NUMBER 256.

STORY OF **NEBRASKA**

From Territorial Dependency to Sovereign Statehood.

THE TWENTY-FIVE YEARS UNION

Varyelous Development of Material Wealth and Natural Rescurces-March 1, 1867 to March 1, 1892-Epochs in Her Political History-Reminiscences of Territorial Days-How a State Was Counted in and a Constitution Counted Out by "Doctored" Returns,

On the 1st day of March, 1867, Andrew arms and N. R. Folsom of Tekamah door-Johnson, president of the United States, issued the proclamation by which Nebraska was admitted into the sisterhood of states. The quarter-centennial anniversary of this momentous event is an occasion that justifies a retrospective view of the events that have transpired since Nebraska discarded her territorial swaddling clothes and assumed her rightful position among the great commonwealths that make up the galaxy of United

It is meet and proper for Nebraskans to take an inventory in this day of the wonderful development of a quarter of a century. This can best be done by comparative exhibits of the population, industrial and commercial evolution, educational, religious and benevolent institutions, agricultural resources, and producing capacity of the state.

THE BEE in this issue presents a carefully prepared and unbiased recital of the constitutional genesis of Nebraska from the day she was carved out as a territory up to the present. This historical research has been supplemented by chapters of unwritten or partially written history of political struggles and events in the early years of statebood, including the contest over the constitution of 1871 and the impeachment trial of David Butler. Incidentally we present also a cursory review of legislative sessions, with the names of eminent Nebraskans who have served in the law-making and executive branches of territorial and state government and the men who have represented Nebraska in the national legislature.

Last, but not least, we print comparative tables and exhibits of population, school attendance, assessed valuations of property, and aggregate of products of the farm and cattle ranch.

These facts and figures are necessarily condensed into a limited space, but they will be found very instructive. They exhibit the mighty strides which the state has made in the past twenty-five years, and convey a clear idea of the tremendous tide of human energy which has set westward since 1867.

Nebraska as a Territory.

Although the act creating the territory of Nebraska became a law on May 30, 1854, it was not until October of that year that the officers appointed by President Pierce product Bellevia the statement of the control of any pretention in the territory. These officers were: Governor, Francis Burt of South Carolina: secretary, Thomas B. Cuming of lowa: chief lustice, Fenner Ferguson of Michigan; associate justices, Junes Brad-ley of Indiana and Edwin R. Hardin of Georgia; marshal, Mark W. Izard of Arkansas; attorney, Experience Estabrook of

Governor Burt died October 18, just eleven days after his arrival. By virtue his office Secretary Cuming assumed the duties of the executive and on the same day so used the first proclamation promulgated in the new territory. It contained the official announcement of the death of Governor Burt and directed that the outlonal colors within the territory be draped in mourning



TERRITORIAL CAPITOL, OMAHA

No sooner had the proper respect been paid to the territory's distinguished dead than the affairs of the living pushed them. selves into prominence. A capital for the new territory was to be selected and the wheels of government set in motion. The ambitious citizens of Bellevue, Florence, Omaha, Piattsmouth and Nebraska City at once entered into a flerce competition for the seat of government. After due consideration Governor Cuming decided to locate the capitol at Omaha.

The First Territorial Legislature, In an official proclamation issued December 20, 1854, the acting governor designated Omaha as the capital and called the first session of the legislature to meet in that city on the 16th day of January, 1855. Previous to this, however, a census of the territory had bren taken and an election called for. The census revealed a population of 2,732. The territory was divided into eight counties, which were designated as follows: Burt, Washington, Douglas, Dodge, Cass, Pierce, Forney and Richardson. The membership of the first legislature was divided as follows:

Burt county, one councilman, two representatives. Washington county, one councilman, two representatives.

Douglas county, four councilmen, eight representatives.

Dodge county, one councilman, two repre-Cass county, one councilman, two repre-

sentatives. Pierce county (afterwards Otce), three councilmen, five representatives,
Forney county (afterwards Nemaha), one

councilman, two representatives.
Richardson county, one councilman, two representatives.

The first general election in the new terri-tory was held on December 12, 1854, and re-sulted in the selection of Napoleon B. Gid-dings as the territorial delegate to congress. The first session of the territorial legislature convened in a two-story brick building erected for its reception at Omaha at 10 o'clock a. m. January 16, 1855.

o'clock a. m. January 16, 1855.

The following gentlemen composed the council: J. L. Sharp, president; H. R. Folsom, J. C. Mitchell, M. H. Clark, T. G. Goodwill, A. D. Jones, O. D. Richardson, S. E. Rogers, Luke Nuckolls, A. H. Bradford, H. P. Bennatt, C. H. Cowles and Richard Brown. Dr. George L. Miller of Omaha was chief clerk. O. F. Lake of Brownville assistant clerk, S. A. Lawis of Omaha corronates. ant clerk, S. A. Lewis of Omaha corgoant at-

keeper.
The house organized with the following The house organized with the following members: Andrew J. Hanscom, speaker; W. N. Byers, William Clancy, F. Davidson, Thomas, Davis, A. D. Goyer, Andrew J. Poppleton, Robert Whitted of Douglas; J. B. Robertson, A. C. Purole of Burt: A. Archer, A. J. Smith, Washington; E. R. Doyle, J. W. Richardson, Dodge, J. M. Latham, William Kempton, J. D. H. Thompson, Cass; G. Bennett, J. H. Cowles, J. H. Decker, W. H. Hail, William Maddox, Pierce (now Otue); W. A. Finney, J. M. Wood, Forney (now Nemaha); D. M. Johnson, J. A. Singleton, Richardson, J. W. Paddock was chief clerk, G. L. Enyre assistant clerk, J. L. Gibbs sergeant-at-arms and B. B. Thompson door-keeper. The total membership of the council was thirteen and of the bouse twenty-six. cil was thirteen and of the house twenty-six.

