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LINCOLN, NEB.:

STATE JOURNAL COMPANY, PRINTERS.

1898.

LINCOLN, NEBRASKA, June 1, 1898.

To the Hon. Silas A. Holcomb, Governor of Nebraska :

SIR—In accordance with the provisions of law, we herewith submit our report of the proceedings of the State Historical Society for the past year.

Very respectfully,

J. STERLING MORTON,

President.

HOWARD W. CALDWELL,

Secretary.

NEBRASKA STATE HISTORICAL SOCIETY.

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I.—HISTORICAL PAPERS.

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THE PONCAS.

Presented at the session of the State Historical Society, January 16, 1895, by Jay Amos Barrett.

Few people, perhaps, notice that the census reports of 1880 and 1890 do not agree about the area of Nebraska. Indeed the small difference of about 600 square miles might easily be supposed to be due to correction of estimates, in the case of a state having nearly 80,000 square miles within its borders. There is, however, a long story to tell about that matter, and a simple statement of it I now offer you.

In 1882, a law* of the United States gave to Nebraska the land north of the Niobrara river that had previously belonged to Dakota. Our northern boundary follows the forty-third parallel eastward to the Missouri river. Before 1882, it followed this parallel only to the Keya Paha branch of the Niobrara, and these two streams constituted the remainder of the northern boundary to the Missouri. In and about the corner of lowland, prairie, and hills between the Niobrara and the Missouri, the earliest white explorers found a tribe of simple Indian folk, living by the chase and by primitive horticulture, unassuming, generous, and brave. The report of the expedition of Lewis and Clark to the northwest, which reached the confluence of these rivers in September, 1804, has this item:

"The two men whom we dispatched to the village of the same name, returned with information that they had found it on the lower side of the creek; but as this is the hunting season, the town was so completely deserted that they had killed a buffalo in the village itself. This tribe of Poncaras, who are said to have once numbered 400 men, are now reduced to about fifty, and have associated for mutual protection with the Mahas, who are about

* 47th Congress, 1st sess., chap. 52: U. S. Statutes, vol. 22, pp. 35, 36.

200 in number. These two nations are allied by a similarity of misfortune; they were once both numerous, both resided in villages and cultivated Indian corn; their common enemies, Sioux and small-pox, drove them from their towns, which they visit only occasionally for the purpose of trade; and they now wander over the plains on the sources of the Wolf and Quicurre rivers.”*

The numbers given by travelers concerning tribes of Indians are rarely accurate. Between the beginning of this century and the time of accurate statistics in recent years, the number of Indians under the care of the government has been variously estimated. In fact, even the Secretary of War and the Indian Commissioners varied 340,000. Samuel Parker, in an account of his travels from 1835 to 1837, came nearer the truth when he said: “The Ponca Indians * * * number six or eight hundred and speak the same language as the Omahas.”† While explorers, traders, hunters, and missionaries followed the Missouri to its source, or traveled the plains through which the Platte slowly makes its way to the sandy bottoms at its mouth, the Poncas attracted little notice. Chance paragraphs now and then said there was such a tribe; that they were related to the Omahas and spoke the same dialect; and that they occupied “all the territory between the White Earth river and the Niobrara.”

The United States came into treaty relations with them first in 1817. Perpetual peace and friendship were declared, every injury was to be forgot, and the Poncas acknowledged the supremacy of the United States. French traders had been much up and down the river and across the country in the early years of this century, and when the Louisiana country came under the laws of the rising western republic the agents of this new power gradually found their way up the Missouri from St. Louis. At first, one general agent dealt with the tribes. Then division of labor began with a second agent for “the tribes on the Missouri above the Kansas.” Even he resided at St. Louis. During the war of 1812, the axe which the agents had to grind, under the

* Lewis and Clarke's Travels (London, 1815), I, 91.

• † Journal of an Exploring Tour, 1835, '36, '37 (Ithaca, 1842), p. 45.

superintendency of Mr. Clarke, governor of Missouri territory, was the prevention of British influence from the north. An *Indian Report* says of Manuel Lisa, who was agent and interpreter in 1815 at a salary of \$548: "He has been of great service in preventing British influence the last year."* Presents were made to the Missouri tribes in 1814, "by order of William Clarke," to the amount of \$11,847.58, "to counteract British influence, and set them at war."† A few years later, the agent of the Missouri tribes was located at Council Bluffs, a height of land overlooking the Missouri from the Nebraska side, where the brave and hardy explorers of 1804 entertained some Indian chiefs in council. On the heels of the movement of the military up the river came the Ponca treaty of 1825.‡ Mutual concessions were made. The government agreed to protect the Poncas, and the tribe in turn agreed not to supply the enemies of the United States with necessaries. They again acknowledged the supremacy of the United States, guaranteed protection to authorized agents of the government, and it was agreed that all trade should be at some designated point. The question that presented itself to the authorities at that time was almost wholly one of trade. Reports are full of it. Members of congress tried their minds upon the utility of the so-called "factory system," and their acts make a long story of the rise and fall of trading houses. Meanwhile the tribes went on their semi-annual buffalo hunt, to secure robes and furs for trade, and subsistence for themselves. The years between the treaty of 1825 and the opening of the lands west of the Missouri to the rising tide of fortune hunters and settlers, were not eventful for these Indians, but they were big with promises of what the pale-face would bring with him and of what he would take away from them. The curse of strong drink came with the stranger; but fortunately, the chapters of awful misdeeds that may and will be recorded about that need not be written of the Poncas. This same stranger took from them their lands.

* Amer. State Papers, Indian Affairs, II, 76.

† Amer. State Papers, Indian Affairs, II, 75.

‡ Amer. State Papers, Indian Affairs, II, 595-596. U. S. Statutes at Large, VII, 247-249.

With the *Kansas-Nebraska Bill* in 1854, the so-called "Indian Country" of our western plains passed into history. Immigration set in from the well populated east and the half occupied Mississippi valley, until there was left in the vicinity of the Missouri hardly a section of land across which the settler had not passed. The reports of Indian officials from 1850 to 1856 make almost no reference to the Poncas. The agent for this section of country had a score of tribes to deal with during a portion of this time, and he could not be expected to pay any attention to such an insignificant and harmless tribe as the Poncas. A chance reference to them in the report of 1855, however, says that the Pawnees and the Poncas, who with the Omahas, Otoes, and Missouris constituted the Council Bluffs agency, were in an "unsettled state."* The superintendent writes: "The Poncas have also been guilty of depredations, and have the character of lawless Indians." It is "very desirable that the Pawnees and Poncas should be brought under some restraint." "It is understood that the Poncas are anxious to make some treaty arrangements." The report of the next year gives a clue to the cause of this unusual restlessness. Writing from St. Louis in September, 1856, the superintendent thus alludes to the Poncas:

"The Ponca Indians have no existing treaty with the United States, and such is also the case now with the Pawnees. The former tribe inhabits the valley of the l'Eau qui Court, and the adjacent country below that river. They plant corn to some extent, but pass much of their time on the roads leading to the Platte. Their lands are being settled upon by squatters."† The commissioner of Indian affairs, too, remarks: "From the uncertainty of reaping the fruit of their labors," the Pawnees and the Poncas "seem to be depressed."‡

The circumstances leading up to the treaty of 1858 seem to be clear. The Indians on their part were anxious to have some sort

* Mess. and Docs. of U. S., 1855-'56, I, 325.

† Mess. and Docs., 1856-'57, I, 619.

‡ Mess. and Docs., 1856-'57, I, 559.

of a safeguard against the tide of population that was beginning to encroach upon their lands. I say "their lands," for they lived by what their district supplied them. Their idea of possession was very unlike ours. They did not conceive of individual ownership of the soil, and their claim to occupancy of a district ceased as soon as there failed to be anything to support them. They then emigrated.

On the part of the government and the Indian Commissioner there was a desire to systematize dealings with the Indians, and to confine the tribes within certain bounds. When both parties were willing to have a treaty it was not long in forthcoming.

On the twelfth day of March, 1858, in the city of Washington, six chiefs of the Ponca nation concluded a treaty with the government of the United States, by which they gave up all the lands that had supported them, except a small reserve about twenty miles long and six miles wide, lying between the Niobrara and Ponca rivers.* Under the second article of this treaty the United States agreed: First, "to protect the Poncas" in the possession of this tract of land, "during good behavior on their part," and to protect "their persons and their property thereon." Secondly, to pay them or to expend for their benefit certain annuities described in the treaty. Thirdly, to expend \$20,000 in subsisting the tribe during the first year, while they should be accommodating themselves to their new location and adapting themselves to an agricultural life. Fourthly, to establish and to maintain for ten years a manual labor school, or schools, for the education and training of the Ponca youth in letters, agriculture, the mechanic arts, and housewifery. Fifthly, to provide the Poncas with a mill suitable for grinding grain and sawing lumber. And finally, to expend \$20,000 in liquidating the existing obligations of the Poncas. The right of eminent domain was asserted by the government, the same as for any other land under the laws of the United States.

As the government agreed to protect the tribe, they in their turn agreed not to enter into hostilities with other tribes.

*Treaties of U. S. (Boston, 1860), pp. 65, 66.

Such was the agreement under which this little tribe of Indians commenced their struggle towards a realization of the happiness which they supposed the whites enjoyed. Perhaps the most remarkable provision, everything considered, is the article touching intemperance, which reads as follows:

"To aid in preventing the evils of intemperance, it is hereby stipulated that if any of the Poncas shall drink, or procure for others, intoxicating liquor, their proportion of the tribal annuities shall be withheld from them for at least one year; and for a violation of any of the stipulations of this agreement on the part of the Poncas, they shall be liable to have their annuities withheld, in whole or in part, and for such length of time as the President of the United States shall direct." Whatever may be said of its severity, the effect was certainly wholesome. I question if there has been a more exemplary set of Indians west of the Mississippi than these have been since that treaty.

In 1865 a supplemental treaty was made. In place of a portion of the other reserve,—the greater portion be it said,—they were given somewhat more land farther down between the Ponca and Niobrara rivers and the greater portion of six fractional townships south of the Niobrara. They then held the land on either side of the Niobrara for four or five miles immediately above its mouth, with some frontage upon the Missouri. The government did this, in the words of the treaty itself, "by way of rewarding them for their constant fidelity to the government and citizens thereof, and with a view of returning to the said tribe of Ponca Indians their old burying grounds and cornfields."

Here was the basis, in these two treaties, of a permanent settlement of all questions that arise between the government and its wards, as far as the Poncas were concerned. They had given up their old life, except that they sometimes got permission to hunt buffalo, when reduced to starvation; they had settled down to an agricultural life; they adhered to the letter of their agreement, in their relations with the other Indians; and there is not a single report of the Indian agents from 1858 to the time of the third act in his drama, in 1877, that does not speak in the highest terms

of this little band. During this period their average number was 809. Their interest in improvement and their real successes you may gather from the paragraphs found here and there in the reports of the officials.

In 1866 it was said:* "There are, however, two tribes in this superintendency (Poncas and Yankton Sioux) who have for a number of years been settled upon reservations adjacent to the white settlements, and who have generally taken the first steps toward improvement and civilization and it is believed they are prepared to make another advance. * * * It is believed to be proper at this time to offer encouragement for a second step," the opening of schools. The Commissioner said in 1869:† "The Poncas are the most peaceable and law-abiding of any of the tribes of Indians. They are warm friends of the whites and truly loyal to the government, and they fully deserve its consideration and protection."

In 1873‡ the agent, Mr. Birkett, commenced the plan of distributing the supplies to families, instead of putting the supplies into the hands of the chiefs, to be allotted to the families attached to them according to fancy or favor. There were at this time three villages, located within two miles of each other: Agency Town, Fish Village, and Point Village. The government had kept its promise to erect a sawmill, and in the winter time, when ice covered the rivers, logs were brought from the islands. In 1862, almost entirely by the work of Indians, 35,000 feet of lumber were cut. From 1868 to 1876 very nearly half a million feet were reported cut, of which 150,000 were cut in 1871.

The system, or lack of system, of distributing rations gratuitously among the families or heads of families, was abolished in 1873 also. The plan must work greatly to the prejudice of close application and industrious habits generally. In place of that, they substituted the rule that each Indian, in order to get his share of supplies, must do his part of the daily work in the field

* Rept. Sec. Interior, 1866-'67: Letter of Gov. Newton Edmunds, Sept. 22, 1866.

† Rept. Ind. Com., 1869, p. 753.

