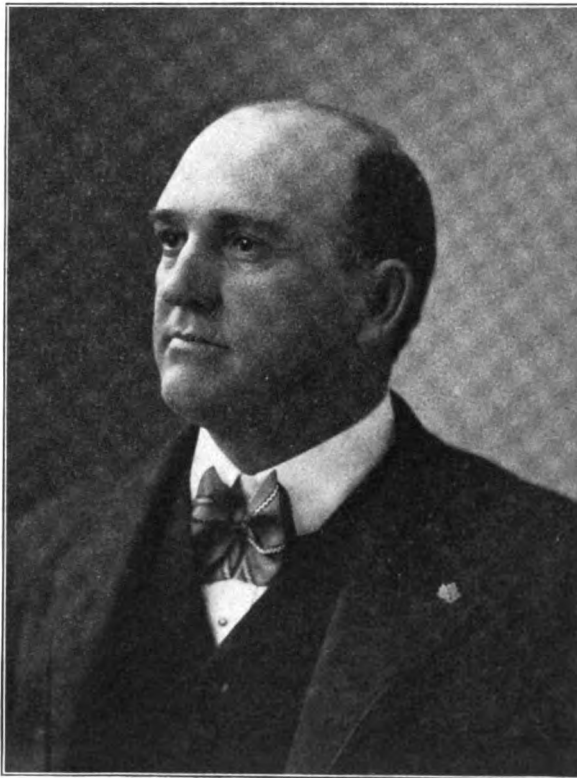
WOLFENBARGER, ANDREW G., of Lincoln, Neb., attorney at law, was born in Greenbank, Va., March 24, 1856, the third son of William Warrick and Rachel B. (Hamilton) Wolfenbarger. His father was a native of Virginia, and a pioneer school teacher and local merchant. He was elected sheriff of Pocahontas county and served eight years. Andrew G. Wolfenbarger's parents located in Iowa in his childhood. He taught school for five years, was actively engaged in political journalism for seven years, studied law, and was admitted to the bar and subsequently graduated from the college of law, University of Nebraska, receiving the Bachelor's degree. He is a member of the bars of the supreme court of Nebraska and the United States supreme court. Mr. Wolfenbarger came to Nebraska in 1877, taught school in York county, and assisted in organizing and conducting the first teachers' institute. In 1880 he settled in Butler county and for four years was editor and joint owner of the *David City Republican*. In 1885 he removed to Lincoln and continued in journalism for a time, and later engaged in the practice of law. He was a republican in politics until 1884, but has since affiliated with the prohibition party, and has been honored by repeated elections as a member of the national committee. He has served three terms as a member of the national executive committee and was for many years vice chairman. In 1904 he was

permanent chairman of the national prohibition convention at Indianapolis. He is a charter member of the Lincoln Commercial club. For seven years he served as president of the Nebraska Irrigation Association and has frequently been appointed a delegate to important commercial bodies. Mr. Wolfenbarger for many years was a member of the official board of Grace church, Lincoln, and afterwards served in the same capacity in Trinity M. E. church. In 1880 he was married to Capitola Williams, of Shelby, Ia., and their family consists of a son, Edward S. Wolfenbarger, and daughter, Ethel, a graduate of the University of Nebraska.

WOLZ, GEORGE

F., mayor of Fremont, Neb., was born in Philadelphia, Pa., December 30, 1861, son of George and Christina (Basler) Wolz. The family located in Fremont in 1868 and George F. Wolz was educated in the common and high schools. In 1882 he began a business career in the confectionery and bakery trade at the location now occupied by him under the name of Wolz Bakery Company. The business has constantly increased under his able management, doing a large wholesale and retail business over the territory tributary to Fremont. Mr. Wolz early took an active interest in public affairs and in the growth, betterment, and upbuilding of his city and the adjacent country. As a member of and at present manager of the Commercial Club of Fremont he has proven himself a man of energy, judgment, and of a high order of executive and administrative ability. In 1903 he was elected mayor of Fremont. He was thrice reelected, and is now (1912) serving his fourth term. Among improvements made under his administration are five miles of brick pavement laid at a cost of \$187,000; about thirty miles of cement sidewalks; an electric light plant, costing \$100,000; water works extension, costing \$15,000; and many minor but important public works. To prove the

wisdom of these expenditures it may be added that Fremont is now (1912) enjoying a period of growth and activity heretofore unknown. As manager of the Commercial Club he was largely instrumental in raising \$8,000 from the business men, supplemented by \$8,000 from the city, with which twenty-five blocks in the business section have been covered with the splendid electrolier system. There are 127 posts, with six for each block, with five lights on each post and sixty candlepower per light. He is a member of Centennial lodge No. 59, I. O. O. F., of which he is past noble grand. He also be-



ANDREW G. WOLFENBARGER

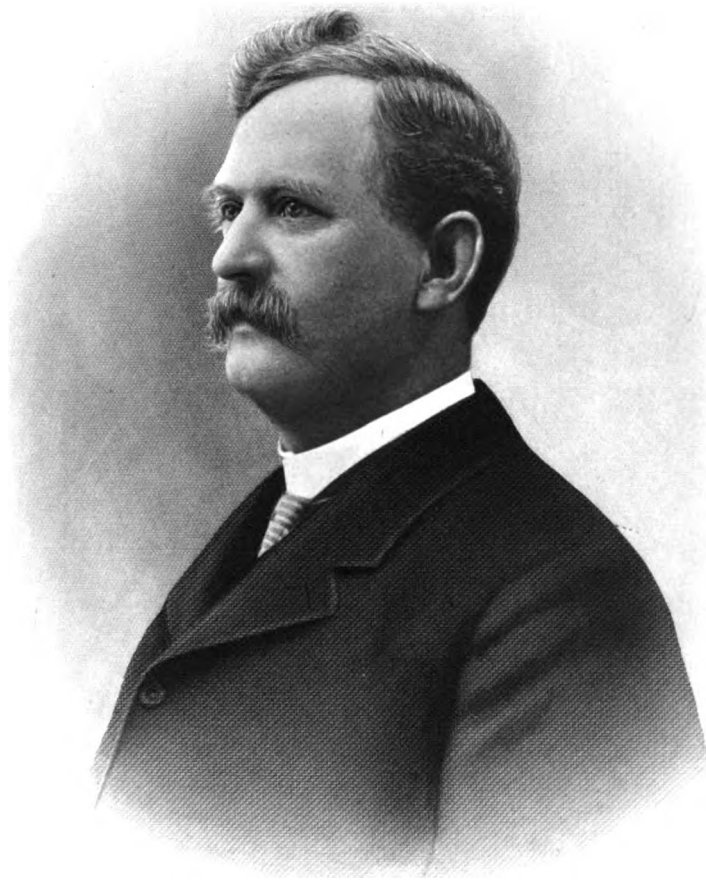
longs to Apollo encampment No. 82, of which he is P. C. P.; Canton Fremont No. 4, of which he is past commandant. He is also a member of the Daughters of Rebekah, and of Fremont lodge No. 15, A. F. and A. M., Signet chapter No. 9, Mt. Tabor commandery No. 8, and Tangier temple, A. A. O. N. M. S., 32d degree, S. R.; Triumph lodge No. 32, of the K. P. order; Uniform Rank, Fremont division No. 21, K. P., and a member of the Pawnee tribe No. 11, I. O. R. M. and L. D. Richards camp No. 5, which he has served as commandant; also past commandant of Nebraska district S. of V. He holds a life membership in Fremont lodge No. 514, B. P. O. E., and is also a member of the Eagles. He has passed all the chairs in the above orders except the Masonic. He is active in the work of the Nebraska Master Baker's Association, having held the office of president, and is president of the League of Nebraska Municipalities, and of the Nebraska Publicity League. Mayor Wolz was married to Miss Maggie Pfeiffer, daughter of John and Anna Pfeiffer, of Fremont. They are the parents of two daughters: Ida May, wife of Glen Pope, of Fremont, Neb.; and Laura Ada Wolz, a student at the Frances Shimer Academy, at Mt. Carroll, Ill.