Among the names above will be recognized those of the folio wing living well known citizens: A. D. Jones, the father of Omaha and first postmast^or; S. E. Rogers, capitalist, residing in Omaha; Dv. George L. Miller, for so many years editor of the Omeha Herald, and now chairman of the Omeha park commission: W. N. Byers, afterwards a capitalist at Leavenworth and owner of the cor ner occupied by the Continental block, Fit teenth and Douglas streets, Omaha; Andrew J. Poppleton, attorney-at-law, Omaha: J. W. Paddock, one of the county commissioners of Douglas county and government director of the Union Pacific railway, and B. B. Thomp-son, now as then a citizen of Brownville, where he has since occupied several public positions, the father of John C. Thompson of Omaha, the editor of the American.

Governor Cuming in his message alluded feelingly to the untimely death of Governor Burt. The principal part of the message, however, was devoted to a discussion of the Pacific rallway. Its importance to the wei fare of the new territory was expatiated upon and a strong argument made in favor of the Platte valley route - an argument which has since been fully vindicated by the completion of the great railway system along the route

The first session of the legislature was not in all respects a model one, but considering the somewhat chaotic condition of affairs in the territory, it made a fair beginning, and accomplished much in the way of legislation that was worthy of commendation.

The machinery of local government was provided for and county officers created. The criminal code of Iowa, with some modifications, was adopted. The capital was formally and officially located at Omaha. Educational interests were not forgotten Three institutions of learning, viz: Simpsor university at Omaha, the Nebraska university at Fontanelle, and the collegiate prepara tory institute at Nebraska City were incor-

Among the most notable transactions of the first session was the favorable report by M. H. Clark, chairman of the committee or corporations, on the bill chartering the Platte Valley and Pacific railroad company, a proposed line which has since become one of the greatest commercial highways of the world.
In the meantime President Pierce had appointed Mark M. Izard to succeed Govornor Burt. He arrived at Omaha on February 20, 1855, and three days later took the oath of office.

The First Formal Census.

There was much to be done even after the adjournment of the legislature. In the year 1855, a formal census of all the white persons in the territory was taken, and the population by counties was as follows:

tion by countees was as follows:

Burt. 85 Nemaha.
Cass. 712 Otoe. 1

Dakota 81 Pawnee
Dodge. 139 Richardson
Douglas 1,928 Washington

by the first legislature which had changed Pierce to Otoe and Forney to Nemaha, the names by which they are now known.

The Second Territorial Legislature.

The second session of the legislature as sembled on December 18, 1855. The mem-bers of the first council had voluntarily re-Signed, but all were re-elected except M. H. Clark of Dodge, who had died, and Luke Nuctolls of Cass county. John Evans, the old-time seedsman of Omaha, succeeded Mr. Clark, and S. M. Kirkpatrick, who died on the 17th ult. at his old home, was substi-tuted for Mr. Nuckolls. The council officers were: B. R. Folsom, president; E. G. Mc-Noely, chief clerk; M. B. Case, assistant clerk, and C. W. Pi rce, now of Lancaster county, sergeant-at-arms. The house roster contained the following names: A. D. Kirk, Richardson: W. H. Hoover, Richardson and Richardson; W. H. Hoover, Richardson and Nematia; Thomas R. Hare, Pawnoe; W. A. Finney, L. A. Chambers, Nematia; James H. Decker, M. W. Riden, J. Sterling Morton, William B. Hail, J. C. Campbell, John Boule-ware, Otoe; A. M. Rose, Otoe and Cass; John F. Buck, William Laurd, J. McF. Ha-good, Cass; George L. Miller, William Larimer, ir., Levi Harsh, W. E. Moore, Alexander Davis, Leavitt L. Bowen, Alonzo F. Salisbury, William Ciancy Douglas, P. C. Alexander Davis, Leavitt L. Bowen, Alonzo F. Salisbury, William Ciancey, Douglas: P. C. Sullivan, Washington; William B. Beck, Washington and Burt; Thomas Gibson, Dodge. P. C. Sullivan was speaker; H. C. Anderson, chief clerk; I. L. Gibos, assistant clerk; A. S. Bishop, sergeant-at-arms, and E. B. Chinn doorkeeper.

Among the above names those of George L. Miller, W. H. Hoover, J. Sterling Morton, William B. Beck and Thomas Gibson are still familiar. Mr. Hoover lived then in Brownville, and has held many public pesi-

Brownville, and has held many public posi-tions. Lately he has acted as deputy oil in-spector. J. Sterling Morton continues n.w. as then, a leading democrat of Nebraske City. William B. Beck has since been fre quently elected to office, and Thomas Gibson was the first secretary of the Omaha Board of Trade and has been honored with other conspicuous offices. He now resides at Lo-Gatos, Cal., where he spends his declining years in cultivating a fruit farm. His son are nearly all in Omaha, and are among our leading citizens.

The First Assessment,

The first report of the territorial auditor was submitted at this session and it showed the following valuation of real and personal property by counties:

8017 228 In his annual message Governor izard al luded to the progress of work on the capitol which was rapidly approaching completion The progress of the territorial surveys way spoken of and many other matters pertaining to the needs of the territory referred to. The territory had made considerable progress during the year. The boundaries of the counties were established. A road from Omaha to Fort Kearney was surveyed and its construction commenced. The second its construction commenced. The second session of the legislature also provided the public school system of the territory. A cen

sus of the population was taken showing 10,716 inhabitants. The Third Session.