‡ Rept. Ind. Com., 1873, p. 240.

or at the mill or in the shops. The old and the sick were excepted. The innovation worked to a charm; for soon the head chief of the full-bloods, White Eagle, the very last to adopt the plan, before the year was over, guided both a reaper and a mower. They were said in the years 1874 and 1875 to be "peaceable, agriculturally disposed, provided with good lands and plenty of farming implements, and not utterly averse and unaccustomed to work."

The story about the farming implements does not tally with a report a year or two later, which says: "They are peaceable and well-behaved, and have worked faithfully during the past five months, considering the many difficulties they have had to contend with—the repeated attacks by the hostile Sioux, the scarcity of farming implements, etc. Many of the Indians were obliged to cut their wheat with butcher knives, owing to the fact that we have only one reaping machine and could not get around in time to harvest it; consequently much of the wheat crop was lost."*

The misfortunes that came to these well-deserving people were many. The fact that there was no game whatever upon their reserve would not have disheartened such sturdy fellows if their crops had been successful. But with the exception of two or three seasons, crops failed successively. Sometimes grasshoppers came and the crop departed with them. Infrequently, the Missouri flooded the bottom lands where their farms were, and left no hope of sufficient subsistence. When these evils came not, perchance they saw a fair harvest shrivel at the touch of thirsty winds. But all these together worked much less injury to their cause than the Sioux. From earliest years scarcely a report fails to mention the "hostile Sioux." These Dakotas were many tribes, and added to superiority of numbers was an aggressive temperament that made them a terror to all the Indians in the Platte valley. Only the Pawnees seemed to contend successfully with them.

The Dakota tribes situated nearest to the Poncas crossed the latter's reserve on their way to hunt in the Platte valley, and

* Rept. Ind. Com., 1876, p. 32.

never failed to express in an Indian's way their contempt for "treaty Indians." In their daily or weekly visits they stole the horses of the Poncas, killed their oxen, and sometimes in the skirmishes that ensued killed members of the tribe. The agent was powerless to do more than place in a defensive attitude the Indians under his charge. They had given up their arms to the government; but there were a few guns on the reservation that could be used. The agent called upon the army officials to station soldiers at the agency. Half a dozen were finally placed there. Later, as many as fifteen were allowed for protection against bands of Sioux numbering 200 to 300.

The Poncas became so terrorized that they could be removed scarcely far enough from the agency buildings to do the farm work. The hostile Indians frequently showed themselves at the tops of the bluffs in sight of the agency and shot at anything in sight. Some feeble effort was made by the commissioner to secure protection. In 1871, this small paragraph found its way into the *Report of the Commissioner of Indian Affairs*: "The government owes them (*i. e.*, the partially civilized tribes) the protection of their rights, to which it is solemnly pledged by treaty, and which it cannot fail to give without dishonor."*

How did the Indians themselves behave under these circumstances? I will read you for answer two excerpts from the reports. The agent in 1863, referring to the failure of crops and the destitution of the Indians, says:†

"The Poncas have behaved well; quite as well, if not better than, under like circumstances, the same number of whites would have done. I have known whole families to live for days together on nothing but half-dried cornstalks, and this when there were cattle and sheep within their sight. If I had given them what beef they could have consumed, the fifty head at this agency would not have lasted them ten days. * * * If there are any Indians who deserve the charity of the government, the Poncas do."

* P. 17.

† Rept. Sec. Interior, 1863-'64, p. 279.

Governor Newton Edmunds, of Dakota territory, wrote in 1866:* "Since my acquaintance with this tribe for a period of upwards of five years, they have remained faithful to their treaty obligations in every particular, under circumstances that would have palliated, if not excused, a hostile attitude on their part."

Here, then, was a problem: A tribe of Indians willing to work, placed where they were unable to gain a living by the chase, and where by a fortuitous combination of circumstances they were unable to raise enough to subsist themselves from year to year. Their annual appropriations, while apparently large, afforded very insufficient means of living when expended upon various kinds of things: the school, the two mills, the agricultural machinery, clothing, labor of government blacksmith, physician, and farmer,—every separate item of this kind drew upon their funds until an appropriation of \$20,000 went but a small part of the long way to a tolerable condition of life.

From the Indians' own standpoint a solution could be had in this way: They might go down to their cousins, the Omahas, where there was apparently subsistence enough, and certainly land enough, for both. At the failure of their crop in 1863, in fact, they did go there and the Omahas shared their own corn with the Poncas. The secretary of the interior suggested in his report for that year that the Poncas perhaps could be settled upon the Omaha reserve. Several times this was suggested, and in one report it was declared that both tribes desired it and that there was nothing lacking except funds for purchasing lands of the Omahas and for expenses of removal.

Meanwhile the government had greatly complicated matters by a treaty with the Sioux tribes, in which all the Ponca lands were included within the territory granted to the Sioux. It may be true that the Ponca language is properly classified as a "Siouan dialect." But it is very clear that the Sioux did not regard the Poncas as one of their kind. The Brule Sioux, from whom the Poncas seem to have suffered most, told them long before this treaty that the country where the Poncas hunted was

* Rept. Sec. Interior, 1866-'67, p. 178.

Sioux territory. After the unfortunate treaty of 1868, the continuance of the Poncas within the Sioux reservation was construed by the Sioux as a breach of the treaty by the whites. From more distrust came more hostility towards both Poncas and whites. Instead of correcting the mistake of extending the Sioux reserve over the Ponca lands; instead of affording sufficient protection to these defenseless Indians at their original establishment upon the very border of hostile territory, the slow machinery of our government found another way. There appears no evidence in the reports through which I have looked that the Indian commissioner seriously considered the proposition to locate the Poncas and Omahas together. It was determined to locate the Poncas in Indian Territory, nominally with their consent, really without it.* By 1876, when money was appropriated for the purpose of relocating them, "with their consent," better times had come. The Sioux had quite ceased to trouble them; crops were better; and they were much more contented to remain in their native land than go to others they knew not of. Said the agent sent out from Washington: "An order has been issued to take the tribe to Indian Territory." In the council of his tribe, assembled to hear this, Chief Standing Bear replied:† "This land is ours. We never sold it. We have our houses and our homes here. Our fathers and some of our children are buried here. Here we wish to live and die. We have harmed no man. We have kept our treaty. We have learned to work. We can make a good living here. We do not wish to sell our land, and we think no man has a right to take it from us. Here we will live and here we will die."

"The Indian Territory is a very much better country," was the answer. "You can raise more grain and not work near so hard. If you once see it you will not want to stay in Dakota. Let the chiefs go down and look at the land and if they do not like it the Poncas may stay where they are. And if they want to sell the Great Father in Washington will buy your Dakota lands and give you all the land you need in Indian Territory."

* Rept. of Com., 1876, p. xvii.

† The Ponca Chiefs, pp. 2, 3.

The tribe chose ten of the leading men to look at the country. They came, they saw, but they did not choose. They preferred their own lands in Dakota. The officials of the government now began to use *shall* instead of *may*.

Upon repeated refusal of the chiefs to consider the matter, the the commissioners lost their temper. "Then stay here and starve," they said; and they left the Indians to be arbiters of their own fate. The ten Poncas saw sickness there, and stony ground, and they said: "It is better for ten of us to die than that the whole tribe, all the women and little children, should be brought there to die." Eight of the ten commenced the journey home on foot, two being old men, too feeble for such exertion. In fifty days they reached the Otoe agency in southern Nebraska. With the help they obtained of the Otoes, the rest of the journey was made more rapidly. Again at the Ponca agency, they found those same agents and officials. Standing Bear's temper now got the better of him, and he said:

"What are you here for? What business have you to come here at all? I never sent for you. I don't want anything to do with you. You are all liars. You are all bad men. You have no authority from the Great Father. You came out here to cheat and steal. You can read and write and I can't and you think you know everything and I know nothing. If some man should take you a thousand miles from home, as you did me, and leave you in a strange country without one cent of money, where you did not know the language and could not speak a word, you would never have got home in the world. You don't know enough. I want you to go off this reservation. You have no business here, and don't come back until you bring a letter from the Great Father. Then if you want to buy my land, bring the money with you so I can see it. If I want to sell, I will talk with you. If I don't, I won't. This is my land. The Great Father did not give it to me. My people were here and owned this land before there was any Great Father. We sold him some land, but we never sold this. This is mine. God gave it to me. When I want to sell it, I will let you know. You are a rascal and a liar,

and I want you to get off my land. If you were treating a white man the way you are treating me he would kill you and everybody would say he did right. I will not do that. I will harm no white man, but this is my land, and I intend to stay here and make a good living for my wife and children. You can go.”*

The half-breeds were the only part of the tribe that wanted to go. The Poncas refused. On the 17th of April, 1877, 170 members of the tribe, mostly half-breeds, accompanied the agent across the Niobrara river and began the journey on foot towards the Indian Territory. Mr. E. A. Howard, just appointed their new agent, reached Columbus in time to meet this detachment there. He left this advance guard with the former agent, and made his way to the Ponca reservation. Several councils were called without avail. Finally, when the United States soldiers had been sent for, and it was represented to the Indians that the soldiers were coming to fight with them, they sorrowfully chose the other alternative.

This journey was also by foot, at a time when rains detained them and swollen streams lengthened their long way, and the slippery path made home-leaving doubly hard. With heavy hearts the tribe moved their baggage across the Niobrara on the 16th of May, and traveled fifty-four days before they reached the new location in Indian Territory, tired and sick. The first part of the tribe had occupied two days longer than this in their trip. A last word from the agent, taken from his report for that year, will be sufficient to show the lack of foresight, the deliberate stupidity, the brutal neglect, of the government in the last act. After reporting the details of this injustice, Mr. Howard writes:†

“I am of the opinion that the removal of the Poncas from the northern climate of Dakota to the southern climate of the Indian Territory, at the season of the year it was done, will prove a mistake, and that a great mortality will surely follow among the people when they shall have been here for a time and become

*The Ponca Chiefs, 7, 8.

† Rept. Indian Commis., 1877, p. 100.

poisoned with the malaria of the climate. Already the effect of the climate may be seen upon them in the ennui that seems to have settled upon each, and in the large number now sick.

"It is a matter of astonishment to me that the government should have ordered the removal of the Ponca Indians from Dakota to the Indian Territory, without having first made some provision for their settlement and comfort. Before their removal was carried into effect an appropriation should have been made by congress sufficient to have located them in their new home, by building a comfortable house for the occupancy of every family of the tribe. As the case now is, no appropriation has been made by congress except of a sum but little more than sufficient to remove them; no houses have been built for their use, and the result is that these people have been placed on an uncultivated reservation to live in their tents as best they may, and await further legislative action."

The trials of this brave and patient people during the years that have intervened between that sad day and the present may sometime be told as a sequel. Only one other chapter remains to be written of them, in their relation to Nebraska, and that may not here be given. It is the attempt of a number of the Poncas to return to their native place, known in law as the *Ponca Habeas Corpus Case*.

This very small and insignificant tribe of Indians has cost the government of the United States, in appropriations, about \$1,280,000. Its members are perhaps no happier to-day than they were 100 years ago, and much of the time during which the United States has acted as their guardian, the Poncas have been in actual distress.

If a small tribe costs a million and a quarter, what does a large tribe cost? A single instance will suffice to show how it sometimes costs. In 1877, the same law which set apart \$15,000 for removal of the Poncas, appropriated outright, in one lump sum, \$1,125,000 "for subsistence, [for the Sioux] including the Yankton Sioux, * * * and for other purposes of their civilization." The same act also appropriates, besides this, in several

small sums, \$419,600. The government had to be more liberal in dealing with the Sioux, for they were crafty fellows.

Where two generations ago the Ponca chiefs led their warriors in the chase, and where later these tried as best they could to learn the white man's ways and endured untold hardships to keep unbroken the word of promise which they held sacred, white farmers now follow the plow, unconscious of the pitiful story acted out upon that soil.

A BRIEF SKETCH OF THE LIFE OF CAPTAIN P. S. REAL.

Read before the State Historical Society, January 14, 1896, by Father William Murphy, of Seward.

Captain Patrick Sarsfield Real, by birth an Irishman, catholic in religion, in political affiliations republican, at the age of sixteen, immigrated in 1851, with his parents to Peoria county, Illinois. The months of the year not occupied with the labors of the farm he spent in assiduous application to the studies afforded him in our public schools at that time, and thereby developed and rendered more perfect the qualities of a mind which nature had already made more than ordinarily strong. By the training thus received, a training admirably calculated to mature and invigorate the qualities of mind, heart, and body, for the reason that the influences of home and the school and the farm combined, like so many potent forces, in exerting all their power at the same time on the same individual at the formative period of life, he became well fitted for the duties which patriotism afterwards called upon him to perform in that great contest which was forever to decide whether free institutions were to continue to exist, or be forever supplanted by the political serfdom which before the declaration of independence had claimed that man was made for the government, and not government for the man.