WOLZ, MRS. GEORGE F., *nee* Maggie L. Pfeifer, was born in Philadelphia, Pa., and removed with her parents to Fremont, Neb., when a very young girl. Her parents, though descended from a long line of German ancestry distinguished in the wars of their native country, were thoroughly American and imbued with a patriotic sense of their duty to American institutions. Their daughter was educated in the public schools of Philadelphia and was married February 15, 1883, to George F. Wolz. From that date she became actively interested in and devoted to the business of Mr. Wolz, in which she is now a copartner. Her early education has been supplemented by a course in practical business, thus affording her a training which is not a part of the curriculum of any college or seminary. Mr. Wolz is a member of the O. E. S., the Rebekah order, of which she is past noble grand, and the Rathbone Sisters. She is active in the work of the Congregational church of Fremont, and is public-spirited and generous in all that affects the prosperity and culture of her home city. Mr. and Mrs. Wolz have two daughters: Ida May, and Laura Ada.

WOMERSLEY, EDWARD EVERETT, M. D., deceased, was a native of Amesbury, Mass., where he was born January 27, 1852. His father, William Womersley, was born in Yorkshire, England, in 1814, and was engaged in the wool business. William emigrated to America with his parents and two brothers, Thomas and Henry, his grandfather having settled in America some years before. The three sons remained in America, where they received their education at Dartmouth College, but the father returned to England. One brother was Dr. Thomas Womersley, of Greenfield, Mass., and the other was Dr. Henry Womersley, a dentist of Meadville, Pa. William Womersley was at one time a bookkeeper, and later a traveling salesman for a wool firm in Pennsylvania. Dr. Thomas Womersley had two daughters who graduated from Wellesley College, and a son who was a graduate of Yale. One of his daughters, Miss Daisy Womersley, is now a teacher in the young ladies' high school in Brooklyn, N. Y. William Womersley married Elizabeth Smith, born in 1812, in Middletown, R. I., where her father owned a large farm, which he sold and moved to Fall River, Mass. His family were among the early settlers of Rhode Island. One member of the family, a cousin, is Reverend Charles Smith, D. D., of Fredonia, N. Y., the author of several theological books, whose daughter, Mrs. Grace Smith Richmond, is a well-known writer of fiction. The only living brother of Dr. E. E. Womersley has been a clerk in the treasury department at Washington, D. C., ever since the close of the Civil War, in

which he participated as a Union soldier. The only living sister, Mary, is the widow of William T. Maxim, and resides in Taunton, Mass. Dr. E. E. Womersley acquired his early education in the public schools of Fall River, Mass. In July, 1865, his mother took him and his sister Mary to Nebraska, where she had two brothers and a sister living. In 1870 he entered the U. S. army at Leavenworth, Kan., and served eight years, and was assigned to Company H, 8th U. S. cavalry, and was promoted to be first sergeant. June 16, 1875, he was appointed hospital steward, which latter position he held at the time of his honorable discharge, in 1878, when he returned to Massachusetts and obtained a position as overseer in a cotton mill in Fall River, at the same time studying with Dr. Charles Copeland. After two years he went to Washington, D. C., and obtained a clerkship in the war department, and attended Columbia University, from which he graduated with the degree of M. D., in 1883. Dr. Womersley was married to Miss Helen M. Peckham September 24, 1882, and in 1884 removed with his young wife to Nebraska, and settled at Omaha, and at once entered upon the practice of medicine, which he continued until the time of his death, August 3, 1906. He was recognized as one of the leading physicians of the city and state, and was held in high esteem, not only by members of his own profession but by thousands to whom he had ministered either as a physician or friend. Dr. Womersley was a member of the Union Pacific lodge No. 17, Ancient Order of United Workmen, and of the Woodmen of the World. Dr. and Mrs. Womersley were charter members of the Beth Eden Baptist church, organized in the Hanscom Park district in 1886, and were numbered among its most efficient helpers. In the building of the new First Baptist church at Harney street and Park avenue, he was a member of the building committee, and treasurer of the building fund. He served from time to time in nearly all official positions in the church, and for a number of years prior to his death had been moderator.