The third session of the legislature convened on January 5, 1857. The territorial

machinery had now been in operation two entire years and matters seemed to be passing along smoothly. The following excerpt from Governor Izard's message is quoted as giving a fair idea of the condition of the embryo

state at that time:
"We can boast of a population of more than 15,000 intelligent, orderly and energetic citizens, who can challenge comparison with those of any state or territory of the union; of flourishing towns and prosperous cities with their handsome church edifices, well regulated schools and busy streets; of our broad and beautiful prairies thickly doited with comfortable farm houses and well tilled fields, yielding their rich treasures to the hand of peaceful industry. The appreciation of property far exceeds the expectations of the most sanguine. Business lots upon the streets where the wild grass still flourishes are readily commanding from \$500 to \$3,000 each; lands adjacent to our most prosperous towns sell readily at from \$50 to \$400 per acre; credit is almost unknown in our business circles; no citizen oppressed by debt or crippled in his energies by the band of penury and want; but all, encouraged by the success of the past, look forward to the fuure with eager hope and bright anticipa-

It was during this the third session that e first attempt to remove the capitol from Omaha was frustrated by the governor. A bill was passed locating the capitol at "Douglas," an imaginary city in an imagin-Douglas, ary county. Governor lzard promptly vetoed

The most striking piece of legislation ac complished at the third session was the pass-age of the bill repealing the criminal code. enving the territory without a law against crime or misdemeaner of any character. As a piece of ill-advised legislation, it stands without a parallel in the history of the state. It may be said to the personal credit of Governor izard that he vetoed the bill but the legislatute passed the bill over his veto

The Third Session.

When the third territorial assembly con rened the following gentlemen were mem-bers of the council: A. F. Salisbury, George L. Milier, S. E. Rogers, L. L. Brown, president; James A. Ailen, A. H. Bradford, Mills S. Reeves, S. M. Kirkpatrick, R. W. Furnas, William Claney, Charles McDonald, Jacob Safford and A. W. Puett. The house Jacob Safford and A. W. Puett. The house roster contained the following names:
1. L. Gibbs, speaker; A. F. Cromwell, N. J. Sharp, W. A. Finney, I. C. Lawrence, S. A. Chambers, H. P. Downs, I. D. White, H. C. Cowles, J. C. Ellis, W. B. Hail, W. M. Slaughter, H. C. Wolph, Brood Cole, J. A. Cardwell, S. A. Strickland, Joseph Dyson, C. T. Holloway, John Finney, W. E. Moore, H. Johnson, J. Steinberger, M. Murphy, R. Kimball, Jonas Seely, A. J. Hanscom, George Armstrong, Silas E. Seeley, J. A. Stewart, William Connor, E. P. Stout and G. M. Chilcot.

Among the above names that of R. W.

Among the above names that of R W. Furnes appears for the first time promi-nently in Nebraska affairs. He was afterwards governor of the state and is now secre ary of the State Board of Agriculture and officially connected with many national organ-Charles McDonald is a merchant at zations. North Platte and a broiner-in-law of Governor Boyd. A. J. Hanscom has long since retired from active business to enjoy his wealth, as bas also George Armstrong. Rev. W. M. Slaughter and General Silas A. Strickland afterwards achieved deserved prominence, the former in the pulpit and the latter in politics and at the bar. Richard Kumball became a prosperous ice dealer and was accidentally killed some years since at Council Bluffs. J. A. Stewart is still a hard-ware merchant at Blair. The others are dead or have dropped out of public notice.

The Fourth Session. Dr. George L. Miller was the president of the council at the fourth session of the territorial assembly. The house that session contained many names already familiar to the people of the territory or which have since become well known. Among them were the following: J. Sterling Morton, W. B. Hall, D. B. Robb, J. H. Decker (speaker), T. M. Marquette, Silas A. Strickland, Amos Gates, George Armstrong, A. J. Poppleton, W. R. Thrali, J. W. Paddock, J. S. Stewart, P. C. Sullivan and William B. Beck.
The session convened on December 8, 1857.

It was destined to be a memorable one in the annals of the territory, for it was during this session that the majority of the members withdrew and attempted to set up a nev government at Florence. The division of the legislature resulted from a renewal of the attempt to remove the capitol from Omaha. The secoding branch went through the formality of holding daily sessions at Florence, but they accomplished nothing in the way of legislation. The minority branch met at Omaha from day to day until the ses sion expired on January 16, by limitation of

A few mouths later, on August 14, Governor Richardson, who had succeeded Gov-ernor Izard, issued a proclamation calling the legislature together in special session. The special session convened on September 21 The most notable feature of the special ses non, which is known as the fifth territorial egislature, was the first attempt to abolish slavery in the territory. On November 1 Representative Daily introduced a bill "To abolish slavery in the territory of Nebraska." It was referred to a special committee from which two reports were submitted, the ma jority report being favorable and the minorty report the reverse. After a very brief discussion the bill was laid upon the table and was not taken up again during the ses-

The Fifth Session. At the fifth session the seat of Charles Mc-Donald as councilor from Richardson and Pawnee was contested by E. S. Dundy, now udge of the United States district George L. Miller, W. E. Moore and John H Porter, afterwards police judge and now a resident of Los Angeles, Cal., were the councilors from Douglas county. Judge George W. Doane represented the counties of Burt, Washington and Sarpy. In the house Samuel G. Daily, afterwards delegate in con-gress, entered public life as representative of Nemaha and Johnson counties. The late Judge O. P. Mason was there from Otoe, T. M. Marquette from Cass and the late Clinton Briggs and William A. Gwyer were in the delegation from Douglas. The late John tion from Douglas. Taffe afterwards a congressman from Nebraska, occupied the seat for Dakota, Cedar and L'eau Qui Court counties. E. H. Rogers of Fremont, who died while consul to Very Cruz in the latter part of the seventies, was doorkeeper of the house.
Secretary and twice Acting Governor Cum-

ing died March 12, and July 12 J. Sterling Morton became secretary of the territory. The Sixth Session.