About the time the first shot was fired on the flag at Fort Sumter, Captain Real was detained by sickness in a hospital in the city of New Orleans, Louisiana. One day, feeling better than usual, he took a short walk to a neighboring park, where, sitting in the midst of a group of men, he listened for a short time with feelings of growing indignation to their intemperate and disloyal conversation. At length, with that calm, determined, resolute manner characteristic of him, he interrupted the conversation by declaring that the Union had a claim on his loyalty, not only because he had sworn to defend it, but also because it was

the best government on earth, and possessed, moreover, the absolute affections of his heart. He called upon those present to point out a single wrong ever done to any citizen by that government. Such language seems simple and easy in 1896, but in 1861, in the city of New Orleans, alone and far from loyal citizens, it required something of the heroic to give utterance to it. Having been immediately informed that a longer residence in that city would endanger his safety, he set out in a day or two for St. Louis, where, responding to the first call of Abraham Lincoln in 1861, he enlisted as a private in company E, Seventh regiment of Missouri volunteers, from which he was transferred one year later to company K, Ninetieth regiment of Illinois volunteers.

Right here he again manifested one of his remarkable characteristics. His soldierly and civic virtues attracted to him the attention of his comrades, and won their confidence to such an extent that in the election of officers he was chosen captain, to the exclusion of him who had enlisted and formed the company. While Mr. Real ardently desired that office on account of the honor and greater opportunities it gave him of performing more effective deeds for his country, he nevertheless refused to accept it, and informed his comrades that justice and honor required them to elect for their captain him who had labored so patriotically to enlist the company, and that he himself was determined for the present not to wield the sword, but to shoulder the musket. The other was accordingly elected captain, but after a short experience in the field had to retire, because he wanted those qualities which alone can win the confidence of men in actual warfare. Mr. Real was immediately elected to the vacancy and was distinguished by his soldierly virtues to the end of the war, in which he participated in twenty-five general engagements, among which may be mentioned Lookout Mountain, Missionary Ridge, and all through the Atlanta campaign. To have been a soldier of that army in such a campaign, familiarly known as Sherman's march to the sea, to have shared the hardships, to have overcome the dangers, to have won every battle in obtaining the objective of a campaign so unique in the history of warfare,

either ancient or modern, to have followed a commander so distinguished for extraordinary military genius and success that he stands out alone in all history, is glory enough for any man, how exalted soever may have been his rank. It is enough for Captain Real to have performed well the duties that devolved upon him as a captain in that magnificent array of wonderful men, and thus with theirs to have his name written upon the scroll of immortality.

I will now narrate some of those actions which portray a few of his special characteristics. He took special pleasure in speaking in the highest terms of his commander, General Sherman, and of the absolute confidence reposed in him by the soldiers. Nothing, how small soever it apparently might be, was beneath the attention of that general. On one occasion Captain Real wished to mail a letter he had written to the young lady who afterward became his wife. It happened that he inquired of some soldiers marching by about the mail agent. General Sherman, who had not been noticed, was close by on horesback, and hearing the captain's inquiry, said to him: "Captain, I will take charge of your mail and see that it will be forwarded." It was by such courtesies and attentions, seemingly small, as well as by his transcendent abilities, that General Sherman won the hearts of his soldiers and fused them into one with his own.

Although engaged in the terrible business of waging war, Captain Real did not deem it necessary to become sullied with any vices. He looked upon war as the supreme effort of man to administer justice. He revered justice as one of the four cardinal virtues. In the exercise of virtue he could not see why vice should be contracted. While striking heavy and deadly blows in the midst of battle, the lips of his heart often invoked the God of justice and of armies. He fought for pure love of country and of right, not from hatred of his fellow man in the form of an enemy. When the battle was ended he extended to his subdued antagonist the right hand of fellowship and all the sympathies of the human heart. For him the war was ended with submission to the supreme law of the land. He was thus in truth a man

of virtue and of great humanity, although he had the grizzly appearance of that cold, grim determination which was so remarkable in that great commander, General Grant, and which concealed beneath it all the gentleness of a little girl and all the suavity of the most sensitive. It will now be easily admitted that he would not be afraid to observe the precepts of virtue in any circumstances. To illustrate this I will narrate the following fact. In a battle, the name of which I cannot now recall, some stimulants were offered to the soldiers of his company just as they were about to be ordered to make a terrible charge. The captain replied for himself and his men in the following language, as nearly as I can now remember his words: "We do not need this artificial bracing up of our courage. When we enlisted we knew that war was death. We are now ready to face death for this government, but at the same time we want to meet our God in a state of sobriety. We will not take these stimulants." That charge was made and those soldiers were not defeated.

To me it seems beyond doubt that if Captain Real had had in his youth the benefit of a scientific and military training he would have taken a place in the history of the war among those generals who have attained to high distinction. While he was a strict disciplinarian, as far as the enforcement of discipline belonged to his rank, his intuition of the characters of men enabled him to enforce it in ways unknown to men of less intuitive minds. The following incident will explain this characteristic of him. One of his men was condemned, for some act I do not now recall, but which from the punishment would seem to have been an act of cowardice or of desertion, to be placed with hands tied behind his back in front of the army in the next battle. Coming on the field Captain Real stepped forward, untied the man's hands, gave him a musket, and ordering him to look at the flag addressed him as follows: "Now defend that flag and win back your life and honor." The commanding officer, observing the action of the captain, rode up and asked why he had untied that man's hands. The captain, cool and calm, replied that he required all his men to use the musket in battle. The captain often told this incident

to friends and used to say that until the end of the war no truer or braver soldier ever defended the stars and stripes than was that man. In severe engagements, when hard pressed, the captain often used a musket and allowed the sword to hang loosely by his side. He used to say that on such occasions he would feel the need of something in his hands besides the sword, which seemed more for ornament than for usefulness.

Sinking beneath the surface of the great conflict he often made an effort to comprehend its causes and grasp its consequences. The army having on one occasion marched all day in a drenching rain, bivouacked at nightfall in deep mud. Captain Real happened to be near a small shed, or rather four erect poles with two or three boards on them, beneath which he arranged a couple of sticks found there, upon which he stretched so as to be out of the mud, while the boards overhead shed some of the rain from him. The lightning was blinding and the thunder like the roaring of many battles. In this position he was both unable and unwilling to sleep, for the reason that he imagined himself to be one of the happiest of men for possessing such a luxurious lodging. He passed that night in soliloquizing on what the war meant for the present and for future generations; soliloquizing on all that was contained in the idea of home, the cradle of man, of civilization, of refinement, of morality, of religion; soliloquizing on what part a government acts in creating, diffusing, perfecting, preserving all those manifold and ineffable blessings, and just before the reveille concluded that to suffer and even to die for a government that conferred on its citizens more of such blessings than any other that had ever existed was one of the highest and holiest of duties, and rose from that luxurious couch, if possible, a more resolute and determined soldier of the Union.

While he gloried in the army and used to say that nothing in all history, nothing on earth, equaled the perfection and irresistibility of the volunteer army in defending a government the roots of which were entwined around every ligament of the heart, while he still clung to the associations formed and friends made in time of war, nevertheless, like all his comrades, when the final victory

was won he converted his sword into a plowshare, turned from the field of blood and carnage to the beautiful undulating prairies of Nebraska, adorned with every flower and resonant with the song of birds. The eyes that had so long feasted on scenes of destruction were charmed with the peacefulness of this new panorama. Having been mustered out of service, he married Miss Ellen Purcell, of Henry county, Illinois, came to Nebraska in 1871, and took a homestead claim in Fillmore county. He often used to say that he came as far west as the Burlington and Missouri River railroad could carry him, for it put him off at the end of its tracks. In Fillmore county he acquired 2,000 acres of land, and later purchased some in Kansas. Besides utilizing his lands he engaged in various kinds of business. He built and conducted stores, elevators, hotels, managed lumber and hardware and implement businesses. He was chiefly instrumental in laying out and building the town of Grafton. Later on in life he retired from all other business and devoted all his attention to the management of his lands. He built a beautiful home on the edge of the village, replenished it with comforts and attractions that made his children become home loving, generously entertained friends and acquaintances, and even strangers ever found there hospitality and cheerfulness. He led all his children to desire higher education and furnished to each as he attained the proper age the means of attaining it. Idleness he never allowed to enter his home. During vacation he allotted to each certain employments on the farm and during the rest of the year those who were not in college had to labor some morning and evening. He never cut off from his children the pleasures proper for their age, but he prevented excess and took cognizance of those permitted. When visited by friends he would often call all the children around the piano and have them sing while one of them played the accompaniment. He often joined in with them; but he was not a musician and only supplied the discord. His favorite was "Way Down Upon the Swanee Ribber." Sometimes when he would like to have the children sing this he would say: "Well, call up the colored troupe." Then the little ones would

gather around and he himself would become a child again with them. Captain Real's idea of domestic government is worthy of notice. In the miniature republic of his home there never was a rebellion, never even a divided government. Neither did he absorb the whole government in himself, so as to be an absolute despot. In the management of family affairs neither the children nor friends were ever witnesses to any differences of opinion between him and his wife. They always consulted together in the privacy of their room, agreed upon a course to be pursued, and in the carrying of it out acted as one. In that domestic republic no child ever learned the habit of appealing to one parent when refused by the other, thus dividing the house against itself. As the children grew up he gave them an insight into his affairs and consulted with them. This made them something more than mere stayers at home, and gave range to their growing energies and ambitions. He taught them to respect not only ecclesiastical, but civil holidays also, and how to profit by the sentiment celebrated.

As to his humanity and charity, Captain Real gave proofs of them on proper occasions. To the poor renter he often supplied a complete farming outfit and waited for pay until the renter could spare it from the production of his labor. During the years of drouth, and hot winds, and hail, and grasshoppers, he furnished many with necessaries, remitted rents and written obligations to debtors, and to those who fell not into despair, but remained and hoped for a better day, donated seed, accompanied with words of encouragement. In all such works he never considered the recipient's political or religious convictions, or ethnic relations. He was as broad as the brotherhood of man, and did not exclude even those who had offended him. From this, however, it must not be inferred that he was a man without fault, for he was human; but he labored to minimize them and to prevent others from suffering from them. One day, sitting and chatting with comrades of the G. A. R. in front of the postoffice, he said: "Well, my friends, when you bury me, bury my faults with me." One of the comrades remarked in a joking way: "I don't know,

Captain, that would take a pretty large grave." It can be said of him that he never brought sorrow to any home, but often dispelled the clouds and made the sun to shine and wiped away the tears.

When the catholics of that place were building a house of worship he allowed them to take the lumber from his yards and kept little, if any, record of it. Respecting the religious convictions of his fellow men, he did not refuse them assistance when they wished to build for the same purpose. He laid out and donated to the catholics a beautiful cemetery about a mile from town. Right beside it he donated a similar one to the protestants. He always respected the dead and wished to see their remains laid away decently and reverently.

The following incidents will show some of the characteristics for which he was noted in ordinary life, and especially his supreme fearlessness. On one occasion, during those years of crop failures, a priest came to minister to the people of that county and was entertained by Captain Real. On the day when religious services were held the people, being very much impoverished, contributed but very little to meet the priest's expenses. When about to take his departure Captain Real asked him if he had received sufficient to meet expenses at least. He thoughtlessly replied that perhaps he had received enough to get him "the cigars." In his grim, freezing way the captain said: "Can you devote the money spared to you by a religious but impoverished people to such needless purposes?" The rebuke was severe, but well timed and proper. It taught a view of Christianity sometimes forgotten even by ministers of the Lowly Nazarene.

Another time a rector was appointed to that mission who was in many ways incompetent. The captain called upon the bishop to remonstrate, but to no purpose. Departing dissatisfied he said to the bishop: "You seem to have sent him there for revenue only," alluding to political doctrines agitated at that time.

Memorial union services on the occasion of the death of General Grant were held in one of the churches. Many speakers, clerical and lay, made addresses, and among them Captain Real.