WOOD, ASA B., editor, Gering, Neb., son of Clay and Jane Warren Wood, was born in Wapello county, Ia., August 26, 1865. His father was a native of Ohio, an educator by profession, and was for many years superintendent of schools in Wapello county, Ia. He served in the Union army during the Civil War and died in 1878. Asa B. Wood received a high school education and learned the printer's trade during vacations. He went to Otumwa, Ia., where he worked as foreman and in reportorial work, until 1886, when he settled in Broken Bow, Custer county. In 1887 he went to Gering, then in Cheyenne county, and established the *Gering Courier*, which he has published ever



H. Womersley



GEORGE F. WOLZ



MRS. GEORGE F. WOLZ

since in person, never missing an issue. The little printing office was installed in the first frame building on the townsite and the material was hauled overland seventy-five miles from Sidney. The new county of Scotts Bluff was organized soon after, and irrigation and railroad development made the North Platte valley a prosperous section. Mr. Wood took part in the development of the resources of the county. He was appointed postmaster at Gering in 1889, which position he still occupies. He has served as national and state delegate frequently. He is a member of the Christian church, and chairman of its board, and past master of Scotts Bluff lodge No. 201, A. F. and A. M., noble grand of Western lodge No. 229, I. O. O. F., and past president of the Nebraska Press Association. He has extensive farm and ranching interests, and breeds registered Aberdeen-Angus cattle. Mr. Wood was married on October 11, 1888, to Miss Maggie Claypool, of Cozad, Neb., and they have five children: Marie, Dorothy, Marjorie, Lynette, and Warren.

WOOD, JOSHUA, Sumner, Neb., moved to Buffalo county in 1869 and settled on the ranch of Governor James E. Boyd, where he remained for three years. In 1871 he moved to Custer county and settled on the South Loup. He was the first sheriff elected in Custer county in 1877. He is a democrat in politics and has always taken an active interest in public affairs. He married Miss Kilgore, daughter of Coe Kilgore, a pioneer of Custer county (see sketch in this volume). They have three children: Walter and Frank, who reside upon the ranch; and Ada, wife of Mell Overmeyer. Mr. Wood is owner, with Lewis Hammer, of the Wood-Hammer Live Stock Company, organized in 1907. Mr. Wood has been in partnership with Mr. Hammer since 1894. Their Custer county ranch on the South Loup has eight miles of river front and consists of 5,320 acres. The other ranch in Dawson county consists of 1,920 acres. Both ranches are stocked with high grade cattle, horses, and hogs.

WOOD, DR. ORLANDO SCOTT, Omaha, Neb., was born at Binghamton, N. Y., January 27, 1832. In 1836 his parents removed to Berrien Springs, Mich., where the father died in 1838. In 1840, in company with his brother and mother, he returned east, stopping for a time at Binghamton, N. Y., and later going to Montrose, Pa. In 1840 Dr. Wood went to live with an uncle, and in 1847 became an apprentice at the carpenter's trade, and worked as a carpenter until 1851, when he entered the University of Lewisburg, now Bucknel University at Lewisburg, Pa. Later he pursued private studies in homeopathy, and attended the Pennsylvania Homeopathic Medical College and in 1860 graduated and at once

began the practice of medicine at Phoenixville, Pa., and in the following spring took over the practice of Dr. R. R. Gregg of Canandaigua, N. Y., and remained there for five years. He went to Philadelphia in December, 1866, and practiced and took a post-graduate course at Hahnemann Medical College, from which he graduated in 1868. In June, 1868, he moved to Omaha, Neb., and has continued to reside and practice there since. Dr. Wood is a member of the Nebraska Homeopathic Medical Society, of which he was one of the organizers and for many years treasurer, and president in 1874, and also a member of the American Institute of Homeopathy, in which he is rated as a senior and honorary president. As such, he was ranking member of the seniors at the meeting in Norfolk in June, 1907, and presided at the sessions of the senior branch of the society. Dr. Wood has always been a republican, and is a member of the Calvary Baptist church, of Omaha, and was one of the early members of the old First Baptist church, when it was at Fifteenth and Davenport streets. He is a member of the Knights of Pythias, in which lodge he is past grand chancellor, and is a 32d degree Mason, and a Shriner. Dr. Wood was first married, April 12, 1860, and was again married in 1868 to Mary Elizabeth Miller, at Lewisburg, Pa. Five children have been born to them, of whom two are living, as follows: Charles H., Bridgeport, Neb.; and Norma E. Wood Reed, at Somerville, Mass.; Orlando S. Wood, Jr., died May 29, 1911. Two children died when young. Dr. Wood is still (1911) in active practice.

WOODARD, DANIEL SAMUEL, M. D., Aurora, Hamilton county, Neb., son of James Madison and Frances (Driver) Woodard, was born near Woodville, Rappahannock county, Va., November 26, 1848. His father was an educator and farmer, and held many minor offices, such as captain of the militia and justice of the peace. His father, James Woodard, was born in Ireland, September 20, 1780, emigrated to America and settled on an estate one mile from Sperryville, Rappahannock county, Va., where he resided until his death in February, 1872, at the advanced age of ninety-two years. He married Anna Young, of Scotch ancestry. She died about August, 1862, at the age of eighty years. To them were born four sons, and two daughters. In 1844 their son, James M. Woodard, married Frances Driver, who, upon his death in 1854, was left with three children, a daughter and two sons, of whom Daniel S. was the second. Frances Driver Woodard was a daughter of Daniel and Catherine (Funk) Driver, who came from Bucks county, Pa., with their parents about 1800, and settled near Timberville, Rockingham county, Va. Daniel Driver died March 15, 1863, aged seventy-one years. Catherine Funk

Driver died in December, 1879, aged seventy-nine years. The early education of Daniel S. Woodard was limited, but he made free use of the books of his father's library. He studied incessantly on rainy days, and soon became well versed in geography and American history. His mother died January 26, 1866. About 1872 he engaged in the grocery business with a brother-in-law at Cambridge, Ill., and began the study of medicine in 1876, and graduated from Ensworth Medical College, St. Joseph, Mo., February 23, 1882. He had moved to Nebraska in 1879 and settled on an eighty acre farm in Saline county that he had purchased from the railroad company. In 1882, after his graduation, he returned to Nebraska and settled at Hampton, Hamilton county, where he remained in practice until the fall of 1897, when he bought a drug stock in Aurora, and removed to that place and formed a partnership with his oldest son in the drug business, which is still conducted under the firm name of Woodard Drug Company. During this time Dr. Woodard has been actively engaged in the practice of his profession. He is a member of the Hamilton County Medical Society, the Nebraska Medical Society, and the American Medical Association. Dr. Woodard is a democrat and was

elected and served as state representative from Hamilton county for two terms in 1897 and 1899. April 26, 1899, he resigned his position as a member of the legislature and accepted an appointment by Governor Poynter as assistant superintendent of the asylum for the insane at Hastings, which position he filled until May 15, 1901. He was appointed by Governor Shallenberger superintendent of the hospital for the insane at Lincoln and entered upon his duties there February 1, 1909, and was succeeded on February 1, 1911, by Dr. Hay, appointed by Governor Aldrich. Dr. Woodard was married August 20, 1867, to Sara Ann Casteel. Five sons and two daughters have been born to them: Cora, wife of

George E. Lane; Samuel F., associated with his father in business; John Albert, for two terms superintendent of schools of Hamilton county, Neb., and at present superintendent of the public schools at Havelock, Neb.; William Alexander, a graduate of the University of Nebraska dental college; James Madison, a graduate in medicine of the University of Nebraska medical college, and now grand medical examiner for the A. O. U. W., elected May 9, 1911; Maude, who died March 26, 1901; and Dean Sanford, a student in the medical department of the University of St. Louis, Mo.