The sixth session convened December 1859, with but few changes in the council. E. A. Allen who is occasionally seen upon our streets, but now lives elsewhere, was assistant light in the council. ant clerk. In the house many familiar names appear. Joseph E. Burbank, after wards indian tracer at Omaha agency, came from Richardson. Alex. Bain, now employed in the government printing office at Washington, was one of the representatives of O.c. William S. Latta, now of Tekamah, and Chief Justice Maxwell, now of Dodge, were in the delegation from Cass and Lan-caster. T. M. Marquette was again in his caster. T. M. Marquette was again in his seat. General Strickland represented Sarpy. Douglas sent A. J. Hanscom, D. D. Bilden, the late Harrison Johnson. George F. Kennedy, Judge George B. Lake and A. B. Malcomb. General Strickland was elected speaker, James W. Moore, now employed in the bureau of printing and engraving in Washington, then a resident of Nebraska City, was chief clerk. In the interim between the fifth and sixth In the interim between the fifth and sixth sessions Governor Richardson had resigned and had been succeeded by Samuel Black. Governor Black delivered his message to the sixth session on December 6. The following facts gleaned from the message will be of interest as showing the progress of the territory: "This territory was organized on May 30, 1854, and the first legislature convened on January 16, 1855. In that body eight counties were represented. Now, at the expiration of five years, twenty-three counties have their representatives in the legislature and thirty-five counties have been fully organized or their boundaries defined by law. The lands in Nebraska actually surveyed amount to 8,851,758 acres. The surveyes have been extended from the dividing line between Kansas and Nebraska, on the fortieth parallel, to the latitude of 42 degrees, 51 minutes, while the average death the fortieth parallel, to the latitude of 42 degrees, 51 minutes, while the average depth from the Missouri river is about 140 miles."

The sixth legislature was noted by the re-

newal of the efforts to abolish the institution | union. state government. Strictly speaking, Ne braska was not a slave territory. The bill erecting the territories of Kansas and Ne erecting the territories of Kansas and Ne-bruska left the slavery question to the de-cision of the settlers. The contest was an exceedingly bitter one in Kansas, but, owing to her geographical location, Nebraska did not offer a promising field for the extension of slavery. The first official census, taken in 1854, revealed the presence of but thirteen slaves. Most of them were brought to the territory by state officials coming from slave states, and it is probably the fact that their servitude was almost voluntary.

The failure of the first attempt to abolish slavery has already been noted. The friends

slavery has already been noted. The friends of the movement did not long remain idle. On December 7, 1859, William H. Taylor in-troduced in the council a bill "to abolish and prohibit slavery or involuntary servitude in the territory of Nebraska." It was referred to a special committee consisting of William H. Taylor, George W. Doane and George L. Miller. On December 12 two reports were submitted from that committee, one by Mr. Taylor favoring the bill and the other by or. Miller opposing it.
The bill made its appearance in the house

on December 7, being presented by Mr. T. M. Marquette. On the following day an at-tempt was made to lay the bill on the table, but it was unsuccessful. Then a motion to reject the bill was defeated by a vote of 24 to 11. On December 16 the measure was taken up by the committee of the whole house and amended so as to further prohibit the extention of slavery in the territory without effecting the status of the slaves already held.

After an unsuccessful attempt to strike out the enacting clause the bill was engrossed and passed to a third reading. The bill came up for its final passage on December 17. The opponents of the measure resorted to every form of parliamentary strategy to avoid a vote but their efforts were unavailing. The bill passed by a vote of 21 to 17.

In the council of December 20, considerain the council of December 20, considera-tion of the bill was indefinitely postpoued, and for a time the friends of the measure be-lieved that their efforts to make Nebraska a free territory were to be unsuccessful. On December 29 Mr. Little offered a joint resolution for the probibition of slavery in Ne-braska. It was objected to on the ground that the whole matter had been disposed of by indefinite postponement. The chair de-ciacu the point of order not well taken. The fesolution was then put in the form of a bill and passed. In its new form it was re turned to the house where it was amended and passed. On January 3, 1860, the council concurred in the amendments and the bill was finally sent to the governor. On January 9 Governor Black returned the bill with a veto. Thus the second attempt to make

Nebraska a free territory was a failure. Another notable feature of the sixth ses-sion was the first attempt to raise Nebraska to the dignity of statebood. In his message Governor Black had discussed the question of statehood, but gave it as his opinion that the population of the territory was hardly largo enough. In spite of the governor's views, however, the legislature at this session passed a bill entitled "An act to frame a constitution and state government for the state of Nebraska." The proposition em-bodied in the bill was submitted to a vote of the people on March 5, 1869, and was rejected by a vote of 2,372 to 2,094. The Seventh Session.

The seventh session of the legislature convened on December 3, 1863. Governor Black's annual message indicated that at that time the territorial debt amounted to \$50,000. Va rious matters of importance to the develop ment of the territory were discussed in the message. It was in this session that the message. It was in this session that the slavery question received its final quietus as far as Nebraska was concerped. On December 7 John M. Thayer introduced a bill in the council "to abolish slavery and involuntary servitude in the territory," The same bill had been introduced in the house the day previous by Representative Mathias. Both houses passed the bill but for a second time Governor Black interposed a veto. But the sentiment in favor of abolition had grown rapidly in the short time that had intervened between the sixth and seventh sessions and the friends of the measure had no difficulty in passing the bill over the veto.

In the seventh session the council was Douglas, John M. Thayer, David D. Belden, W. A. Little; Dakota, Dixon, Lean qui Court, John Taffe; Washington, John A. Unthank; Sarpy, Silas A. Strickland; Cass, T. M. Marquette; Otoe, William H. Taylor, John B. Bennett; Nemana and Johnson, T. W. Tipton; Richardson and Pawnee, E. Dundy; Cass, Otoe and Dodge, Samuel H. Elbert; Burt, Washington and Sarpy, John Q. Goss. W. H. Taylor was president, E. P. Brewster chief clerk, Daniei H. Wneelei assistant clerk, W. H. James sergeant-at arms, and D. C. Slader doorkeeper.
In the house the following names after

ward prominent in state affairs appear: F. A Fisdel, James Hacker, Hiram W. Parker, Amos Gates, John G. Redick, S. A. Lowe, Jool T. Griffin, Henry Grebe and Ezra Millard. George L. Seybolt was chief clerk, S. D. Bangs, assistant clerk, and W. A. Pollock doorkeeper.
The Seventh council contained an array of

The Seventh council contained an array of talent which marks it as one of the remark-able bodies of the territory. John M. Thayer was afterwards Nebraska's only major general of volunteers, one of the first United States senators, and later; governor of Wyoming and governor of Nebraska. John oming and governor of Nebraska. John Taffe served two terms in congress and died it North Platte as receiver of the land office Silas A. Strickland distinguished himself in the war of the rebellion, rising to the rank of brevet brigadier general and was afterwards honored with several important public offices. T. W. Tipton was General Thaver's colleague in the United States senate. E. S. Dundy has held several important offices has frequently been a prominent candidate for United States semator and for twenty-four years has presided over the United States district court. John J. Goss was the commissary of the Second Nebraska cavalry He continues to live at Beilevue and is en-gaged in the practice of law. Mr. D. H. Wheeler, the assistant clerk, has been a prominent figure in public affairs from the day he entered upon his duties until now and esides in Omaha.