Almost all profusely referred to the cablegram of condolence sent by England's queen. It impressed Captain Real that so much profusion, amounting to obsequiousness, ill became the dignity of citizens of so great a republic, or the well-known character of the dead hero. In his turn to speak he arose like the blizzard from the northwest and pointedly remarked that the bullets which stretched thousands of his comrades on many bloody battlefields were moulded by subjects of England's queen. While such remarks chilled they threw another light on the scene. Such manners are sometimes called blunt, but they are bluntly honest and bluntly instructive.

Finally, for the last few years of his life he began to be troubled severely with infirmities contracted during his army life, from which he sought relief by spending the winter seasons either in California or Florida. The last winter of his life he spent in Eureka Springs, Arkansas. There he continued to decline. On the 10th of May, 1893, he wrote me a letter that he would soon start for home, and would, on reaching Kansas City, send me a telegram to meet him at the depot when he would pass through my town. From this letter I will quote the following words, which are worthy, like the Metonic Cycle, to be engraved in letters of gold on pillars of marble: "I am about ready to retire from the stage. I have tried to do my duty to the best of my ability, both to my God and to my country. I hope for an eternal reward. Pray for me that I may not be disappointed and that God will have mercy and compassion on me." I met him at the railway station at Tecumseh as he passed through it on his way home. On that occasion, too, he manifested his indomitable will power; for, though actually dying, he walked out of the passenger coach to meet me, spoke calmly and deliberately about the end, which, he said, was at hand. He was accompanied by his wife, ever faithful and worthy companion. He was anxious to reach his home that his children might surround his dying couch. A few days afterward, May 23d, 1893, with all the members of his family by his bedside, patiently and meekly bearing his sufferings, having received the sacraments for the dying, he calmly breathed

his last. The funeral services, conducted under the auspices of the G. A. R., James Shield's Post No. 33, of which he had been for many years commander, were held in the Catholic church of Grafton, and his remains, preceded by the flag he had followed and upheld on so many battlefields, were borne away by his comrades and buried in the cemetery close by the village, there to await the archangel's reveille.

BELLEVUE. ITS PAST AND PRESENT.

Read before the State Historical Society, January 14, 1896, by J. Q. Goss, of Bellevue.

A poet once sang in simple yet touching strains that

“Little drops of water,
 Little grains of sand,
 Make the mighty ocean
 And the beauteous land.”

Simple as these lines are, they contain a truism and a principle that is fully exemplified in all the business relations, conditions, and operations of life—in the increase of population and the growth of villages, cities, states, and nations. In the matter of history, it is the little grains thereof, gathered here a little and there a little, that go to make up the sum total of nations and of peoples. The timely and constant gathering and garnering of those grains by individuals in their respective localities will, in the end, render more complete and perfect the accumulated whole. Nebraska is as yet comparatively in her infancy. The bulk of her history has yet to be written. The foundations of that history have been laid, and it devolves upon her citizens of this and succeeding generations to contribute both materials and labor toward the building and completion of a grand and glorious historical monument to, of, and for our state, that will be its pride and glory.

On the west side of the Missouri river, about ten miles above the mouth of the Platte, on a beautiful plateau, there stands a village that is not altogether unknown to history. Small though it is, it has nevertheless occupied somewhat of a prominent position in Nebraska's *prehistoric* times and in its early history. In fact, this unostentatious village can, with truth, say, “Before Nebraska was, I am.” What is somewhat remarkable about it is that it had a name selected for it long before it came into exist-

ence. While the stones, bricks, and timbers of which its buildings were composed were yet in the quarry, the earth, and the forest, the name by which it has since been designated and known was applied to the locality and spot on which the village is now located. In 1805 a Spaniard named Manuel Lisa, on ascending the bluff at this point and viewing the beautiful plateau on which he stood, with its background of grand sloping hills, before him the valley of the Missouri, with its turbid stream rolling onward and ever onward to the gulf, and beyond this stream and valley the picturesque bluffs of Iowa spread out like a vast panorama, was compelled by the grandeur of the scene to exclaim "Bellevue,"—a foreign term, which, when translated into our language, means "beautiful view." This name was indelibly stamped upon these beautiful bluffs and plateau and remains there to this day.

The glowing reports of this region by the Lewis and Clarke expedition in 1804-6 as to the nature of the country, the facilities here offered for intercourse with the Indians for trading purposes, undoubtedly had its influence on the American Fur Company and induced them to establish an agency at this point and appoint agents to take care of their interests. This in its turn had its influence on the establishment of other enterprises—each tending to the final culmination in what is now our village of Bellevue. In 1823 this company built a large two-story log house on the bank of the river in which to keep its stores and for the purposes of barter with the Indians. In this year also the Omaha, Otoe, and Pawnee Indian agency was established at this point. The trading post was torn down in 1870, and now graces a barnyard about three miles from Bellevue. As an historical reminiscence it should have been preserved as one of the landmarks of "ye olden time," but progress has no predilections for the past, civilization no sympathy with that which apparently has been contaminated with the touch of barbarism, only so far as the same may be utilized for speculative purposes. In 1848 was completed a *Mission House*, as it was then called,—to-day such an institution would undoubtedly be dubbed a college.

But to retrace a little, let us go back to the year 1835. In July

of that year Samuel P. Merrill was born somewhere within the limits of what is now Bellevue.* When he was about four years old his father, who was a missionary to the Indians in the vicinity, more especially to the Otoes, died, and was buried on the east side of the Missouri river, near a sawmill, probably about half way between Bellevue and Council Bluffs. This Samuel P. Merrill came from the east a few years ago for the purpose of endeavoring to find the location of his father's grave, but his efforts in that direction were futile. While at Bellevue he was the guest of the writer of this article and related many little incidents of the latter part of his early life in Nebraska, some of which were indelibly impressed on his memory. He remembered especially the period of leaving Nebraska on the steamboat and the trip to the far east to the old home of his mother. Every day of that trip seemed to open to his youthful mind scenes more bright and fascinating, and when, a day or two after arriving at the old homestead, he went to play with some of the children there, he was so enraptured that he rushed into the house exclaiming, "O, Mamma! Ain't we in heaven?"—his only playmates theretofore having been papooses. While at my house he exhibited to me a contract, which was executed in duplicate, between John Dougherty, Indian agent, on behalf of the United States, and Moses Merrill—a copy of which I here submit. It speaks for itself as to its object, date, etc. I endeavored to procure the original for this society, but failed, as it was too highly valued and prized by the Merrill family.

COPY.

"Article of agreement, made and concluded at Bellevue the 1st day of April, 1835, by and between John Dougherty, Indian agent, of the first part, and Moses Merrill of the second part, witnesseth:

First—That said Moses Merrill of the 2nd part, for and in consideration of the covenants and agreements hereinafter stipulated, promises and agrees by these presents to perform the

* July 13, 1835. Mr. Merrill still lives at Rochester, N. Y., one of the very oldest living Nebraska-born whites.

duties of Schoolmaster for the youth of both sexes of the Otoe and Missouri tribes of Indians diligently and faithfully, and to transmit, previous to the 20th of October of each year during the period he shall be so employed, a detailed report of the number of pupils under his instruction, their ages, sexes, studies and progress, accompanied by an account, with vouchers for the expenditure of the moneys received by him from the government.

“*Second*—And that the said John Dougherty of the first part, for and in behalf of the United States, guarantees to the said Moses Merrill, of the second part, as a full compensation for his services the sum of \$500 pr annum, commencing this day and date, to be paid quarter yearly, or as funds may be on hand for that purpose, by one of the military disbursing agents of the Department, with the St. Louis Superintendency, on the certificate as requested of the agent or sub-agent, setting forth the due performance of the first article of this agreement. It is mutually agreed upon, that the right is reserved to the agent to dismiss the party of the first part for disobedience of orders, intemperance, or lack of diligence in the discharge of his duties, and that the party shall have no claim to compensation after the period of such dismissal.

“In testimony whereof the parts have hereunto affixed their hands and seals the day and year first above written.

“JOHN DOUGHERTY, *Agent*. [SEAL.]

“MOSES MERRILL. [SEAL.]

“H. DOUGHERTY, *Witness*.”

The above agreement was probably made for a three-fold purpose: First, with a view of assisting the missionary in a pecuniary manner; second, of giving him governmental authority and support; and third, to benefit the Indians in an educational point of view. The interest of Nebraska in educational matters was displayed even at this early day, and has been fully kept alive to the present.

That this place was quite a favorite place of resort and of residence with the Indians is clearly demonstrated, both by traditions current among the Omahas, Pawnees, Otoes, and others

even to this day, and also by the evidences of warfare, burial, etc., which surround us on every hand. In excavations made for cellars and other purposes the bones of those aboriginal settlers and trinkets of various kinds that were buried with them are often found. The highest points of the bluffs and of the surrounding hills were selected by the Indians as burial places for their dead. One of the highest of these points is one which in all the past years has been known as "Elk Hill." At the top of this hill, about two hundred and twenty feet above the level of the Missouri river, in the year 1846 was buried "Big Elk," a prominent chief of the Omahas, since which the hill has always been known as "Elk Hill." A few years since the Presbyterians built a college on this hill and are trying to change the name to "College Hill." The Omahas, for years after the white settlement here, came yearly to visit the spot where lay the mortal remains of their loved chief. On their behalf and in the name of the pioneers and founders of Bellevue, I here enter a solemn protest against the change in name of that ancient landmark. The grave of Logan Fontanelle, another of their loved and honored chiefs, is in the northern part of the village, as is also their former council chamber—a large excavation in the bluffs, with an entrance which has undoubtedly been filled up, as it cannot, or at least has not so far, been found by the whites who have sought it.

In the southern part of the village there exist to this day traces of what might be termed a fortification or breastwork—a ridge of earth, evidently thrown up for purposes of offense and defense. This ridge is very regular in shape, excepting on the east side, where it follows the conformation of the bluffs. Its outlines are of an oval character—longer from north to south, or, owing to the conformation of the bluffs, they may probably be more correctly described as two ovals joined. The distance around the outside is about 1,250 feet, its longest diameter about 490 feet, or dividing the figure into the two ovals the long diameter of each would be about 350 feet. On the land side, or rather the side farthest from the bluffs, are two wings or bastions, one each at what might be termed the northwest and southwest points of

the oval. On the farm of the Hon. B. R. Stouffer, and about one hundred rods southwest of this earthwork, at a time prior to the settlement of this region by the whites, was fought a battle between the Osage tribe and the Omahas. About two years since, Mr. Stouffer, in excavating for cellar, drains, etc., for a new house which he was erecting, unearthed quite a number of skeletons, which had evidently been thrown into a trench or gully and covered with earth. About fifty or sixty were so unearthed—the exact number could not be definitely determined—with evidences of a great many others being left unmolested. A short distance from this spot was found the remains of a lone Indian who evidently had received more decent interment, as the skeleton was in a sitting posture, surrounded by numerous trinkets. Among these trinkets was a flat piece of cedar wood, about three inches wide, eight inches long, three-eighths to one-half inch thick, and in a good state of preservation, with a piece of glass attached thereto, or lying on it in such a manner as to indicate that it had been so attached. There is a legend that the tribe long years ago, on leaving the hunting grounds they formerly occupied, cut down a cedar tree which had been held by them as sacred, separated it into pieces, and distributed these among the members of the tribe. May not the piece here brought to light have been a part of that tree?

In those early days, no doubt, many amusing incidents transpired, a record of which would make very interesting reading at the present day, but no trace of them can be found save in the memories of the actors in the scenes, and *they* are fast passing away. It is often said that society is now fast becoming graded, and that the grade depends on the quantity of the bank stock owned. Comparisons are made between the *then* and the *now* of social equality, with the scale turning much in favor of the then. This is to a great extent true, yet *caste* did sometimes creep into the society of those days. The writer has in his mind's eye a hotel in Bellevue of that ancient time, where travelers and quite a number of citizens sat down on either side of a long table three times a day to satisfy the wants of the inner man. The current

report was that at the head of the table the sugar was quite white, about like the highest grade of Oxnard's celebrated beet extract, but that at the other end of the table its whiteness had disappeared. It may be pertinent here to remark that the same set of boarders' always occupied the upper end of the table. Among the early settlers it was not considered an unpardonable sin for a man to indulge in the use of ardent spirits. I do not believe, however, that the use was indulged in so universally and to such an extent as it is at the present day. The ardent used was not *always* of the combative kind. Wit and wine were often compounded and sometimes confounded. In the fall of 1859 a gentleman at the west end of Sarpy county was elected a justice of the peace, and, as there were none in that vicinity who could administer to him the oath of office, he walked to Bellevue—a distance of twenty-four miles—to have that oath administered to him by the county clerk. That functionary was about this time suffering from an overdose of *ague antidote*, and lay on his bed "*hors de combat*." The would-be "Squire" was inexorable, and, after walking twenty-four miles, would not suffer the sun to set ere he was made a full-fledged "Joostice av the Pace." He was finally ushered into the presence "av hizzoner," the clerk, where the following dialogue ensued: "Justice: "Are yez Mистер Bangs?" Clerk: "You bet I am." J.: "My name is William J. Fogarty. Oi've been elected Joostice av the Pace av Farest City precinct, an' Oi've come all the way in to be qualified." C. (rising on his elbow and gazing for a moment): "I k-ken swar you in, b-but all h—ll c-couldn't qualify ye."