DANIEL SAMUEL WOODARD, M. D.

WOODHURST, WILLIAM HENRY CLAY, of North Platte, was born in St. Joseph, Mo., April 17, 1860. He is a son of William Woodhurst, county commissioner of Lincoln county, Neb., a native of Ohio, and descended from one of the old families of that state. William Woodhurst crossed the plains from St. Joseph to California, in 1861, and six years later settled in North Platte, where, from 1869 to 1873, he was sheriff. In the latter year he was appointed warden of the Nebraska penitentiary, holding the office for three years. Afterwards for several years he conducted the railroad eating house at Pacific Junction, Ia., and went from that

place back to North Platte in 1882. Mr. Woodhurst's mother was Mary A. Rogers, whose parents were residents of Indiana. In 1874, while her husband, William Woodhurst, was warden of the Nebraska penitentiary, a mutiny of the convicts occurred, and the final surrender of the mutineers was attributed largely to her great courage and activity.

W. H. C. Woodhurst was educated mainly in the public schools of Nebraska, and at the Nebraska State University, where he was a member of the Palladian society. He attended the college at Tabor, Ia., and afterward the Gem City Commercial College at Quincy, Ill. Mr. Woodhurst began his business career as a clerk in the ticket office of the

Chicago, Burlington & Quincy railroad at Pacific Junction. He next became baggage agent of the Union Pacific railway, and afterward was superintendent's clerk and then traveling freight and passenger agent of the Des Moines & Kansas City railroad. In 1892 he was appointed receiver of the United States land office at North Platte, from which he was removed by the Cleveland administration in 1894 for political reasons. In November, 1896, he purchased an insurance agency at North Platte. January 1, 1898, he was appointed deputy county clerk of Lincoln county, but August 1st of the same year he resigned the office to become state agent of the North British and Mercantile Fire Insurance Company for Nebraska and the Black Hills. In the campaign of 1892-93 Mr. Woodhurst was a member of the republican state central committee. In March, 1907, he was appointed receiver for the United States land office at North Platte. His term expired April 1, 1911, and he was not reappointed owing to the desire of Senator Brown for the appointment of another party. Mr. Woodhurst is engaged in the local insurance business at North Platte. He belongs to the Platte Valley lodge, A. F. and A. M., Euphrates chapter, Royal Arch Masons, and Palestine commandery, Knights Templar, at North Platte, and was secretary of each for a number of years. He also belongs to Tangier temple, Nobles of the Mystic Shrine, of Omaha, the Elks lodge No. 985, North Platte, M. W. A., and K. O. T. M. He was married December 19, 1895, to Mattie Donehower, at North Platte. They have two sons, Sherwood and Thurston.

WOODRUFF, DIAH, Georgetown, ranch owner and stockman, was born in Ontario county, Ontario, Canada, and came to Nebraska in 1871 from McLean county, Ill. He settled in Hamilton county, Neb., where he preëmpted land near Aurora. In June, 1875, he moved to Custer county, where he took a homestead claim twelve miles north of Eddyville, upon which he now resides. His ranch consists of 3,500 acres and is well equipped. In 1876 he was one of the organizers of Custer county and was elected county commissioner for several terms. He has always taken an active part in public affairs and affiliates with the democratic party. Mr. Woodruff is president of the Eddyville State Bank. He married Miss Montgomery of McLean county, Ill., and they have three children: Henry, Florence, Thomas, and Frances.

WOODS, JOSEPH F., deceased, late of Schuyler, Neb., was born in Stark county, O., July 1, 1842, son of Horace P. and Jane Wright (Mumford) Woods, and grandson of Joseph and Sarah (Peterson) Woods, of Columbiana county, O. Mrs. Jane Woods

was a daughter of James and Jane (Wright) Mumford, of Crawford county, Pa. In June, 1862, Mr. Woods enlisted in Company G, 87th Ohio infantry, for three months, was captured at Harper's Ferry, September 15, 1862, and was paroled and exchanged in June, 1863, when he again enlisted June 3, 1863, in Company L, 2d Ohio heavy artillery, and was made sergeant, his company being mustered in at Dunkirk, O. He served in this regiment until the close of the war, being mustered out in August, 1865, at Nashville, Tenn. He then entered Oberlin College, from which place he graduated in 1866. March 23, 1869, he came to Nebraska and took a homestead in Richland precinct, Colfax county, and resided on this farm for five years. In 1864 he settled at Schuyler, Neb., where he engaged in the mercantile business until December 8, 1878, when his store was burned. In 1876 he was appointed postmaster and held this office from February, 1876, for twelve consecutive years, until his death January 18, 1888, aged forty-six years. He was an active member of the Nebraska National Guard and was appointed adjutant of the 2d regiment, N. N. G., in 1887. Mr. Woods was a member of the G. A. R. at Schuyler, and was a republican and a leader in the party. He was also a member and an elder of the Presbyterian church. He was married January 4, 1872, to Mrs. Maria M. Mathewson, widow of Kenneth F. Mathewson, and daughter of John and Ann (Fraser) Curry, of Picton, N. S., pioneers of Schuyler, Neb. Mr. and Mrs. Mathewson were the parents of one child, Anna Mathewson, wife of Frank M. Tobbin, of Woodstock, Ontario. Mr. and Mrs. Woods are the parents of three children: Etta, wife of John C. Sprecher, well known editor, Schuyler, Neb.; Alma, wife of E. F. Folda, of Omaha, vice president of the Stock Yards National Bank, of South Omaha; and Horace C. Woods, of Santa Barbara, Cal. Mrs. Maria Woods died in September, 1911.