The Republican Regime.

The year 1861 inaugurated a new era in the history of Nebraska. The territory had passed through the critical period of its ex-istence and was now on the highway of pros-perity. The national government had passed into the hands of the republican party and the political revolution had passed to Ne-briska. Alvin Saunders of Iowa had been appointed governor by President Lincoln, and A. S. Paddock, secretary.

Although appointed soon after President Lincoln was inaugurated, flovernor Saunders did not assume the duties of the office

until May. In the meantime the war of the rebellion had been inaugurated by the firing upon Fort Sampter. In response to the call for volunteers Governor Saunders issued a proclamation asking for the formation of companies. The response was immediate, and adthough at that time No. and although at that time Ne-braska had a population of but 30,000, the territory furnished 3,307 men to fight for the preservation of the union. These soldiers composed at least one-third of the able-bodied men of the territory, and consequently Nebraska furnished more troops in proportion to her population than many of the loyal states of the north. The record of the Nebraska troops in the war forms one o the brightest pages of her history.

The Eighth Session. The eighth session of the territorial legislature added its endorsement to the cause of the union by the adoption of a resolution to the following effect:

"That this body deem it its first duty to renew its vows of allegiance to the federal government and to reasirm its devotion to the constitution; that we regard secession and nullification as treason against the general government: that we enderse the declaration of congress that the war is not waged in any spirit of oppression or purpose of interfering with the rights of established institutions, but to defend and maintain the supremacy of the constitution; that whenever an American citizen un-sheathes his sword or shoulders his musket he shall leave the spoilsman, the partisan and the politician in a nameless grave behind

bim."
The adoption of the above resolutions left no doubt as to Nebraska's position in the great struggle for the preservation of the

Nor did Nebraska stop here. union. Nor did Nebraska stop here. She raised troops, not only for the defense of her frontier but for service against the armies of the confederacy. The history of Nebraska's part in the war is glanced at farther on. John Taffe was president of the council at the eighth session, R. W. Furnas was chief cierk, William Lehmer, still a resident of Omaha, assistant clerk; J. W. Chapman, now deceased, afterwards a leading republican politician of lowa and editor of the can politician of Iowa and editor of the Council Biuffs Nonpariel, was sergeant at-arms, and A. J. Warner doorkeeper. There were few changes in the personnel of the bouse. F. W. Sapp of Douglas, John Mc-Pherson of Nemalis, C. Blanchard of Sarpy, were the new names and S. M. Kirkpatrick appeared again for Cass, Otoe and Dodge, John McPherson became a prominent citizen old age at Republican City, which town he founded in 1869 or 1870.

In the house, A. D. Jones was speaker and George L. Seybolt, afterwards and now a postoffice inspector, was chief cierk. Dr. A. Hottler of Respective Design 1889 or 1870.

postoffice inspector, was chief clerk. Dr. A. S. Holliday of Brownville, David Butler of Pawnee, John H. Croxton and Dr. W. B. Larsh of Otoe, Nathan Blaxely of Gage. Henry T. Clarke of Sarpy, Joel T. Griffin, A. D. Jones, O. F. Davis and Aaron Cahn of Douglas, John S. Bowen and E. A. Allen of Washington and S. T. Leaming of Burt, are the familiar names to the present generation. David Butler, afterwards governor, N. B. Larsh, Joel T. Griffin, O. F. Davis and John S. Bowen have gone the way of all the earth. Bowen have gone the way of all the earth. Dr. Holliday remains, a resident of Brown-ville, Colonel John H. Craxton is a domocratic politician in Denyer, Henry T. Ciarke is a prominent capitalist in Omaha, Aarou Cahn is a rich retired merchant of this city and Captain Learning still clings to the hope that Decatur, where he makes his home, will

be a metropolis.

In his message to the ninth legislature. which convened on January 7, 1864, Gov-ernor Saunders referred at length to the pros-perous condition of the territory. He also paid a deserved tribute to the courage and high patriotism of the Nebraska volunteers and recommended legislation to relieve the necessities of the widows and orbhaus of those who died in defense of the flag. A resolution endorsing and upholding President Lincoln's emancipation proclamation

The tenth and eleventh sessions furnished but little of interest to the readers of these columns. The last session authorized the people of the territory to vote upon the ques

people of the territory to vote upon the question of statehood.

Among the prominent names of the ninth session were T. M. Marquette, J. E. Doom, afterwards known to fame as Limber Jim Doom, O. P. Mason, David Butler, John R. Perter, John McCormick, E. A. Allen, president, and Frank Weich. In the house were George B. Lake, speaker; B. E. B. Kennedy, Henry Grebe, F. Renner, C. W. Søymour, John P. Becker, N. S. Porter, John Evans, J. C. Lincoln, Amos Gates, J. W. Chapman, G. W. Fairbrother Gates, J. W. Chapman, G. W. Fairbrother and C. G. Dorsey. The reader will notice several names aiready prominent in affairs. John McCormick died in Omaha some years since, leaving a handsome fortune. Frank Welch also deceased, served Nebraska in congress nearly two terms. B. E. B. Kennedy continues to practice law in this city having held many offices, including that of mayor, Dr. F. Renner became a leading German politician and resides now as then at Nebraska City, where C. W. Seymour will also be found practicing law. John P. Becker recently passed away at Columbus where he lived at the time of his election to the legislature. N. S. Porter held various public offices and is now connected with the Indian service; J. C. Lincoln was a leading democrat and citizen of Richardson county for many years. O. W. Fairbrother was editor of the Brownville Advertiser and resides in Nemaha county now; has lately been one of the deputy oil inspectors. C. G. Dorsey resides now in Beatrice. He has likewise been frequently called upon to accept responsible positions under the federal, state and local governments.