In the fall of 1855-56, there appeared in Bellevue a suave and polished gentleman named Kirby, from the "hub of the universe." He was on an exploring expedition through this western country, looking for a location to start a \$40,000 store. Bellevue suited him, as did also several of its citizens, who generously donated of their means (as loans, as a matter of course) to tide him over until his "ship came in." C. D. Kellar was to be his confidential clerk, Bangs was to hold some important position, and every-

thing was progressing finely, until finally the bubble burst, and our expectant citizens became wiser if not better men.

A court-martial was held, the culprit was adjudged guilty of obtaining money under false pretenses, and condemned to receive forty stripes, but the sentence was afterwards commuted to banishment to Iowa.

The old log cabins of that day have given way, if not to marble palaces, to commodious brick and frame buildings, where our citizens live comfortably, but probably not more happily than did those pioneers in their cabins of log, plastered with mud. The worthy president of this society doubtless remembers his 16x18, one-room log mansion, with its much smaller bedroom addition. The outward appearance of these rooms was about on a par with that of the other pioneers, but when we glance into the bedroom I am afraid our ideas of exact equality will end; for there we behold it papered with buffalo robes, purchased for the occupant by Peter A. Sarpy and Stephen Decatur at \$2 apiece from the Indians. There was no protective tariff on buffalo hides in Nebraska at that day, or our honored president would probably have bought them himself without the aid of middle men. Probably, while reposing in that comfortable log bedroom, visions of a comfortable cabinet position may have unfolded themselves to his gaze, or it may be that these were reserved for that time, on New Year's day, 1856, when in his shirt sleeves, down near the mouth of Papillion creek, he sat wondering "why people came west, whether others would come in sufficient numbers to form a village, city, county, and a state," and amid these cogitations starting homeward, leaving a valuable and highly prized gun behind to take care of itself. But Wau-mush-pa-Shinga took care of the gun and returned it to its owner, who, whether these visions then confronted him or not, has since attained that position and is now filling it with honor to himself and the state he represents.

The establishment of government agency and works connected therewith, of a missionary station, postoffice, etc., has been told by others, whose papers form a part of the records of this so-

ciety. Therefore I will refrain from commenting thereon. At the organization of the territory by the Organic Act of May 30, 1854, Bellevue cherished what Charles Dickens in one of his works has so aptly termed "great expectations." A territorial organization meant the location of a capitol; following this the expenditure of thousands of dollars, a horde of officials, the busy hum of business activity, and many other and various *et ceteras*. These spread out, like a vast panorama, before the minds of the few settlers of that day, and each fancied himself, at no distant period, a governor, judge, United States senator, congressman, or millionaire—mostly preferring the latter title. But while these few settlers proposed, others disposed, and the result was that Omaha obtained the capitol,—another illustration of the inevitable result when cupidity is arrayed against stupidity. In the fall of 1853, citizens of the vast territory known then as Nebraska, but who for convenience lived in Council Bluffs and other places on the east side of the river, to-wit, Iowa and Missouri, held an election at Bellevue and old Ft. Kearney—which is now Nebraska City—and elected a prominent lawyer and citizen of Nebraska, to-wit, of the city of Council Bluffs, as their delegate to congress. It is said that by his importunities with the committee on territories at Washington he succeeded in procuring an amendment to the bill that had been already introduced in congress for the organization of the territory, which amendment provided for the formation of two territories—Kansas and Nebraska—instead of one, as before contemplated,—an amendment which I deem it was not very difficult to obtain, as it would provide double the number of paying positions to be filled by patriotic politicians.

During the summer of 1854, the officials appointed under the provisions of the *Organic Act* came to Nebraska, most of them locating for the time being at Bellevue. Many others came, some locating in Bellevue, others on lands adjoining, with a view of making thereof farms, or possibly town lots. As the lands were not yet surveyed, trouble often arose over the possession of those claims and the boundaries thereof. In order to

settle those difficulties a claim club was organized, whose province it was to "hear and determine" the rights of parties. From its decision there was no appeal. A perusal of the records of this "Bellevue Settlers' Club" will disclose the fact that about 125 persons became members thereof, or at least were members thereof in the fall of 1854. Among the names there registered we find judges, lawyers, ministers, and other officials, to-wit, Rev. Wm. Hamilton, Judge Fenner Ferguson, Gov. M. W. Izard, C. T. Holloway, Silas A. Strickland, John M. Thayer, L. B. Kinney, A. W. Trumble, Reuben Lovejoy, Stephen Decatur, and others. In their rules, they claimed the right to hold three hundred and twenty acres of land each against all comers.

The first Masonic lodge organized on the west of the Missouri river was in the "Old Trading Post" here, in March, 1854. The Hon. H. T. Clarke was the first person made a master Mason in the territory. The lodge has since been removed to Omaha, but it still bears its old name and number, "Nebraska, No. 1." For a few days in 1854 the blighting curse of slavery desecrated our fair soil, but it found no safe place upon which to plant its feet and soon fled to other parts. Judge Edward R. Hardin, appointed as one of the United States judges for the territory, arrived here with his "colored body servant,"—a mild term for "slave."—and remained here but a short time, when he went to Nebraska City. What is now Sarpy county was at that time a part of the county of Douglas. A strong rivalry existed between Omaha and Bellevue as to the location of the capitol. This antagonism entered into the election that fall for members of the legislature. In the Bellevue district the Hon. J. Sterling Morton, Stephen Decatur, and Silas A. Strickland were unanimously elected, but the Omaha interest was too powerful and these embryonic law-makers, for reasons of state, were at that time denied the opportunity of feathering out into full-fledged statesmen. Omaha was apparently afraid of Bellevue, and I believe that I may truthfully add that this fear had not entirely disappeared until after the location of the terminus of the Union Pacific railway and the

final location and completion of the bridge over the river at that point.

In 1856, the legislature granted a charter incorporating the "City of Bellevue," and until 1874 a city government was carried on, with its paraphernalia of mayor, aldermen, etc. The last election for these officials was in 1874, when S. D. Bangs was elected mayor. As his successor was never elected, it may be that he is holding down that seat to the present day. For the past twelve years Bellevue, as an incorporation, has been acting under the state law for the government of "cities of the second class and villages," and its municipal affairs are managed and directed by a board of five trustees, elected annually. Its plat is the same as that of the former city, as it was originally surveyed and platted by Hamilton and Schimousky—the latter being an exile from Poland, an excellent surveyor, and an expert draughtsman. Both of these died some years since. In the same year—1856—a large log building was erected for hotel purposes and stands alone in the line of buildings erected for that specific purpose. It was destroyed by fire in 1858. It was named the "Benton House," in honor of Thomas H. Benton, Jr., a nephew of Thomas H. Benton of senatorial fame. The "Register" of this hotel is in the public library at Omaha, and this connection I may add that I believe that the old desk used by D. E. Reed, the first postmaster, is at the Blackbird mission. The legitimate home for both these articles is in the archives of the State Historical Society, and I would suggest that negotiations should at once be opened to secure them for that purpose. At the organization of the county of Sarpy, in 1857, Bellevue was designated as the county seat, and so remained until New Year's day, 1876, when in obedience to the mandate of the people the county seat was removed to Papillion. In 1883 the Presbyterians located a college at Bellevue, the Hon. H. T. Clarke having made a donation of 240 acres of land for that purpose, and has since erected thereon a commodious brick edifice for college purposes. The building is known as Clarke Hall. Just outside of the village limits the United States government

has located what is known as Fort Crook, and erected there a large number of fine, substantial, and commodious buildings, expended a vast amount of money, and when fully completed and equipped will here have one of the best forts in the United States.

Many other incidents might have been added, but this paper has already been extended to too great a length. Yet I will here reiterate my former statement, that the history of Bellevue, when fully written and understood will stand out prominently in the history of Nebraska. Permit me, in closing, to briefly state a few of its prominent features.

Here the American Fur Company early established an important trading post.

Here was erected the first building on Nebraska soil.

Here was organized the first Masonic lodge.

Here the first white child born on Nebraska soil first beheld the light of day.

The first native born Nebraskan that represented any portion of Nebraska in our state senate was born here—Hon. Harry F. Clarke.

Here was held the first teachers' institute organized west of the Missouri river.

I here acknowledge valuable hints from Hon. J. Sterling Morton, Hon. B. R. Stouffer, Mr. Henry Fontanelle, Mrs. Louis Neals, and Miss M. E. Hamilton.

EDWARD MORIN.

Read before the State Historical Society, January 14, 1896, by I. A. Fort.

Edward Morin was born in Montreal, Canada, on the 28th day of September, 1818, of French-Canadian parentage. In the year 1835 he left the city of his birth, and following the course of the setting sun moved westward. The spring of 1836 found him on his way southward to the leading metropolis of the south, New Orleans. Remaining a few months in this city, he took passage on the Mississippi river packet *United States* for St. Louis. Here he remained a few months, making the acquaintance of the French-American residents of that city. While here he decided to enter the employ of the American Fur Company as a voyageur. The work to be performed was that of a packer, carrier, and boatman, conveying the articles sold to the different trading points that had been established by the company and bringing back in return the articles that they had obtained from these stations to one of the central trading posts on the Missouri river. The goods obtained were principally robes and furs. These were afterwards, when sufficient quantities had been collected, packed away in Mackinaw boats that the company had constructed, and then a fleet was made up and the boats were floated down to St. Louis, or sometimes a steamboat would take them down. The principal points where this company carried on their business were at Fort Pierre, Fort Union at the mouth of the Yellowstone, and one with Mandans, or old Fort Lookout, Fort Benton being one of the highest points on the Missouri river where their posts were established. The Indians that he traded with were the Poncas, Omahas, Pawnees, Sioux, Mandans, Cheyennes, Black Feet, and Crows. In that early day the different tribes carried on a war with one another. All the Indians with whom he came in contact were possessed

of a liberal quantity of firearms, although, as to-day, they carried their bows and arrows. One of the staple articles that was traded to the Indians was packages of strap or hoop iron. These were exchanged for furs and meat. From these bundles of strap iron the Indians fashioned their lances and arrow heads. The fur company supplied them with firearms, mostly flint-lock, smooth-bore guns. These they continued to use until the advent of the breach-loaders. The company also furnished the Indians with swords that the company obtained from the sale of abandoned military equipments sold by the United States and other nations. Among the other staple articles handled by the company and exchanged with the Indians were sugar, molasses, flour, tea, coffee, hominy, and anything that the Indians in their contact with the whites had learned to want. Powder, lead, flints, and knives were in great demand.

The first buffaloes sighted by Mr. Morin, in 1836, were seen on about what is now the site of Sioux City, as he, with other voyageurs, worked his way further up the river. The number of buffaloes increased on either bank. Many bands were seen on this voyage up. Numbers were crossing the river and many were shot from the boat.

Mr. Morin continued in the employ of the American Fur Company five years, also with Rabbit & Cotton six years, and with Harvey, Premo & Co. about the same time. Altogether he was engaged in working and trading for these three companies about seventeen years. At that time no whites were in the trans-Missouri country except those engaged in the fur business. No permanent settlements were found except along the Missouri river. He remembers that about 1850 a few whites commenced to settle along the Missouri. Back from the river the country was inhabited solely by Indians. Bands of hardy trappers and traders were continually coming in and trading with the company. On the arrival of any of these bands at the post the agents made them an offer on their loads and if a trade was closed the trappers received an order or check on their principal house in St. Louis. This order was good at any of the company stores. Money was

also obtained on these orders. The principal nationalities who were engaged in this work were French-Canadians and Americans. The trappers were called free men, as they worked entirely free of any control, and what they earned was their own. Mr. Morin remembers the Mandan Indians, who, he states, were tall, powerful-built Indians, with blue eyes, and some of them had fair hair. These, he states, were considered the bravest Indians of the plains. History records their almost entire destruction by that dread disease, the small-pox.

