

STORY OF NEBRASKA'S MOST MEMORABLE SESSION

Some Interesting Recollections of the Legislature That Convened in Lincoln Just Twenty Years Ago This Week---How the "Farmers" Were Hoodwinked by the Smooth Politicians

Just twenty years ago there assembled in the state house in Lincoln the most remarkable legislature, both in make-up and in actions, that ever convened within the confines of this state. It is doubtful if such another legislature ever convened.

The legislature was the result of a political upheaval that was itself unique, and which, although hooted and hissed at the time, is now acknowledged to have been one of the greatest political educators of modern times. The old "Granger" movement had sprung up, flourished for a time, and then died. In the middle 80's another movement of a like nature was started, this time by earnest though perhaps politically unskilled men, who were determined that it would not be wrecked by politicians who had overburdened the once promising Grange movement. It was essentially a movement of farmers, and so suspicious were they that they made it a rule that no lawyers should be admitted to membership in their local organizations. Quietly, but with remarkable rapidity, the organization grew. Among its promoters were Jay Burrows, John Powers, Omar M. Kem, Senator Charles H. VanWyck, and others. Its first entry into politics was in 1888, but it did not cut much of a figure. In 1890 it burst forth into a flame that fairly swept the state. This farmer organization, nominated a full state ticket, headed by John H. Powers, and there are few alive today who participated in that memorable campaign who do not admit that Powers was honestly elected. But 1890 happened to be the year that prohibition was voted on, and James E. Boyd of Omaha, the democratic candidate for governor, was the champion of the anti-prohibitionists. Lucius D. Richards, the republican candidate, paltered and evaded the issue. The "farmers" refused to be sidetracked by it, and clung to the main issue, which was that the farmer was being robbed on every side and proposed to secure relief. By reason of outrageous ballot frauds in Douglas Boyd had an apparent plurality of a few hundred. Boyd, Richards and Powers ran so close together that less than 2,000 votes separated the highest from the lowest. The "farmers" immediately served notice of contest, and the democratic and republican machine leaders immediately got together. It was agreed between them that Boyd should be declared governor, and the republican candidates declared elected to the other offices. The first hitch in this program came when Governor Thayer, who evidently had not been consulted, refused to give way to Boyd, basing his declination on the ground that Boyd was not a naturalized citizen. For a time Nebraska had two acting governors, but Thayer was finally dispossessed by the simple trick of turn off the heat from the executive offices and freezing him out. The story of the Boyd-Thayer contest and its final outcome is, however, another story.

When the legislature convened the "farmers" had a majority in the house and with two or three independent democrats had a majority of the senate. George D. Meiklejohn was lieutenant-governor, with Thomas J. Majors lieutenant-governor elect.

The "farmer" members of the house held a "conference" at the Lindell hotel and selected Marsh Elder of Clay as their candidate for speaker. How Elder, a rough, uncouth, uneducated man came to be selected is a rather good story. It came about in this wise:

The writer, who had for some time prior to the election of that year been a reporter on the Kearney Enterprise, was made Lincoln correspondent of the Omaha World-Herald about thirty days before the legislature convened. Before going to Kearney he had conducted a weekly paper in Fairfield, Clay county, and while a resident of that county had heard Elder make a speech in a republican county convention accepting the nomination for coroner. Shortly after being sent to Lincoln the writer was instructed to "get a line" on the probable organization of the legislature. He was all at sea—as was everybody else in the state—for all the "farmer" members-elect were new men in Nebraska politics. In sheer desperation the writer picked on Marsh Elder, he being the only one he had ever before heard of, and began writing "advance information" with Elder as its center. The World-Herald was even then considered as the near-organ of the "farmer" organization, and it was read by them more than all the other dailies in the state combined. Perhaps Elder was as much a stranger to his fellow members-elect as he was to the state at large, but they soon became impressed with the idea that he was the most available man, for the World-Herald was singing his praises every day. This was because the man who was doing the "singing" didn't know a blooming thing about any other man of that party.

Elder was elected speaker of the house, and the late Governor Foynter, a senator from Boone county, was elected president pro tem of the senate.