In the tenth session several new names afterwards well known, appear in the roster of members. Thomas L. Griffey was a mem ber of the council. He died recently at Sioux City, where he was engaged in prac-ticing law. O. P. Mason was presi-dent of the council. S. M. Kirkpat-rick was speaker of the house. Charles F. Waither, a prominent Walther, German leader afterwards well known: Mar German leader, afterwards well known; Mar-tin Langdon, now a practicing attornoy in Omaha; Charles M. Conoyer, present secre-tary of the Omaha Board of Education; Charles H. Brown, the well known attorney of this city; W. N. McCandlish, a real estate agent of Omaha; Guy C. Barnum, John Cad-man and John D. Neligh, all won their first political spurs in the election preceding this political spurs in the election preceding this session. John Taffe was chief clerk and

session. John Taffe was chief clerk and Mitchell Fleming doorkeeper. The eleventh session of the territorial The cleventh session of the territorial legislature was made up of the following members: Council—T. L. Griffey, E. A. Allen, B. E. B. Kennedy, J. R. Porter, J. Albertson, J. S. Miller, J. W. Chapman, John Bennett, O. P. Mason (president), A. S. Holliday, O. P. Bayne, J. N. McCasland, The house—L. Crounse, William Parchen, J. D. Ramsey, John Jay Hart, John R. Butler, W. R. Phains, John Green, W. A. Politick W. B. Phelps, John Green, W. A. Poliack, John H. Maxon, James Thorn, M. S. Camp-bell, Albert Tuxbury, James A. Gilmore, Joseph Arnold, W. F. Chapin, Samuel Max-wall Bartispin, Austic, James Robinson yell, Berjamin Austin, James Robinson, John Cadman, Marcus Brush, T. H. Robin-son, N. P. Lefter, George B. Lake, J. W. Paddock, C. H. Brown, Fred Drexel, J. G. Megeath, J. G. Smith, Guy C. Baroum, E. H. Clark, Charles Eisley, Cornelius O'Connor R. H. Wilbur, L. E. Jones. James G Megeath was elected speaker, George May Chester Lusk sergeant-at-arms, and Denni Dugan doorkeeper. •

The Last Territorial Legislature.

The twelfth and last session of the territorial legislature was held January 10, 1867 in Omaha and its members were as follows:
Council—Barnabas Bates, John D. Neligh,
George W. Doane, W. Baumer, E. H.
Rogers, F. K. Freeman, Lawson Sheidon,
James E. Doom, M. S. Reeves, W. A. Presson and A. S. Stewart. The officers were: E. H. Rogers, president; O. B. Hewett, chief clerk; L. L. Holbrook, assistant clerk; E. A. cierk; L. L. Holbrook, assistant cierk; E. A. Kirkpatrick, sergeant-at-arms, and John Cadman, doorkeeper. House-John R. Butler, G. Duerfeidt, J. M. Duveese, Joseph T. Holle, George Crow, William Daily, Lewis Waldter, C. F. Haywood, W. M. Hicklin, J. R. Evans, A. F. Harvey, D. M. Anderson, D. Cole, W. F. Chapin, Isaac Wiles, A. B. Fuller, A. W. Gray, E. H. Hardenberger, E. L. Clark, George N. Crawford, A. W. Trumble, George W. Frost, D. S. Parmalee, Dr. Harvey Link, S. M. Curran, E. P. Child, J. E. Dorsey, John E. Kelley, L. J. Aubott, Amasa S. Warwick, Daniel Duggan, John Wallichs, Hugh M. Ross, Martin Stuefer and William Baker. W. F. Chapin was speaker, J. S. Bowen, chief cierk; W. S. Brewster, assistant clerk; J. M. Howard, sergeaut-at-arms.

EQUALITY BEFORE THE LAW.

State Motto Inspired By a Sentiment of the Immortal Charles Sumner, [Written for The Bee by Hon. John Gillespie, First Auditor of State,] On May 30, 1854, the organic act of con-gress was approved which opened the gov-ernment lands and gave to the territory its

rights under the name of Nebraska. At that time the territory of Nebraska en-braced all the country from the fortieth parallel to the British line and from the Missouri river to the summit of the Rocky mountains, comprising 351,558 square miles or four times its present area. But the ter ritory did not long retain the wide bound aries first assigned, successful encroach-men ts having been made in building up new territories, which took from us the whole of the mountainous district and left the terri-tory as at present constituted.

The growth of the territory received a new impetus during the years 1859 and 1869, when the Pike's Peak expedition set in by hunters for gold. Returning from a bootlets journey, disappointed where expectations were not realized, numbers of the gold seekers settled in the valley along the way and coined from the soil the gold they had falled to find in the mountains. In the meantime prosperous towns and cities had been springing up along the Missouri river and in the eastern portion of the territory and it only remained to build up a railroad system to complete its develop-ment. Congress having taken favorable action in 1860, the Union Pacific Railway company was organized and in the spring of 1866 work commenced upon that national

highway which gave a through line of rallway from ocean to ocean. Nebraska was twice refused admission to the sisterhood of states by thevete of Presi-dent Andrew Johnson, upon the grounds, as he alleged, that the population was not large enough to form a state government. When, for the second time, the president's veto was made known, a storm of dissatisfaction was made known, a storm of dissatisfaction arose and the bill was passed over the vete by a large majority in the house of representatives; but when a similar attempt was made in the senate one vote was lacking. Hon, Charles Sumner opposed the passage of the bill because, as he alleged, it contained no provisio "equality before the law." He would, ever, vote for the bill with the following pro



vision added: "Except upon the fundamenta condition that within the state of Nebraska no denial of the electoral franchise, or any other right, to any person by reason of race or color (except Indians not taxed) and upon the forther fundamental condition—that—the legislature of said state by a sciema public act shall declare the asient of the state to the said fundamental condition."