WORK, JOHN CALVIN, pioneer settler of Ord, Valley county, Neb., was born in New Bloomfield, Pa., April 13, 1857, son of Alexander and Hannah (March) Work. He was left motherless when he was ten years old. When fourteen he commenced to learn the trade of blacksmith in his father's shop. In 1876 he located in Iowa and resided there until 1886, when he became a resident of Ord, where he established himself in the blacksmithing business, in which he has since continued with success. He has by his faithful work and economic habits amassed a comfortable fortune, and is numbered among the prominent men of Valley county. He has been called upon a number of times to fill positions of trust in his city, and served as a member of the city council, as city clerk, city treasurer, and for

two terms filled the office of mayor. In the Sioux Indian outbreak in the Rosebud country in the winter of 1890-91 he served as a member of the Nebraska National Guard, and took part in suppressing the trouble. He is a member of the Masonic order, in which he is a past worshipful master, also past high priest in Doric chapter No. 50, and a member of the Knights Templar. He was married October 13, 1885, to Miss Susie D. Shellep, of Sterling, Ill., and has five children, namely: Ray F., John William, Grace D., Ruth, and George Work.

WORRALL, T. D., deceased, late of Lincoln, was born in Illinois and came to Lancaster county, Neb., at the age of ten years, with his parents, Isaac and

er began soon after. He had also built an elevator at Foley, and formed a company with John B. Wright and E. R. Spencer, who owned other elevators, as the Nebraska Elevator Company, and was secretary for five years. He went to Omaha in 1904 and tried to operate a purchasing house independent of the grain trust, but was forced to quit. Mr. Worrall wrote a book exposing the grain trust. Mr. Worrall married, at Valparaiso, Neb., Miss Mary E. Glassburn, daughter of Moses and Margaret (Russell) Glassburn, who located in Saunders county in 1870 on a farm as pioneers. Mrs. Worrall and two children, Byron R. and Markwell R., survive him.

WOZAB, JOSEPH F., deceased, late of Humboldt, Neb., was born in Manitowoc county, Wis., September 30, 1865, and died at Humboldt, Neb.,



T. D. WORRALL

Rebecca (Landers) Worrall, who, in 1867, homesteaded in Lancaster county, near Agnew, where our subject farmed till twenty-seven years old. He then opened a store at Valparaiso and was there until Cleveland was elected in 1884, when he was appointed postmaster. He had always been an active democrat. In 1888 Mr. Worrall sold out his store and went into the insurance business for some time and moved to Lincoln in 1890. In 1892 he was deputy sheriff under Fred Miller, and later resigned and was appointed superintendent of mail carriers in the Lincoln postoffice. In 1897 he went into the grain and elevator business at Agnew with his brother John. His noted fight as an independent elevator own-

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JOSEPH F. WOZAB

December 8, 1907. His parents, John and Mary (Shenfeldt) Wozab, natives of Bohemia, emigrated to America during early life, and settled in Wisconsin. They removed to Saline county, Neb., in 1868, and located near the present site of Wilber, the county seat. The elder Wozab was among the first farmers in this section. After the town of Wilber was established, Joseph F. Wozab there learned the tinner's trade, which he followed until the town of Geneva was laid out, whither he went as a tinner, and later went to Wymore, where he helped to erect the first buildings. At Wymore he engaged in the hardware business with his father, under the firm name of Wozab & Son. This business was continued until February, 1894, when Mr. Wozab removed to Humboldt and established a hardware store and tinshop. In this business he had

various partners, but finally, in 1896, secured personal control of both the hardware business and tinshop. He later put in a stock of furniture, and continued a successful business until one month before his death, December 8, 1907. Mr. Wozab was a democrat in politics, served as city clerk of Wymore in 1891-92 and was elected to the city council of Humboldt in 1906, a position which he was still holding at the time of his death. He was prominent in fraternal orders, and was a member of the Knights of Pythias, and of the Bohemian lodge, C. S. P. S. He was married at Falls City, Neb., to Maria Cernohlavek, February 1, 1890. Three children were born to them: Nettie, Rosa, and Irene.

WRIGHT, JAMES HENRY, of Ruskin, Nuckolls county, Neb., was born in Bond county, Ill., Sept. 27, 1852. In 1882 he moved to Nuckolls county, Neb., and engaged in farming and stock-raising until 1909. Up to 1890 he was a republican in politics, but then became interested in the cause of the people's party, which ticket he has since supported. Mr. Wright was elected a member of the house of representatives in 1896 and reelected in 1898. He served on several important committees and was chairman of the committees on railroads, and fees and salaries. He was appointed by Governor Poynter as a delegate to the farmers' national congress at Denver, Colo. J. H. Wright was married in September, 1878, to Miss Mary A. L. Palmer of Bond county, Ill. They have six sons and one daughter; one son died in infancy. The living children are: M. G., I. L., L. H., J. R., C. E., and Amy Eudors Wright. In 1909 Mr. Wright gave up farming and located in Ruskin, Neb.

WRIGHT, JOHN B., Lincoln, Neb., president of the Wright-Leet Grain Company, formerly president of the Columbia National Bank of Lincoln, Neb., was born in Rochester, N. Y., December 10, 1845, son of Thomas and Phoebe (Brooks) Wright. Both parents were natives of Nottingham, England. When he was about four years of age, John B. Wright's parents became residents of Buffalo, N. Y., where for more than forty years Thomas Wright was engaged in the wholesale millinery business. He died in 1891, at Buffalo. Phoebe Brooks Wright came from old English stock. An uncle of hers fought in the battle of Waterloo, and her brother, Thomas Brooks, was an officer in the English army, at one time holding two positions under the government. John B. Wright acquired his early education in the public schools of Buffalo, N. Y. When he was fifteen years old he was sent to Monroe, Mich., where he completed his education and where he remained until he was twenty-two years old, when he went to Montana and engaged in the mining and

live stock business for six years. He visited Lincoln, Neb., in 1874, expecting to be here only a few days to attend to some business for his brother, but was so pleased that he at once decided to remain. He engaged in the grain business, which he has continued for thirty-five years. Upon the organization of the Columbia National Bank, in 1890, he was one of the projectors and was elected president, and continued in this position up to 1907, when the bank was sold. Mr. Wright has been a republican always, and was a member of the city council from 1877 to 1880 and in 1880 was elected mayor of Lincoln, and reelected in 1881. During his terms as mayor he inaugurated the present waterworks of Lincoln, as a municipal plant, under which water costs fifteen cents per thousand gallons as against thirty-five cents in Omaha. In 1885 he was elected to the house of representatives of the Nebraska state legislature, and in 1895 to the state senate. While a member of the city council he voted for the first street railway franchise, and helped to make the first levy for the city library. While a member of the legislature he took an active interest in getting a bill through for the chemistry building for the State University. As a member of the senate, in 1895, he introduced and pushed through the bill for the university library building. For a number of years he has been a member of the Masonic order, and has attained to the Templar degree. He is also a Knight of Pythias, and has been grand treasurer of the Nebraska grand lodge. He is a member of the Commercial Club, and of the Round Table of Lincoln. He was married May 14, 1890, to Miss Eugenia Jessie Robinson, daughter of Joseph M. and Margaret (Jones) Robinson, of Chicago, Ill. Joseph M. Robinson is a direct descendant of the Rev. Thomas Robinson, of the Mayflower. Mr. and Mrs. John B. Wright have one son, John Charles.