In 1844 Mr. Morin crossed over the Rocky mountains to the Pacific coast under the guidance of Jim Bridger, from whom Fort Bridger, Wyoming, was afterwards named. On this trip the party had several fights with the Indians. One man, by the name of Lambert, was dangerously wounded on this trip. The first white man's residence that they reached, in what is now the state of California, was Sutter's Fort, where gold was first discovered in 1849. Mr. Sutter had a grist mill at that time, run by water power. Here the wounded trapper, Lambert, had the Indian arrow extracted from his back by a Dr. White. The following year, 1845, Mr. Morin returned to the Missouri river. On this trip, going and returning, the only white resident seen was at Fort Bridger, on Green river, Wyoming. The country was inhabited only by Indians. When he first crossed the continent to California, buffalo, antelope, deer, and other game were more plentiful than domestic animals are to-day. West of Green river, no buffalo were seen, although deer and antelope were plentiful. During these seventeen years when in the employ of these companies, he was often in great danger from hostile bands of Indians, who, while not engaged in war upon the whites directly, were on raiding or war excursions to attack some other bands or tribes of the plains or mountains. Mr. Morin bears on his person the marks of two arrow wounds, one on his side, and one on his knee. Mr. Morin, although seventy-eight years of age, is still active and vigorous. He is now residing at the home of one of his daughters, Mrs Fillion, of North Platte, Nebraska. Mr. Morin credits his good health and vigor at his advanced age to

the fact that he never dissipated nor engaged in the carouses common to the men of the frontier in those early days. In 1848 he married Miss Valentine Peters, of St. Louis. Miss Peters' father was a steamboat pilot on the Mississippi river. Eight children are the result of this union. All are alive to-day. In 1853 Mr. Morin established a trading post at the mouth of Box Elder canyon. This canyon is about two miles west of where Fort McPherson, Nebraska, was afterwards located. A few years after this he built a very commodious and substantial trading ranch and post at the mouth of what is now known as Morin's Canyon. This ranch he occupied until 1868, when on the decline of travel he built a small house, or ranch, near the old Jack Morrow ranch, where for a short time he resided. He afterwards built and lived in a house five miles west of the fort. From 1862 until 1872 he was in the employ of the government as Indian interpreter.

Mr. Morin lost his wife on the 28th day of August, 1875, by the accidental discharge of a gun. While she was journeying along the road on a trip to gather wild grapes an emigrant, in pulling his gun from his wagon, accidentally discharged the same, the contents striking Mrs. Morin in the breast. From this death occurred the next day.

Of some of the Indian tribes he remembers that the Mandans and Rees cultivated the ground, raised corn, pumpkins, and a few other vegetables. The Sioux were always at war with all other tribes.

Mr. Morin's father first inspired him with a desire to visit the mountains and plains of the west, as he had been a fur trader and trapper on Lake Superior before those waters became a part of the American possession.

During the first twenty years of his life on the plains Mr. Morin lived quite a good proportion of his time in the camps of the Indians with whom he traded. He was always welcome, and when in their camps was always well treated. In those early days the only danger to the whites was from maurauding bands that were engaged in plundering opposing tribes or from

some Indian outlaw who desired to acquire his property without trading or recompense.

Mr. Morin states that there are as many variations of character among the Indians as among the whites; the good and the bad, the lazy and the thrifty, the improvident and reckless, the intelligent and the imbeciles, the industrious and the careless, some who have a natural inclination to acquire property and some who are always in want and distress.

For nearly twenty-eight years the writer has been acquainted with Mr. Morin and his family. He remembers seeing Mr. Morin engaged in trading with the Sioux and other Indians who twenty-five years ago would often pass through North Platte on their trips north and south. Mr. Morin is to-day in all probability one of the oldest pioneers of the plains now living. He, as a man, never aspired to become a scout or Indian fighter.

The writer remembers that the statement was general that in early days, before the whites were numerous, Mr. Morin was one of the members of the Ponca Indian tribe, and whether he was a married member of that tribe or not the writer does not know, but it was a fashion in those early days for traders to take to themselves Indian wives. Whether he adopted this plan of one of the prohibition candidates for president who hailed from California he does not know or care to know. Mr. Morin was a fair business man, as he could buy and sell in a way that showed that if he had been trained for a mercantile life he would have made a good merchant or salesman.

Despite Mr. Morin's years and the terrible hardships he has undergone, he walks the streets of our city with quick, active steps and indicates that he has many years of life yet before him. His mind and recollections are yet clear and strong. When he passes away he will be the last of that hardy band of early pioneers who have seen the trans-Missouri country become converted from a barren and savage wilderness into a land of civilization and of homes.

TRAVELS IN NEBRASKA IN 1866.

Diary kept by J. P. Dunlap, of Dwight, Nebr., and read by him before the State Historical Society January 15, 1896.

On the eighth day of June, 1866, we had come eight miles, across a hilly prairie without any road, and were camped for dinner near the south line of Nebraska. There was plenty of good water and grass, but no timber. The party consisted of two surveying parties from Leavenworth, Kansas. The one that I was with consisted of fourteen men under Henry H. Hackbush, and two wagons loaded with outfits and provisions, drawn by two yoke of oxen to each wagon. We were going to survey into sections Buffalo and Hall counties. The other party was to keep with us until we crossed the Platte river. After noon we came ten miles to a little settlement called Pawnee City, that being the name of a postoffice there. It looked as if they were going to build a village. We liked the looks of the country much better. There were good water, some timber, and an abundance of wild strawberries where we camped for the night.

June 9. We traveled twenty-five miles to-day without a road, nothing happening worthy of note. We camped for the night on Yankee creek. Plenty of good water and wood.

June 10. Sunday. This rainy morning we stayed in camp until noon. After noon we traveled ten miles, passing two settlers' cabins. We camped for the night near a small creek, where there was plenty of water and wood.

June 11. A rainy day. We all took a hunt, found and killed a wild cat near our camp. We hitched up at four o'clock p. m., traveled four miles, broke a wagon tongue, and camped.

June 12. We fixed the wagon tongue in the forenoon. In the afternoon we came twelve miles, passing a few farms. After killing a big rattlesnake, got rained on, and camped.

June 13. Got out of sight of timber. Got in a wagon road,

came twenty miles and camped for the night within five miles of Salt creek.

June 14. Passed Salt Creek crossing. There was a house near the crossing. We followed down the valley to the north. There were a few settlers along the creek. Camped for dinner near the creek. After noon passed Lancaster, seat of Lancaster county. The town consists of one small store, two dwelling houses, and a blacksmith shop. This is now Lincoln. Passed the Salt basin. We saw where they had been making salt. Camped for the night near the salt basin and one mile from Salt Creek. We are told that it is twenty miles to where we will find wood and water again. Plenty of wild grass everywhere. We filled a keg with water, wet the keg, and laid it out in the grass and left it there until morning to take with us. The water was much colder next morning than when we dipped it from the branch.

June 15. We saw the first antelope. We found that it was full twenty miles to wood and water. After traveling about twenty-five miles we camped on a small creek called Oak creek, near a trapper's cabin. He had two elk calves in a pen and a small cabin about half full of skins of wild animals of different kinds. We shot our first elk near here.

June 16. We built a bridge so as to cross the creek. The timber is about twenty rods wide. We traveled eight miles and camped for dinner on the prairie near where Dwight is now. One of our party found a prairie hen's nest and we had eggs for dinner. The cook is known by the name of Michigan, that being the state that he is from. The kettles, except for bread, are made of sheet iron. Our coffee is quite black from the effects of the kettle. They answer well for other victuals. Bread is baked in thick iron skilletts with legs. Cups and plates are made of tin. Every one furnishes his own knife, and fingers take the place of forks. The fire is built in a hole in the ground, dug for the purpose. After noon we saw a small party of Indians. They were on the ground when first seen, but soon got on their ponies and rode away towards the west. We came to the old

California Road and followed it about five miles to the *Platts-mouth Road*. There is a house where they keep travelers over night. It is called a ranch. The ranchman's name is David Reed. He had just killed an antelope. There are plenty of wild strawberries here. We camp for the night near the ranch.

June 17. Sunday. The morning is very cold for the season. We were none too warm by the camp-fire with our overcoats on. We traveled sixteen miles and camped for noon at Shinns' Ferry on Platte river. Weather quite warm. Big change since morning. The boat is run by David Gardner and Dennis Hookstra. The boat is a flat bottom and will carry one wagon at a time. The river is about eighty rods wide. They have a large cable rope stretched across the river and tied at one end to a tree and the other end to a stout post set in the ground for the purpose. In each end of the boat is rope and windlass, with the ends of the rope attached to pulleys on the large cable rope. The water in the river is swift, and when they want to go to the north they turn the north end up toward the cable and lower the south end. The force of the water forces the boat across the stream to near the shore and then with poles they shove it to the shore. When they want to go back to the south, they wind up the windlass to raise the south end and lower the north end, and the force of the water forces the boat back to the other shore.

After crossing the main channel of the river on the boat, we were fording a narrow channel about two hundred feet wide, when one wagon loaded with flour in sacks got stuck in the quicksand about half way across. In our hurry to unload we carried the flour to the bank from which we came and did not notice that we were just as near the other bank until we had most of the flour unloaded. When we got the wagon out we had to wade the channel and carry the flour over on our shoulders. We thought that did pretty well for a set of engineers. After going one mile we camped for the night. Very little woodland, very sandy, and great numbers of mosquitoes. They made the oxen roar with pain. We protected ourselves with thick clothing and built smokes for the cattle and ourselves.

The cattle would stand near the fires and hold their heads in the smoke.

June 18. We came eighteen miles and camped for the noon on Loup river at Columbus, where the wagon road from Omaha to the mountains crosses that stream on a pontoon bridge. A great number of freight teams crosses here. The Union Pacific railroad also crosses here. The track was laid through here a few days ago. Perhaps there are thirty or forty houses all told. There is neither a white woman nor a white child in sight. Hundreds of Indians of both sexes and all ages, some nearly naked and striped with paint, and carrying war clubs, others with bows and arrows, others rolled in buffalo robes and lounging about. We saw one old Indian beat his squaw because she let the ponies get away. She put her blanket over her head and went around making a blubbering cry for fifteen or twenty minutes, and then was as quiet as the rest. She was herding the ponies on the wild grass when they started to play and run past her and ran perhaps one mile down the valley, and went to grazing again. They were still in plain sight from where we were. We will get our turn to cross the river soon after noon. We have to take our turn in rotation.

We did not get across until nearly four o'clock P. M. The bridge is made by laying it on flat boats stood side by side. The boats are fastened to a big cable rope and the rope tied to posts on each bank. An Indian skull decorates the top of one of the posts. We came two miles and camped for the night.

June 19. We traveled along the Platte River valley. It is level and sparsely settled. The houses are mostly of either logs or sods and covered with dirt. There are many hands at work building the U. P. railroad. They are making about three miles per day. There are also many Indians. They are of a friendly tribe called Pawnees. They live by their aid from the government, begging and eating the offals of the railroad camps. We camped for the night near the laid track of the railroad. Beds are made in this country by spreading one pair of woolen blankets or a buffalo robe on the ground, and covering with another

pair of blankets. If the ground is wet they first spread a rubber blanket, and if it is raining, they spread another rubber blanket over the top. The Indians can roll themselves in one buffalo robe so as to cover their heads and feet too, and lay and sleep in that manner.

June 20. A cloudy day and the mosquitoes are very bad.

June 21. Camped for noon near the O K store and saw General Curtis' block house. It is made of red cedar posts like railroad ties, but longer. They are set on end in the ground and project up about ten feet above the ground. It is built in a square about 300 feet long on each side and each corner is made with a projection or a small square built the same as the other, only about fifteen feet square each way. They were joined together in just such a shape as if the corner had been cut off of the large square and the two openings set together. These small squares had port holes so as to give free range of each wall of the large square. After noon we got to and crossed Wood river and camped near it for the night.

June 22 and 23 was spent in reaching *Fort Kearney Military Reservation* and in getting ready to begin the survey.

June 24 we began the survey from the northwest corner of the reservation to the north, and in a few hours were out of sight of the line of travel, and here over a dry and sandy country, with no sign that any white person had ever been here before, with only the pranks of the wild animals to break the monotony of the scene, we worked day after day. On the morning of the fourth of July we fired off our guns, and then the same old routine, but soon after I got sick and quit the work. The people, though strangers, were as kind as they could well be under the circumstances. It is not a good country to be sick in; but after lying in a tent for a long time I got better, but did not make much. I came back and took a district school near Lancaster, and soon got stout and ready to try the west again.