In order to meet the requirements of Senator Summer the territorial legislature was convened by special proclamation and the fundamental conditions ratified and the result transmitted to congress, upon receipt of which the senate passed the bill over the president's veto. It was this incident that caused the state to adopt for its motto "Equality before the law." Nebruska was the first state to extend the elective franchisches chise to the colored man.

EDUCATION.

Liberal Provision Made for the Support of the Public Schools. Nebraska is largely indebted to the gener sity of the national government for the secure foundation upon which the splendia public school system of the state has been reared.

By means of acts of congress the state received a total of 2,643,050 acres of public land for the support of the common schools. In addition there were 46,080 acres granted for university purposes and 90,000 acres for the support of the agricultural college. Up to and including 1870, 72,758 acres were sold at

an average of \$8.93 per acre.

The report of the state superintendent of public instruction for 1868 shows that the number of children of school age in Ne-braska in June, 1808, was 20,959. The state apportionment for that year amounted to \$14. The school population of Omaha today

exceeds that of the entire state in 1868. The following year the number of children increased to 32,619 and the amount appor tioned to \$77,992. The marked increase in the state fund distributed was due to demand for public school lands and the levy of a direct tax of 2 mills.

The whole amount distributed in 1870 was \$138,841.52. Of this sum, \$94,128 was derived from the 2 mill tax.

Only a small proportion of the receipts from school land sales was placed in the annual apportionment fund. A permanent fund was created, the interest from which, added to the amounts received from school land rentals, and a moderate tax make up

the bulk of the state school fund now annu lly distributed among the counties By careful husbanding the municipal done tion of the general government, the state had at the close of 1890 the following amounts in the general school funds:

During 1890 the receipts from school lands sold were—principal, \$529,520.32; school lands sold and leased, interest, \$608,509.93, and a fraction over \$100,000 was added to the uni versity, agricultural college and school funds, all derived from land sales and

The amount apportioned to the variou counties in 1889 and 1890 aggregated \$1,143. 853.91, against \$14.661.59 in the year 1858 From a total of 20,959 children of schage in Nebraska in 1868 the number has grown to the magnificent total of 400,000 i 1892, with an actual enrollment in the public schools alone of 256,531.

RAILRO ID PROGRESS.

Concerning the progress of the Union Pa cific the Message gives some interesting in-formation. At the beginning of 1866 the builders thought if the road reached Fort Kearney, a distance of 190 miles from Omaha, at the close of that year they would have been agreeably surprised. As a matter of fact the road was completed to the 305th mile post, seven miles beyond North Platte and four regular trains were running between that station and Omaha before the first o the year. Two hundred and sixty-two miles of track were completed in 1866, and the roadway was graded twenty-five miles be yond North Platte and the main line definitely located to the mountains. "It is cause for infinite congratulation to every Ameri-can citizen," says the Message, "that this great enterprise, which is to unite two oceans, and over which is to pass the commerco of two hemispheres, is rapidly ap proaching completion. To our own territory t must prove an inexhaustible source o

wealth."
The report of Territorial Treasurer Augustus Kountze shows the receipts for the year 1866 amounted to \$22,356.31 and the dis-bursements \$9,111.83, leaving a cash balance

of \$14,210.72. The report of John Gillespie, territorial auditor and school commissioner, furnishes many instructive facts. The estimate of ap propriation required to run the government during the year 1867 foots up \$11,925. During the preceding year \$2,407 was paid out for legislative expenses, \$2,049 for official salaries, \$2,000 on account of immigration bureau, \$2,048.10 for militia, \$444 for penitenders. tiary, \$2,509.57 for insane, and \$60 as bounty wolves and wild cats killed.

A STATEMENT.

Showing the number of miles, the assessed valuation per rule, and the total assessed valuation of railroads in the state of Nebraska, as determined by the State Board of Equalization May 8, 1891:

Name of Railroad.	No. of Miles.	Asses'd Val't'n	
		Per Mile	Total.
Burlington & Missouri Riv.	191.51	\$11,800	F 2.250.811
Omaha & Southwestern	50.84		845.71
Nebraska	136.35		722,65
Republican Valley	162.85	5,000	2,761.75
Atchison & Nebraska	107.59	5,000	607.00
Lincoln & Northwestern	73,13	4.500	329,08
Nebra ka & Colorado	480.71	4,000	1,122,84
Chicago, Nebraska & Kans.	5.28	4,000	21.12
Union Pacific	467.92	11,440	5.344.90
Omaha & Republican Valley	414.45	4,500	1.865,02
Kansas City & Omaha	199.46	4,000	774.79
Missouri Pacific	198.65	5,100	987,61
Mo. Pacific, Crete Branch.	58.18	11,500	200.69
Pacific Ry. Co. in Nebraska	71.22	8,500	249.23
Mo. Pa. Springf'ld & Pap'n	7.68	3,500	27,68
St. Joseph & Grand Island	112.58	5,500	618.91
Sloux City & Pacific	24,95	5,000	150.40
	1880 Til	5,000	4,900,00
Chleago, St. P., M. A Omaha Chleago, Kansas & Neb	260.16 141.28	5,000	1,300.60
Chicago, Rabana & Seb.	54.65	4,000	649,85
Chicago, R. I. A Pacific Repub. Val. Kansas & S. W	8,50	4,000	218.63
Grand Island & Wyo. Cen.	352.64	4,000 8,560	1.234.20
Omaha & North Platte	80.78	6,600	688,14
Lincoln & Black Hills	157.88	8,500	552,54
Oxford & Kansas	59.61	3,500	206.01
Kearney & Black Hills	65.73	3,000	197.11
Republican Valley & Wyo.	9.71	3,500	535.16
Kansas City & Beatrice	20,60	3.500	72.16
Nebraska & Western	123, 16	3,000	887.48
Atchison, Topeks & S. F	3,92	5,000	16,16
Total mileage	5,418.15		\$29.205.93

GENESIS OF THE CONSTITUTION

The Political and Constitutional Develope ment of Nebraska.