YETTER, WILL L., formerly of Hastings, Adams county, Neb., but now located in Omaha, was born at St. Joseph, Mo., March 11, 1868. His father, August S. Yetter, was a native of Germany, and at the age of thirteen years, located in Milwaukee, Wis., where he learned the sign-writing and decorating trade. While in that city he married Johannan Fieber, a native of Austria, who died February 22, 1874, leaving three daughters and two sons. In 1866 August S. Yetter removed to St. Joseph, Mo., and then to Denver, Colo., and in 1884 to Hastings, Neb. Will L. Yetter in 1888 bought an interest in the wall paper and paint business of his father, and built up a large business, and in the year 1899 he removed to Omaha, and established a wholesale wall paper house, which has become one of the large enterprises of the west. He is a member of the Masonic



ERASTUS YOUNG

Erastus Young

order, a Knight Templar, and a Shriner, and is affiliated with the Presbyterian church. Mr. Yetter is a republican in politics and was elected city treasurer of Hastings in 1893, and served two years. He became in 1891 a member of the Commercial Club of Omaha and has served on the board of directors and as president in 1908. For some years he was in charge of the trade excursions which have obtained for Omaha constantly increasing markets. As a knight of Ak-Sar-Ben he was honored with the kingship for 1908. He married Bena Barnett, of Hastings, August 22, 1889. They have one son, Barnett August Yetter.

YOUNG, ERASTUS, of Omaha, Neb., was general auditor of the following companies, viz: Union Pacific Railroad Company, Oregon Short Line Railroad Company, the Oregon Railroad & Navigation Company, Southern Pacific Company, the Chicago & Alton Railroad Company, and Pacific Mail Steamship Company, with headquarters at Omaha, Neb. He was born near Monsey, Rockland county, N. Y., June 17, 1839, and reared on a farm near Suffern, in the same county. His father, Henry T. Young, was of English and German descent. His mother, Maria Quackenbush Young, was of French, Holland, and Irish extraction. Erastus Young acquired a common school education, supplemented by a course in Williston Seminary at East Hampton, Mass., and was graduated at Bryant & Stratton's Commercial College in April, 1860; entered the wholesale grocery house of H. B. Newcomb & Co., N. Y., as a junior clerk the following June; accepted the position of accountant with Manning, Righter & Co., grain and flour commission merchants, in September of the same year, and served in that capacity in other branches of mercantile business until April, 1870, when he entered the railway service as general accountant and cashier of the New Orleans, Mobile & Chattanooga Railroad Co., office New York. He became auditor for this company in October, 1872, and continued in this capacity until July, 1876. He then went to St. Louis as auditor of the St. Louis & Southeastern railroad, continuing until February, 1880. From February, 1880, to April, 1881, he was auditor of the Atchison, Topeka & Santa Fe Railroad Co.; April 1 to July 1, 1883, auditor New York & New England Railroad Co. Mr. Young removed to Omaha, Neb., June 30, 1883, and became auditor of the Union Pacific Railway Company, July 1, 1883, and continued in this capacity to February 1, 1898, when he became general auditor of its successor, the Union Pacific Railroad Co., and continued with it until his retirement. In January, 1902, he was made general auditor of the Oregon Short Line Railroad Company, the Oregon Railroad & Navigation Company, and the Southern Pacific

Company. In June, 1902, he was appointed general auditor of the Chicago & Alton Railway Company (now the Chicago & Alton Railroad Co.), and in August, 1902, general auditor Pacific Mail Steamship Company. On July 1, 1910, Mr. Young retired under the pension rules, which retire employees at the age of seventy years. Mr. Young has always been a republican in politics. He is a member of the Masonic order, and of the Methodist Episcopal church. He was married to Margaret Elizabeth Ludlam, of Brooklyn, N. Y., December 28, 1865. Four children were born of this union, one of whom (Mary Emma) died in infancy. The surviving children are Annie Jean (now Mrs. R. S. Ege); Genevieve Elizabeth (now Mrs. D. P. Benedict), and David L. Young.

YOUNG, MATTHEW, deceased, late of University Place, Neb., formerly of Geneva, Fillmore county, Neb., was born in Darke county, O., in 1841, son of John and Mary (Baker) Young, whose parents were among the earliest settlers in that portion of Ohio. The family removed to Clinton county, Ind., where, in 1862, Matthew Young enlisted for the Civil War in Company G, 89th Indiana infantry and served until July 19, 1865. He was with his company in the following battles: Green River Bridge, Ky., Fort De Russy, Henderson Hill, Pleasant Hill, Bayou La Moore (where he was wounded), Bayou de Glaise, Nashville, Spanish Fort, and Blakely. After his discharge he returned to his home in Indiana and married Elvira Shackelford, daughter of Wm. and Catherine (Miller) Shackelford. Matthew Young, in the pioneer days, homesteaded near Geneva, where he resided for about thirty-three years and then located in Geneva, and later at University Place, where he died October 24, 1911. He was a republican in politics, a Mason, a member of the G. A. R., and for over forty years a member of the M. E. church. Mrs. Young survives him with their children: Emma, wife of O. P. McNeese, of University Place; Marietta, wife of Sid Pester, of University Place; Iza, wife of J. A. Vodra, of Shawnee, Okla.; Bertha, at home.