The first sign of trouble was when the legislature met in joint session to open and canvas the returns. Precedent said that the

lieutenant-governor should preside, while the speaker opened and canvassed the returns. The "farmers" tried to dethrone the lieutenant-governor, and while they had the votes they failed because Meiklejohn, by the display of a nerve that won the admiration of even his bitterest enemies, and the finest of parliamentary skill, managed to preside over what was undoubtedly the warmest joint session ever held in the state. Elder, acting on the advice of colleagues, flatly refused to canvas the returns setting forth that a contest was filed. While Meiklejohn was presiding by sheer nerve, a bunch of political manipulators were in the supreme court room with Judge Amasa J. Cobb, securing a writ of mandamus compelling the speaker to do what he was refusing to do. The spectacle of one co-ordinate branch of the government swinging a club over another co-ordinate branch was a new one, but the club swung because the "farmers" did not know what to do. The writ of mandamus was issued and given into the hands of "Pap" Hastings, a deputy United States marshal, to serve. Just why a writ of a state court should be served by an official of the federal court will never be known, but there is reason to believe that Hastings was used because the spectacle of a United States official was calculated to scare the "ignorant hayseed" out of their boots. The writ was served after the doors to the house chamber had been battered down. Elder succumbed and the returns were canvassed. Boyd was declared elected governor, and the republican candidates for the other officers were seated. Boyd held on until several months after the legislature adjourned, and was then ousted by the state supreme court on the ground that he was not a citizen, and Thayer was again installed into office. Some months later the United States supreme court held with Boyd, and Boyd was allowed to fill out his term.

Some of the men most prominent in that legislature were never heard of afterward—that is to any great extent. Others are still with us and still in the public eye to some extent. Shrader of Logan, Stevens of Furnas, Kruse of Knox, Porter of Merrick, Newberry of Madison, Elder of Clay—all have been lost sight of except Porter, who is still with us.

Ballot reform and railroad rate legislation were the two big reforms that the "farmers" proposed to bring about. Church Howe of Auburn, because of his experience as a legislator, scored a point by getting in the first bill, providing for the Australian ballot. Newberry, a man who knew no more about freight rates or rate making than a baby, got in with the first bill for a reduction of rates. Newberry had simply copied the Iowa freight rate schedules, making no allowance for the difference in distances, or anything else. When the bill came out of the committee it was little changed. So ignorant was Newberry that when asked what "k. d." meant in a certain schedule relating to such things as chairs, he admitted that he didn't know.

The republicans and most of the democrats in the house fought the Newberry bill with all their might, but it was jammed through by sheer force of numbers. In the senate it went up against some of the shrewdest corporation cappers in the state. It was delayed in every possible way, every amendment possible—and some impossible—were offered, but the proponents always managed to score. At last the time came when the corporation forces could delay action no longer. The night before the bill was to come to a vote Senator Taylor of Loup disappeared. It was proved beyond a doubt in the mind of any observant man that Taylor had been run out of the state on a special train, and that he did not go with an empty purse. That same night I was snooping around the corridors of the Lincoln hotel and saw one senator who had been a supporter of the bill quietly escorted into the room of a high official of the Burlington. When the bill finally came to a vote he voted "no." During the last two or three campaigns this same senator, who now lives in Lincoln, I believe, has had some pretty harsh things to say about democrats and populists.

The next day the bill came to a vote and immediately a "call of the senate" was demanded. Lieutenant Governor Majors ordered the call, well knowing that Taylor of Loup was beyond reach. For eighty-six hours the senate was deadlocked under the call. The members ate and slept in the senate chamber, and some opponent of the bill was always on guard. In the silly watches of the night some advocate of the bill would arise and move that the further call of the senate be dispensed with. Then, while one watchful guard was shaking Majors awake, other guards were hastily kicking six or eight opponents of the bill into wakefulness. "A motion has been made to dispense with the further call of the senate." Majors would say with a yawn: "Is there objection?" Immediately six or eight sleepy voices would mutter "Object!" and Majors would sleepily murmur, "Objection being made the call of the senate is