THE COST OF LOCAL GOVERNMENT—THEN AND NOW.

Read at the Annual Meeting, January 15, 1896. Written by Hon. J. Sterling Morton.

The organic act of the territory of Nebraska became law in May, 1854. A proclamation was issued by Acting Governor Cuming in December of that year, convening the territorial legislative assembly on the Omaha townsite, in January, 1855. That session of the territorial legislative assembly was the inauguration of local civil government in Nebraska. Counties were instituted and their boundaries described and established. All the machinery for neighborhood government was set up ready for use. Under it each community, as a corporation, entered upon civil life penniless. No county, city, or town corporation came into being as the heir of anything more than the right to govern itself. The power, however, to levy taxes was vested in each communal corporation. The county and the city had each the power to levy taxes only for public purposes. The savages, whom that small settlement of frontiersmen, as proprietors, succeeded, had no such thing as legislation or taxation. They had not emerged from barbarism and tribal relations. The pioneers had, however, in their own race history recorded the fact that, while in a barbaric state each individual for himself had to protect his person, its earnings, and its liberty, and that civilization began when humanity emerged from its primitive condition and declared that each person was entitled to life, liberty, and its own earnings, and that therefore *all* must be combined for the defense and preservation of the rights of *each*. This was the best aim and duty of civilization. In fact, up to this date the principal business of civilization and its laws is to protect, by the power of all, the natural rights of each. To accomplish this, the power to tax has been evolved and vested in governments.

Taxation in the territory of Nebraska was never oppressive. To it the United States appropriated each year \$20,000, out of which sum the territorial legislative assembly was paid its per diem and the printing of its journals and its statutes provided for, together with the postages and mileages and all other incidental expenses of that body. And to show how frugal and economical the management of federal finances in Nebraska was in those days, it is only necessary to point to the fact that after thirteen years of territorial existence, with an annual appropriation of the sum named, and without any debts, and all expenses paid to date, Nebraska territory, in March, 1867, became a state of the American Union and had \$40,000 of unexpended balances remaining to her credit in the United States treasury out of that yearly appropriation, which to-day would be considered quite insufficient to meet the annual expenses of an ordinary board of county commissioners in one of the smallest eastern counties of the state. That annual appropriation of \$20,000, however, paid the legislating and printing expenses of a territory which at that time embraced, for purposes of government and protection, all that vast area which is now the two Dakotas, Wyoming, and a part of Colorado. By the census of 1860 the territory contained between 128,000 and 129,000 population. This number of people was scattered in sparsely settled counties from north to south and east to west over an area of 75,000 square miles. Nevertheless, protection to life, liberty, and property was almost as satisfactory then as it is now. County organizations along the river were fully as well managed then as they are now. The counties of Richardson, Nemaha, Otoe, Cass, Sarpy, Douglas, Washington, Burt, and Dakota boasted then as reputable boards of commissioners, as honest and as well qualified and efficient sheriffs, judges, treasurers, and clerks as they have to-day. In 1865, two years before the admission of the state, taxes in Richardson county were twelve mills on the dollar. Ten years later, notwithstanding a promise made everywhere of lower taxes by the advocates of statehood, in the same county they were sixteen mills on the dollar. In 1885—twenty years later—they were

twenty-five mills on the dollar, and in 1895 were still twenty-four mills upon the dollar. But the government of Richardson county is no more satisfactory to-day, as far as the protection of the life, liberty, and property of its citizens is concerned, than it was in 1855, when taxes were still lower than in 1865, though the actual amount of levy for the former year I have been unable to ascertain.

The average annual taxation from 1865 to 1895 in the county of Richardson has been $19\frac{1}{4}$ mills on a dollar's valuation. Why is it that a county which by nature—taking into consideration timber, water, and rock for building purposes—is, perhaps, by far the best county in the whole commonwealth, should have thus increased its taxation without materially or perceptibly improving its means of protecting property and citizens?

Nemaha county, on the north of Richardson, likewise on the Missouri river, began, in 1865, with a taxation of $11\frac{5}{8}$ mills on the dollar, ran up to $17\frac{1}{2}$ mills in 1885, and declined to 15 mills in 1895. But this county has scaled down (in some of its precincts) vast sums of indebtedness unwisely incurred by the voting of the public funds to private enterprises, like railroads. This misuse of the power to tax, which has raised funds out of *all* of the people for the purpose of bestowing them upon a *few* of the people who have projected and constructed for themselves railroads and other enterprises, has created for taxpayers in the state of Nebraska millions of dollars of unlawful and burdensome indebtedness. The town of Brownville, formerly the county seat of Nemaha, has, in its career, its life and death, illustrated the truth of the statement of Chief Justice Marshall that "the power to tax is the power to destroy." That thrifty and attractive little village was originally one of the most prosperous communities in the whole territory. In fact, it was the first point whence grain and other farm products were shipped from Nebraska to an eastern or southern market, *via* Missouri river steamboats and St. Louis. But in economic blindness its citizens voted \$40,000 for the purpose of paying for grading a railroad from Phelps, in the state of Missouri, down to the river

landing opposite Brownville. This sum was given in the bonds of Brownville precinct, said bonds drawing 10 per cent. interest. The grade was completed, and while the people were tied to this debt and for some years regularly paid the interest, there never were any ties placed upon the grade nor any cars run thereupon, for the reason that no railroad was ever constructed from Phelps to Brownville. During many years the people of Brownville precinct continued to pay for that folly and fallacy. Nevertheless, even after this lesson, the people of Brownville were induced again to vote a large subsidy to the Brownville & Fort Kearney railroad. This line was graded, tied and ironed for about nine miles. Over it, with some considerable timidity and no less difficulty, an engine and a few cars several times carefully made trips. The bonds were issued, the interest began to gnaw upon the property of Brownville and to depress the spirit of enterprise which had characterized it; and then, to further illustrate the fallacy of taxing all for the purpose of raising money to give to the few who compose a corporation, and to emphasize its wickedness, the owners of the Brownville & Fort Kearney railroad tore up its tracks and abandoned the project. But they did not abandon the bonds nor relinquish their claim upon the right to use the taxing power in that precinct for the purpose of raising money to meet the coupons as they annually matured. The result was that taxes in Brownville ran up to 17 cents on the dollar. Brownville property was undesirable. No one demanded it. Its value declined with great velocity. A beautiful home, like that of ex-United States Senator Thomas W. Tipton, consisting of a pretty, substantial two-story brick house, honestly built, well finished, with all modern conveniences, and twelve lots, beautifully located and adorned with trees, was sold for something less than one thousand dollars. The county seat was removed, mercantile houses and banks deserted the townsite, until in some of the best buildings on the main street bats and owls found their most secluded and comfortable roosting places. Grass grew in streets that had been resonant with the rumble of farm wagons and brisk with the traffic of a rich and prosperous county.

Brownville is an instance of communal suicide. It destroyed itself by the mismanagement and extravagance of its local government. From prosperity, thrift, and contentment it was transformed into thriftlessness, discontent, and a corporate cadaver. The fate of this pioneer business center is recorded as an admonition to all the new villages in the new counties of the commonwealth. It shows that an overdose of taxation is as fatal to corporate health and life as an overdose of morphine is to the individual organism.

Leaving Nemaha county, going northward along the west bank of the Missouri, we come into the county of Otoe, where, upon the same half mile square of fertile land the writer hereof has lived more than forty years. The first tax paid upon that northeast quarter of section 7, town 8, range 14 east, long known as Arbor Lodge, was in 1855. It amounted to the sum of \$5. That included county, precinct, and territorial taxes all told. In 1865 taxes in Otoe county were 9 mills upon the dollar's valuation. In 1875, 19½ mills. In 1885, 22 mills. In 1895, 23 mills. And now this same home, adorned with beautiful trees and flowering shrubs and made valuable by the charm and grace of association and felicitous recollections, instead of paying five dollars a year to government for the service of protection, as it did when the domicile was a log cabin and its grounds were treeless prairie, must be taxed each year between two hundred and three hundred dollars.

The cost of that land, when the pre-emptor's title came from the government, on April 23, 1857, was \$1.25 per acre, making an aggregate of \$200 for the quarter section. And now each year its possessor is compelled to pay more for the cost of local government than the original price of the land. What for? For the protection of life, liberty, and property? Not altogether. But to meet the demands of a sometime extravagant and mismanaged county organization. Primarily the county was involved in debt by voting subsidies to railroads—\$150,000 to the Midland Pacific, with 10 per cent. interest, twenty years to run; \$150,000 more to the Burlington & Missouri River Railroad Com-

pany, 8 per cent. interest, with twenty years to run; and \$40,000 more to the Kansas City, St. Joseph & Missouri River Railroad Company.

This voting of subsidies has been always, the writer thinks, contrary to law construed properly and to justice properly defined. It is guaranteed to the American citizen that neither his property, his liberty, nor his life shall be taken from him, except by due process of law. Money is property. Taxes take money from the citizen, and when it is taken by taxation to be bestowed in subsidies upon corporations, forcibly by a vote of a majority, it seems to me plain enough that it is not taken by due process of law. If it be lawful to take the property known as money, in the form of taxes, merely by the sheer force of a majority vote, what objection can there be to taking liberty or life by the same power? If it is legal to take one's money by the strength of a majority vote, without any recognized legal process, is it not equally constitutional and equally just to likewise so take liberty and life?

What is a tax? Whether laid for a local, state, or national government, a tax is simply payment for the service which that government renders to the citizen. And the service which government was instituted to give is the protection of life, liberty, and property. Never, in all the ballots which have been cast in Otoe county for bonds to be used for subsidizing corporations, has the writer of this paper given any other than a negative vote. At no time in his life has he for a moment believed that it was either righteous, just, or expedient for a community to burden itself with debt for the purpose of hastening, before their time, the building of railroads or any other alleged public improvement for the immediate "booming" of a town or county. This system of voting subsidies has prevailed in the state of Nebraska to such an extent as to have involved several counties and precincts in an indebtedness aggregating between ten millions and twenty millions of dollars. A result of such unwisely incurred debts is a tremendous levy upon various precincts, cities, and counties for "sinking funds" with which to meet the annual in-

terest account. And so far as observation goes up to this time, a sinking fund sufficient to meet bonded obligations upon their maturity in any city, precinct, or county has never yet been formed. On the contrary, new bonds are issued when old ones fall due, and the cancerous taxation is thus perpetuated from year to year and sinking funds made a chronic, hereditary burden and taint, seemingly, for all time to come.

Aside from subsidy taxes which are common to nearly all the counties, there are generally extravagant county current expenses. The county of Otoe is eighteen miles wide and thirty-six miles long, and the annual levy upon its real and personal property is for the purpose of raising somewhere between \$90,000 and \$100,000. The larger sum oftener than the lesser sum is the tribute wrung during each year from the people and property of that county, which contains, in round numbers, 400,000 acres of land. Bridges, road improvements, court expenses, and various other disbursements are, as a rule, unnecessarily of a recklessly extravagant character. Under an ancient statute, the County Agricultural Society draws \$500 each year to encourage it more as a horse show and racing institution than anything else, just as though all ought to be taxed for the pleasure and amusement of the few who make up the county society and enjoy the races, the betting, and the excitement thereunto appertaining. Among abuses in the courts of justice, none is more palpable and obvious than the custom which some judges have of lucratively appointing clientless attorneys to defend attorneyless criminals, who, with vaulting alacrity, are so often ready to swear to their own impecuniosity. The sums sometimes paid the aforesaid callow pleaders amount to the fees paid in similar cases to the best lawyers. These fees, fixed by a kind and generous judge, come out of a popular pocket. It is suggested that each county should elect and salary a public defender as well as a public prosecutor. It would prove a cheaper system than the present one, and deprive the courts of a baleful patronage.

From an experience as a taxpayer in Otoe county that now reaches out towards half a century, I must frankly say that the

cost of government in that particular county is far more than it ought to be, and that the character of government has not improved proportionally with the increase of its taxation. On the other hand, conscientiously I aver that from 1855 to 1865 we had, as a rule, a better and more economical administration of county affairs than we have had since that date.

Otoe county has, in round numbers, a population of 33,000. And yet its annual appropriation to meet the demands of its county commissioners, which hold to it the same relation that the legislative assembly did to the territory of Nebraska, is something like \$100,000; while the territory of Nebraska's legislative expenses were annually less than \$20,000, and provided legislation for more than 100,000 people who scatteringly inhabited an area of 75,000 square miles.