YOUNG, THOMAS T., farmer, Ashland, Neb., was born in Pickaway county, O., June 29, 1844, son of Thomas H. and Sarah (Cole) Young, the former a native of Pennsylvania, and the latter of Ohio. Three brothers of Mrs. Young became prominent pioneers of Nebraska: Dimmitt represented Cass county in the legislature three sessions. Braud Cole, who was a member of the territorial board of agriculture, and who also represented Cass county in the legislature one term; and Reverend Shadrich Cole, a pioneer minister of the United Brethren church. The Young family lived for many years in

northern Ohio, and in 1852 removed to Iowa, settling in the town of Mt. Pleasant, where the father engaged in the mercantile business. He died in Ashland, Neb., in 1874, aged seventy-five years, and the mother at University Place, Neb., in May, 1896. Thomas T. Young attended the Iowa Wesleyan University, and in 1864 went to Colorado and engaged in farming and freighting in El Paso county. In 1869 he removed to Cass county, Neb., and settled on a farm in Eight Mile Grove precinct, later removed to South Bend precinct and engaged in stock-raising until 1900, when he retired and settled in Ashland. He is a member of the M. E. church and a Mason. Mr. Young is a republican in politics, and was elected to the Nebraska state legislature in 1896, and reelected in 1898. As a member of the legislature during two terms he took an active part in the work of that body, and introduced in the first session the bill which later became a law in 1899, requiring candidates to make a statement of their campaign expenses. During the session of 1899 Mr. Young was chairman of the house committee on school lands and funds. On February 5, 1870, he married Miss Susie Creamer, born in Indiana, and daughter of Cyrun and Sarah Creamer. Mr. and Mrs. Young were the parents of nine children, five of whom are living: Eva M., wife of Melvin V. Worrell, of Antelope county, Neb.; Mary E., wife of Clayton F. Bouck, of Cass county; Frank T., St. Joseph, Mo.; Alice E., wife of Charles R. Craig, Murdock, Neb.; and Myra B., wife of Otis D. Dean, of Spokane, Wash.

YOUNGERS, PETER, JR., Geneva, Fillmore county, Neb., was born on a farm near Milford, Pike county, Pa., December 25, 1852, son of Peter Youngers, Sr., and Barbara (Herkle) Youngers. Peter Youngers, Sr., was born in Luxemburg, Belgium, March 14, 1821, and was married in Paris, France. He came to America in 1850, locating in Pike county, Pa. In 1853 he located in New York city, where he engaged in newspaper work for a number of years. He could speak French, German, Italian, and English fluently and acted as court interpreter in the New York courts. May 11, 1871, he located on a farm in Fillmore county, Neb., where he died June 7, 1899. Barbara Herkle, mother of Peter Youngers, Jr., was born in Prussia, March 4, 1821, and spoke three languages, German, French, and English. She died at her residence at Exeter, Neb., March 3, 1904.

Peter Youngers, Jr., located in Fillmore county, Neb., May 11, 1871, which was at that time unorganized territory. In 1873, he commenced work as field hand in the Crete nursery and in 1878 engaged in the nursery business south of Exeter. In 1886 he formed a partnership with A. J. Brown and engaged

in the nursery business at Geneva, Neb., under the firm name of Youngers & Co., and the business has grown to such an extent as to be classed as one of the largest nurseries in the west, being largely wholesale, shipping trees from Nebraska to all parts of the United States, from Florida to Minnesota, and from New York to California. He has held the position of president of the Western Nurserymen's Association; president of the Nebraska Association of Nurserymen; superintendent of horticulture at the Trans-Mississippi Exposition held at Omaha; treasurer of the Nurserymen's Protective Association; two terms as president of the state board of agriculture, from 1906 to 1908. He also served for years as one of the board of managers of the state board of agriculture and is at present (1911) treasurer of the state horticultural society, which position he has held continuously from January, 1888.

In 1909 Mr. Youngers engaged in the banking business, as president of the Bank of Commerce, Geneva, Neb., and in 1910 A. J. Brown and Peter Youngers purchased controlling interest in the Citizens Bank, one of the oldest banks in Fillmore county. In January, 1911, Peter Youngers was elected president, a position which he now holds. He is a republican in politics. November 23, 1879, Mr. Youngers was married to Marilla Nicholson, of Lincoln, Neb., and to this union three children were born: Mrs. R. A. Burns, of Wilsonville, Neb.; Myrtle and Nellie, who reside with their parents in Geneva, Neb.

ZIEMER, ARTHUR C., was born in Cleveland, O., June 23, 1848. He received a common school education, was a student at the Cleveland Institute for three years, took a course of banking and telegraphy in Bryant & Stratton's Commercial Colleges, and obtained a position with the Cleveland & Erie railroad, now a part of the Lake Shore system, as telegraph operator. His health becoming impaired, he went to Minnesota in the early sixties, before the railroads had penetrated the state, and traveled from La Crosse to St. Paul by steamer "War Eagle." In 1870 he moved to Lincoln, Neb., then a small village, and soon entered the services of the B. & M. railroad, whose total mileage west of the Missouri river was fifty-nine miles, extending from Plattsmouth to a point four miles southwest of Lincoln, known as Stockwell's brick-yard, and served this company some thirty years as freight agent, telegraph operator, and city passenger agent. He early became a charter member of the First Baptist church, of Lincoln, and was keenly alive to anything that pertained to the welfare of Lincoln; was secretary of the West Side Improvement Association which erected the Western Normal College, three miles southwest of Lincoln, together with an



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Arthur C. Gienster

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Peter Youngers

electric line to this point. He was president of the Interior Decorative Company, the finest establishment in the city at that time, devoted to interior decorations, carpets, rugs, grates, mantels, etc.; was president of the Nebraska State Band, and secretary of the Down Draft Stove Company.

As secretary of the Sulpho-Saline Bath Company, probably the finest institution of its kind in Nebraska, he worked untiringly, never, however, neglecting his duty to the "Burlington." Early in 1897 Christian Science was brought to Mr. Ziemer's attention by the wife of Mayor C. C. Burr, of Lincoln. A thorough investigation convinced him it was the religion Jesus Christ promulgated nineteen centuries ago, and which included healing as well as preaching. In the fifth chapter of James we have a perfect recipe for healing, viz: "The prayer of faith shall save the sick and the Lord shall raise him up." Is it not wise to trust in the Creator rather than the created things, so-called? Is there any authority in the Bible for throwing out the healing principle? Did not Jesus command that we preach the gospel? Did he not also command that we heal the sick? Christian Scientists do both and are demonstrating it here and now. After a few years of careful study, Mr. Ziemer was appointed first reader of the Science church at Lincoln and served three years, when he took offices in the Burr block and has been a successful practitioner since that time. His practice is very extensive, including patients in Siam, the Philippines, Italy, Ireland, England, Alberta, and Saskatchewan, and all parts of the United States. Christian Scientists have no new Bible; neither do they serve a strange God. The God they worship is the one and only God, who has suspended the heavens in lofty grandeur, established the earth beneath, diffused the seas with fluent moisture, inspired the glorious sunrisings, kindled the starry vault of heaven, and ordained the moon as a solace for the night.

