it was determined in his favor and the legislature recognized him as governor.

The legislature of 1891 was, without exception, the wildest, wooliest and fullest of fanatics, vagarists and idiots of any assemblage ever gathered together for the purpose of making laws for a decent commonwealth. All sorts of bills inimical to incorporated capital, especially those devised to bedevil railroads and lessen their profits, were introduced every morning as soon as roll-call was over. Among them the most distinguishedly vicious and mean was the Newberry Maximum Rate bill. It fixed the charges for passenger and freight carrying by the railroads at about one-half the price then in vogue. This bill contained a lot of other matter. It compelled railroads where two or more entered the same city, to build connecting tracks. It compelled them to transfer freight from one track to another track without charge. Governor Boyd conferred with leading members of both houses and informed them that the bill was unreasonable and unconstitutional. He asked them to enact a law reducing the rate say 10 or 20 per cent on livestock, grain, lumber, and other commodities in car lots. This they refused to do, although they admitted the governor was right. They declared their constituents demanded the Newberry bill. Senator Switzler introduced a moderate bill, a reasonable one, but it could not be passed. Two years subsequently a bill was evolved and approved by Governor Crounse, which reduced the rates about 30 per cent. But the United States Supreme Court decided it unconstitutional, and thus fully sustained the views advanced by Governor Boyd two years before.

**Wild and Woolly.**

As a consequence of this populistic blatherskitism in 1890 and the demagogism of the supporters of the Newberry Maximum law, the people of Nebraska have never had up to this day any effective or beneficent railway legislation. The legislature adjourned on May 5,1891. Just after that adjournment, Judges Cobb and Norvall, dispensers of justice and members of the supreme court of the state, decided that James E. Boyd was not a citizen of the United States. From that decision Judge Maxwell dissented. Case was taken to U.S. Supreme Court. In February, 1892, that tribunal determined that Boyd was a citizen of the United States. The decision was that he acquired citizenship, first, by the naturalization of his father while he, James E. Boyd, was still a minor. Secondly, that he was a citizen because he had become a citizen of the territory of Nebraska before it was admitted into the Union, and remained a citizen when it came in. This latter determination was under a clause in the treaty of France made in 1803, when Jefferson purchased the Louisiana territory. That provision declared that the inhabitants of that territory should have the same privileges and rights of citizenship as the inhabitants of the thirteen original states.

**The Consequence.**

As soon as the decision came from Washington Governor Boyd took possession of the office out of which he had been kept ten months by the combination of republicanism and populism.

**After the Supreme Court.**

Then real reform in the management of the state of Nebraska began, for the first and last time up to date. Governor Boyd began with the insane asylum and soon discovered and demonstrated that every sack of fifty pounds of flour was charged to the state as 100 pounds; that every beef purchased by the state for that institution was sold at double weight and double price; that car loads of coal were placed on the side-track of the institution, paid for, and hauled away after the state tax-payers had been charged with them. In fact, Governor Boyd found that the state of Nebraska paid double for nearly everything that came into that or any other institution under its charge. During the last ten months of his administration he saved more than $50,000 to the tax-payers of the commonwealth.

**Reform.**

The legislature of 1892 delayed canvassing the vote for state officers beyond the usual time. About 8 o'clock one evening, the elected officers went to the rooms of Governor Boyd at the Lincoln Hotel in a body and called his attention to the constitutional provision requiring that they qualify within a certain number of days after the meeting of the legislature. He deemed it his duty to examine the bonds and if he found them good and sufficient, to approve them; but he demurred distinctly and strongly to many of the sureties on the bond of the state treasurer. The attorney general, Hastings, declared that the bond was for nearly double the amount required, and that if Boyd objected to any of the sureties, he would find upon examination that there were enough other names to make the bond perfectly good. After examination and upon Hastings' statement Boyd approved the bond.

**Approving of Bonds.**

Attorney General Hastings then presented the bond of the Capital National Bank of Lincoln as the depository for the state funds. Governor Boyd discovered that the bond had already been approved by the attorney general and the secretary of state without consulting him, and as the law makes the governor chairman of the board, Boyd regarded their action as a discourtesy and refused to approve it. The sureties on that bond were the distinguished Mr. Mosher and Mr. Outcult, whom Governor Boyd then declared utterly without credit. The next day, however, Governor Crounse qualified as governor and approved this same bond. If he had not done so, would not the outgoing treasurer's bondsmen, who were perfectly good financially, have been held responsible by the courts and the state thus saved $236,000?

**Capital National Bank.**

These little matters of history had better be kept on draught and the appetites of our populistic friends occasionally quenched with them. All the losses and the rottenness in Nebraska public affairs are not chargeable to the democrats, now called gold-bugs, nor wholly to the dyed-in-the-wool republicans.

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**DANIEL WEBSTER.**

If those who have departed to another world have any knowledge of affairs in this it is quite certain that Daniel Webster must experience paroxysmal beatitudes whenever he contemplates his successors in the senate of the United States and views their interpretations of the constitution. How very insignificant is the following from Webster when compared to remarks upon fundamental law by statesmen like Quay or Clark:

"The constitution is extended over the United States and over nothing else. It cannot be extended over anything except over the old states and the new states that shall come hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the habeas corpus, and every principle designed to protect personal liberty are extended by force of the constitution itself over every new territory. That proposition cannot be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible construction. It is said that this must be so, else the right of habeas corpus would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a territory."

And that former senator from Massachusetts—not dreaming of the danger of being overshadowed by the Massachusetts statesman of this day and generation—not conceiving the possibility of Lodge, Geo. Fred Williams and the other phenomenals remarked later on in his public career:

"As to the power of congress, I have nothing to add to what I said the other day. Congress has full power over the subject. It may establish any such government and any such laws in the territories as, in its discretion, it may see fit. It is subject, of course, to the rules of justice and propriety, but it is under no constitutional restraints."

Daniel Webster is followed by senators whose towering intelligence and wonderful reasoning powers illuminate his mental inferiority very glaringly.