FROM TERRITORY TO COMMONWEALTH

How Nebraska, Purchased by the United States as Part of Louisiana, Attained Statehood Pursuant to Act of Congress, March 1, 1867.

On March 1, 1867, Nebraska was admitted into the union upon equal footing with the original common wealths of the United States, While entering upon the second quarter century of statebood, it will not be amiss to ook back upon her past career and to seek to discover how she attained her present polity ical and constitutional position. Govern ments may be created, but institutions grow the roots must be sought for beneath the trunk. An outline of the political and constitutional genesis of Nebraska must, I take it, begin almost as far back as the discovery of America. The reception of Nebraska into the union as a commonwealth can only be regarded as the turning point in a process of political evolution, not as its baginning. And so encof the forty-four commonwealths now comprised within the United States had passed under more forms of government of involved more points of constitutional law in its short history than this. It is true that the first permanent white settlement within her boundaries was not made until 1817, and that In the sense of a people organized within a given territory no commonwealth can be said to have existed before 1867, yet it is nevertheless important to trace the changes in the constitution of those governmental authorities which have successively exercised control over the land itself.

With the realization of the importance of the discovery of America, all the leading, European powers, true to the commercial policy of the time, laid claims to exclusive sovereignty over all or portions of the new continent. Their rights as against those of the aborigines did not trouble them; they assumed it to be their duty to carry the torch of civilization to all parts of the less civilized world. Their rights as against those of one another occasioned more difficulty and the theories advanced to justify the various claims were irreconcilable. The pope, as representative of God on earth, issued a bull appropriating the whole western hemisphere to the Catholic majesty of Spain, England and France based their claims apon the right of discovery and exploration. The smaller states rested upon still a third theory, namely, the rights given by occupation and settlement. It was soon seen that the last was the only true basis for acquiring dominion over new lands, and in reality the claims of all the powers were fluxly settled accordingly. In this division of spoils, that part of the continent now included within the boundaries of Nebraska was secured by France as part of the province of Louisiana. If we inquire into the constitutional form of the French state at that time, we will find that while the people were probably conscious of their own sovereignty, the only political organization was in the absolute monarchy, the monarch exercising unlimited governmental power, The exercise of sovereignty, over Louisiana was thus vested in the French monarch alone and any person settling in that province would have no political or legal rights other would have no political or legal rights other than the French king chose to confer. The transfer of that torritory to Spain by the secret treaty of Paris, signed November 3, 1762, merely moved the center of government from Versailles to Madrid. The Spanish state resembled France in political organization and the control of the province continued to reside in the month. the province continued to reside in the monarch. The treaty of cession, it is important to note, has never been published so that if any definition of the boundaries was at tempted, it was not known to other powers.

The Purchase of Louisiana. By the treaty of San Ildefonso, October 1,

1800, Spain receded Louislana to France without definitely describing it except by reference to the document of 1762. France was no longer under monarchy; Napoleon was at the nead of affairs as first consul. Fo the first time, the domain now included within Nebraska came undera constitutiona orm of government. But for the moment this change was only nominal. The United States viewed with concern the treaty which made powerful France its neighbor on the west in place of impotent Spain. sioners duly appointed by President Jefferson finally came to an understanding with the representatives of Napoleon which resulted in the acquisition of Louisiana by the Daited States. Actual possession of the territory had never passed from Spain. As a conse-quence, the de facto government was transferred directly from Spain to the United The treaty ceding Louisiana was ratified

by the United States October 21, 1803. It provides for the cession of "the colony or province of Louisiana with the same extent that it now has in the hands of Spain and that it had when France possessed it and such as it should be after the treaties subsequently entered into between Spain and ther states." thus in no way defined even by reference to preceding treaties except as to the eastern boundary. In this grant was included the present territory of the state of Nebraska although a cloud may possibly still have rested upon the title to the extreme western portion. The treaty includes several stipulations in regard to the resident population. "The inhabitants of the ceded territory shall be incorporated into the union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the meantime, maintained and protected in the free enjoyment of their liberty, property and the religion which they profess." The United States further agree to execute existing treaties between Spain and the Indians until dissolved by mutual consent and also to confer certain exclusive advantages upon French and Spanish ships for a period of twelve years. As compensation for this great sacrifice on the part of Napoleou, a separate convention provided for the pay-ment by the United States of 60,000,000 francs as well as the claims of our citizens for debts due from French citizens to the amount of 20,000,000 francs, and it also stipulated the manner in which bonds for the payment of the same were to be executed.

The scruples of Jefferson as to the constitutionality of the treaty were awakened even

before it was sent to the senate for ratifica-tion. Theonly clause in the federal constitution upon which the transaction could nossibly rest was that granting the executive the treaty-making power. If territory could be purchased by treaty, there would be no logical limit whatever to the power. The president and sensts might by treaty bind the nation to any proposition when there might be no possibility of getting the house of representatives to assent, and such a treaty would be the supremeiaw of the land. Jefferson saw all this and went so far as to draw up a constitutional amendment to legalize the arrangement, but finally took the con-firmation of the treaty by the senate and the appropriation by congress of the money agreed upon as approval of his course and let the matter rest. The purchase of Louis. iana, though legitimate and necessary, was one of the greatest stretches of constitutional interpretation that has ever taken plea. Its justification lies in this fact and in this alone; that the state was compelled to attain its natural geographic boundaries. Whether or not we adhere to any doctrine of inherent and in-alienable natural rights of individual man, we may subscribe to the theory of natural rights of the state. A most apt formulation of this theory was made by Gallatin at this very tme. He wrote: "To me it would appear that the United States as a nation have as