ZIMMAN, HARRY B., of Omaha, Neb., came to Omaha in 1887 with his parents, Marcus A. and Sarah (Rubinsky) Zimman, who came from Poland. He was educated at the public schools of Omaha and began his business life there. When just twenty-one years of age he was elected to the city council, in 1900, from the third ward and was reelected for his second and third terms, serving until 1909. He was for a time president of the council and on the death of Mayor Moores he became acting mayor for the balance of Mayor Moores's term. As a candidate for the council he refused to receive financial support or to bargain for newspaper support, wishing to be at all times untrammelled that he might best serve his constituents and the people at large in Omaha. He was independent and disinterested and

fought his battles single-handed. He is a republican and loyal to his party. His success shows that an independent candidate, under present conditions, has the advantage over one who is bound hand and foot to cliques, bosses, and combinations. The newspaper men whose business it was to spend the greater part of each day at the city hall, watching closely, and reporting the attitude and proceedings of the council, were his friends and considered him a clean, honest and courageous administrator of public affairs. One of his first moves in the council was to introduce an ordinance for the acquiring of the water works by the city for which bonds had previously been voted. His ordinance was at that time defeated but the proposition of the city to buy the water works has been brought to a successful issue by a recent decision of the supreme court that the city need only pay the principal without interest for the water works. In the fight against higher rates by the gas company and for even lower rates Zimman was a successful leader. Mr. Zimman held out at all times for higher assessments on corporation property in the city and at that time \$3,218,500 was added to their assessments and a few years later assessments were further increased. He was also in the fight to secure from the street railway company, greater privileges for the citizens and lower rates for street lights from the electric light company. He was chairman of the paving committee during his first term and inaugurated many reforms and thus prevented invalid special taxes. He also fought the costly garbage contract. In 1904 he refused to vote for an anti-ticket scalping ordinance. Before retiring from the council Mr. Zimman introduced ordinances compelling the service corporations to pay occupation taxes of three per cent on gross receipts. After a long struggle the ordinances were passed and the city treasury enriched by \$150,000 per year which will increase as the business of the service corporations grow. It was contemplated by Mr. Zimman to wipe out the city's bonded indebtedness of \$6,000,000 through the occupation tax scheme. These illustrations are typical of Mr. Zimman's public career. He has regarded the office as a trust and recognized no master but his constituents.

ZIMMERMAN, DAVID S., of York, Neb., was born in Tuscarawas county, O., February 10, 1854, son of Jacob and Catharine (Albach) Zimmerman. Jacob Zimmerman was a farmer and followed teaching in the winter in the public schools for many years. His father emigrated from Pennsylvania to the wilderness of Ohio the last years of the eighteenth century. Jacob Zimmerman was born February 3d, 1822; grew to manhood and obtained the best education possible. He, with his family,

moved to Defiance county, O., in 1855, and in 1865 to Mendota, La Salle county, Ill., where his children grew to maturity and married. In the spring of 1901 he moved to York, York county, Neb., where he died February 2, 1909, at the age of eighty-seven years.

David S. Zimmerman was reared near Mendota, Ill., where he attended the Blackstone high school. In 1877 he was united in marriage to Harriett E. Salmon of La Salle county, Ill., and a native of that state. There they lived on a farm until 1880, when they moved to York county, Neb., having previously purchased a farm near York. Mr. Zimmerman took an active interest in the questions of the day; was one of the organizers of the county farmers' alliance, and was vice president when the first independent county convention was called in 1890. In 1891 he was nominated and elected on the independent ticket as county treasurer, and reelected in 1893.

He moved to York in December, 1891, and in 1893 purchased a tract of land adjoining the city, upon which he has since resided, and has followed buying, raising, feeding, shipping, and handling stock. Mr. Zimmerman was elected in 1896 to the lower house of the Nebraska legislature on the fusion ticket, served as chairman of the committee on railroads, and was a member of the committee on finance, ways and means, and others. He was one of the organizers of the York County Mutual Insurance Company, and has been vice president of the City National Bank for about nineteen years, and assisted in its organization.

ZOOK, ELHANAN, of Cristobal, Panama Canal

Zone, engineer maintenance of right of way on the Panama railway, formerly of Nebraska City, Neb., was born in Chester county, Pa., July 25, 1856. His father was Isaac M. Zook, whose ancestors came from the province of Zug, Switzerland, in 1734, to Pennsylvania and became Friends. About 1776 the name was changed to Zook from Zug, which some of the family still retain. His mother's family was German and among the early settlers of Pennsylvania. Elhanan Zook attended public and private schools and then entered Pennsylvania Polytechnic College, and graduated as a civil engineer in June, 1875. In 1879 he came to Nebraska and was employed by the Burlington & Missouri River railroad as a rodman and was soon advanced to the position of engineer in charge of construction. In 1883 he entered the operating department as roadmaster and in 1890 was made in addition trainmaster, from which he resigned in 1905 to accept the position of superintendent of tracks on the Isthmian Canal Commission, and remained in this position until October 23, 1906, when he accepted a position on the Panama railroad and since 1909 has filled his present position of engineer maintenance right of way. He has always affiliated with the republican party. He is a member of the Masonic fraternity, the Ancient Order of United Workmen, and of the Episcopal church. On October 5, 1885, he was married to Miss Bertha Reynolds at Beatrice, Neb., she being descended from pioneer settlers of Hornellsville, N. Y. Two children have been born to them: Leah A., a graduate of Goucher College, Baltimore, Md.; and Ruth E., a graduate of Letrit Seminary in 1909.

ERRATA

- Page 1. The question whether or not there should be a constitutional convention was not specifically submitted to electors June 6, 1864; but they chose an overwhelming majority of delegates pledged against forming a constitution.
- Page 119. Second column, third line from bottom, "10,160" instead of "1,060."
- Page 125. In line 13 of footnote 24, "G. W. Heust of———" should be "George W. Hulst, of Platte county."
- Page 195. In fourth line of second column, substitute "William Gaslin, Jr." for "Jas. Gaslin."
- Page 217. In thirteenth line of second column, substitute "for services rendered" for "to be expended."
- Page 225. Second column, and page 226, first column, "Charles K. Keckley" should be "Charles R. Keckley."

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