The excessive cost of local governments and the consequent high rate of taxation which it imposes, repels from some of the best portions of our commonwealth the highest character of thrifty and intelligent immigration and the most desirable capital and enterprise.

Cass county makes a better showing for inexpensive local government than any of the older counties of the territory and state, as her annual levy has averaged only 1 per cent. from 1865 to 1895, and in the latter year is only a little over 1 cent on the dollar.

Douglas county has averaged over 14 mills on the dollar during the same thirty years. But Washington county, which began with $14\frac{1}{2}$ mills in 1865, has now a tax of $23\frac{5}{8}$ mills, and makes an average of annual taxation for thirty years of $21.49\frac{1}{8}$ mills.

Burt county began with 10 mills on the dollar in 1865 and closes with 14.4 mills in 1895, making an average of 12.294, including and between the two dates.

In 1865 Dakota county had a tax of 13 mills, and in 1895 of 19 mills on the dollar's valuation, and shows an annual average during thirty years of $20\frac{1}{4}$ mills.

Throughout the state, during the "boom" period, and for the purpose of continuing an artificial energy of development in

most of the larger cities, the fallacy of making public improvements, merely for the alleged purpose of giving employment to the idle, quite largely prevailed. Many big sewers which were unnecessary, and miles of expensive pavements in streets which needed no pavement at all, have been levied for, with the avowed purpose of raising funds with which to employ idle muscle. It has been deemed a duty of government by a majority of the voters in many localities to furnish compensating employment to all seeking it. Following out this economic fallacy, those who have been temperate, industrious, self-denying, and acquisitive have been compelled, by the power to tax, to furnish the means of livelihood to those who have been largely during their whole lives intemperate, improvident, and indolent. Paved streets—vehicleless, trafficless, and almost peopleless—running out from Lincoln, from Omaha, and from other metropolitan points towards impossible additions, attest the futility and folly of such expenditures. The transitory and almost vagrant population in behalf of which such alleged public works were undertaken left each one of those towns so soon as the artificial excitement and unnecessary expenditure of public moneys subsided, or, by force of depleted exchequers, finally came to an end.

It is not the business of governments to furnish employment to citizens. But it is their business to protect the lives, liberties, and properties of citizens within the areas which they cover. Having afforded this protection, they may righteously tax for the service thus rendered, and a tax for any other than such a public purpose is licensed larceny.

The question arises now: How shall the good people in the various precincts, cities, and counties of the commonwealth of Nebraska hereafter avoid unnecessary extravagance and burdensome taxation in local government?

This is a very serious problem. It must be answered, therefore, with careful, thoughtful deliberation. There is one absolutely certain method of correcting the evil of extravagant administration in local affairs, and that is, to recognize, respect, and exalt individual merit and personal worth in selecting public

servants. Eulogize good character and denounce bad; choose for official places only those citizens who are peculiarly qualified, fitted, and adapted to those places. The best method to accomplish the selection of that class of citizens, and thereby put a premium upon acknowledged ability and clean character, is to repeal every statute in the state of Nebraska which requires any officer to give bonds for the faithful performance of his duty or for the proper care of public funds.

The theory of democratic government is that a majority of the people are always right, and, therefore, perfectly competent to govern themselves. In fact, this government is one of committees. In the county of Lancaster the whole people desire a treasurer, a sheriff, a county judge, and county commissioners, together with a county clerk. By a vote of the whole these officers are selected, as a mere committee, to attend to business which the people in their primary capacity cannot look after. To these officers are committed all the functions appertaining to their respective places. They have been chosen by a majority of the legal voters. If any one of them is inefficient or dishonest, those who elected them should suffer the consequences. The whole community should be bondsmen for the electees of the majority. The community should not plead the "baby act," and after, by a majority of ten to one, having elected A. B. treasurer, ask eight, ten, or a dozen good citizens who, by thrift, temperance, industry, and frugality, have acquired competencies, to come forward and sign a bond by which they shall risk all their lives' earnings (which, by natural rights, in part belong to their wives and children) in order to indemnify the community against loss by its own choice of an officer.

Up to date, the bond-giving system, which is contrary to a democratic form of government, has resulted, as a rule, in fruitless litigation when bondsmen have been sued.

That which is true as to the non-bonding of county and city officers is likewise true of the bonded state officials in Nebraska. The state treasurer of this commonwealth is required to give a bond in the sum of something like a million of dollars. That is

to say, two hundred thousand voters, having advocated or permitted the election of a citizen to the responsible position of state treasurer, then ask that they may be protected from their own selectee and guaranteed that he will not rob those who have chosen him to take care of the public funds. The best type of citizenship is then asked to jeopardize its earnings and the education and happiness of its households to protect a majestic majority from the possible consequences of its own votes.

Events too recent in the state are ample in potency to prove the fallacy of the bond-giving system when it comes to state treasurers. It, too, results only in litigation and loss.

But let the laws requiring these official bonds be repealed, so that neither city, county, nor state officers—whether they handle money or perform other duties—can be required to give any financial guaranty as to their capability, efficiency, or honesty. When these laws shall have been repealed, who will dare say that the republican party, the democratic party, the populist party, or the prohibition party of this state will nominate in any city or county a treasurer, or name for a state treasurer, a man whose character for ability as an accountant and for honesty and sobriety as a citizen is not above and beyond reproach? The repeal of these laws, which have in practice been almost a complete failure, would put a premium upon ability and honesty in public life. No political organization would dare name for public place a man intellectually or morally disqualified for the performance of the duties which that position demands. There would be no further pleading of the "baby act" by vast majorities. The whole people would soon understand and fully realize that whenever a dishonest or inefficient official was elected, they themselves were his sureties. The vote of every property holder would then be given after due reflection as to the probabilities of the candidate being able to satisfactorily do the work of the office sought. No longer would men be named for county treasurers simply because small bankers furnished bonds for them, in consideration of their furnishing back the small bankers deposits of public funds out of which petty

money-mongers may, by devious methods, evolve surreptitious and unlicensed gains.

Until offices are recognized as having been created for public utility and not exclusively for party purposes, and until salaries are paid only for services faithfully, honorably, and wisely given for the common weal, these ills, which are grievous to be borne, will probably remain uncured and become more malignant.

Until no bonds are required, extravagance in local governments can and probably will be continued. Until there be a premium upon personal integrity and upon fitness and adaptation for given positions, rascality and mediocrity may perpetuate dishonest and extravagant management and taxes may continue to be more now than they were then.

UNDERGROUND RAILROAD IN NEBRASKA.

By Alice A. Minick. Read at the Annual Meeting, January 15, 1896.

Human slavery, 'tis the one blot on the
Escutcheons of our country's fame, that time
Cannot obliterate. Memory calls
Back those days as a child shudders in the dark,
After hearing vague tales of witches.
Slavery, a daub made by the hand of greed,
And ignorance, or novice statesmen, whose
Souls were untouched by human sympathy;
Other stains streak our nation's splendor to-day,
And the black mask shall be as effectually
Torn asunder, e'en though it tries the souls of men.
Conscience coerced, by wrong codes may slumber,
While slumbering, seem to approve the law,—
Others of action, like the heroic John Brown,
Never sleep; they are talesmen for Freedom's immortal day.

Mention of the Underground Railroad (U. G. R. R.) in Nebraska, or in any other state, immediately suggests to the mind the thought of Captain John Brown, whose name is inscribed on every historic record which pertains to the great national wrong of slavery, up to the time of his "public murder" at Harper's Ferry, December 19, 1859. John Brown was the inspiration of the abolition party. He clasped the hand of oppression, and united it with freedom,—his life was the prophecy of freedom, and his death its benediction.

The U. G. R. R. was humane in its object, was created from a deep abstract principle, which rests in patriotism in governmental affairs, and is the moral element in human and divine rights. In reviewing carefully the movement of the abolition party reformers who put their souls and lives into the movement, I can see no place where the true governmental principle of justice and the divine principle of personal liberty crossed,

though to an unsympathizer, or careless observer, it might appear to the contrary.

The prime object of the movers along the line of the U. G. R. R., both north and south, east and west, was the emancipation of the slaves from an unholy bondage, to assist them to their God-given rights, in defiance of the human authority that overshadowed them; this assistance to be rendered when necessary, at all hazard, and at any and all times. The bravest and most loyal blood flowed in the veins of those abolition forerunners; like all reformers, they were dubbed as fanatics and lunatics, when, in fact, they were radical enthusiasts upon the subject of patriotism. Who could doubt the loyalty of men as brave as John Brown, Lovejoy, or Gerrit Smith, or Fred Douglass, or Wendell Phillips, and scores of other reformers whose souls were enlisted in the work,—that struck the key note, that sounded the death knell of human slavery?

John Brown was a Christian gentleman, *not a rough*, as he is understood to be by many who have not studied his biography. He was educated for the ministry, was a tanner by trade. He was at one time a large wool dealer, then a farmer; his methods were practical in every respect. In person he was a tall, well developed specimen of manhood, five feet eleven inches in height, with keen black eyes, and when I saw him in 1859 he wore a heavy beard, which was streaked with grey; he impressed one as a man of strength. He represented a line of sturdy and noted ancestry; he is described as the seventh John Brown along the genealogical line. He was married twice and became the father of twenty children; he possessed *the will to do* what others knew should be done but had not the *moral courage to do*, for he declared he had been engaged in railroad business on a somewhat extended scale, and said: "I have been connected with the business from my boyhood and never let an opportunity slip." This line of work was carried on more extensively than was generally understood at the time, or is yet understood,—since it was conducted under various names. It was known in some sections as The Subterranean Pass Way (S. P. W.), "Free State League,"

and "League of Freedom," all of which implied one and the same thing, known in the west as the Underground Railroad (U. G. R. R.) I am to deal more directly with the U. G. R. R. in Nebraska—which was a short line, comparatively, both in distance and time of operation. The Nebraska line was directly under the management and leadership of John Brown, whose home was temporarily in Kansas. He often passed over the route, personally accompanying the fugitives as far as Springdale, the Quaker settlement in Cedar county, Iowa, which was one of the stations on their way to Canada.

It is authoritatively stated that seventy-five thousand fugitives were in Canada West at the time of the Chatham gathering, which was an abolition convention called by John Brown in 1858. One colored woman, Mrs. Tubman, is reported to have assisted several thousand fugitives to escape, she having been a refugee, and one Wm. Lambert is reported to have helped within a period of thirty years, thirty thousand slaves to freedom. It is reported that the Ohio-Kentucky route served more fugitives than others in the north. I make mention of these facts to show something of the magnitude of the U. G. R. R. and its functions in the fulfillment of the prophecy which declared that this should be the land of the free and the home of the brave.

The original name of the Nebraska line was known as the Kansas-Nebraska and Iowa Underground Railroad. It was a continuation of the Missouri and Kansas line. Its terminus was Springdale, Iowa, the center of the Quaker community above mentioned. Falls City, in Richardson county, was the first station in Nebraska. Nemaha City, Nemaha county, and Nebraska City, Otoe county, the main crossing of the Missouri river,—these comprised the Nebraska stations, and extended from them to Tabor, Iowa, then to Springdale. The Kansas, Nebraska, and Iowa line was well organized. It was later known as the Nebraska U. G. R. R. The money used was raised by subscription, mostly among its members, and the road was worked by its members, who were abolitionists. The members took their turns, and used their own methods of transportation from one station

to another. Sometimes they were annoyed and their plans frustrated by some disloyal members, who could be tempted to try and make money by returning the slaves to their masters and obtaining the reward. If they succeeded they crossed the river at Rulo, in Richardson county, Nebraska, opposite Missouri. Between bloody Kansas on the south and the border ruffians, and Missouri, a rank slave state, on the east, there was imminent danger and risk connected with the undertaking, but a goodly number of abolitionists at each of these points influenced public sentiment far enough to prevent outbreaks or serious disturbance, more than the occasional occurrence of disloyalty of some of its members, which Judge Reavis, of Falls City, describes by an incident which took place, in which he says: "As I now remember, there were about one-half dozen operators on that road in and about Falls City, having a station about a mile north of town, at the house of a man by the name of W. W. Buchanan. This man Buchanan got into some trouble with the fraternity and was dismissed from their service. Charles Strong, of Nemaha City, and some two or three others, whose names I do not recall, came into Falls City some time during the year 1859 or '60, and, among other things, charged him with slipping runaway darkies over into Missouri for the purpose of getting the reward offered for their recapture. There was some foundation for the charge, and it came pretty near costing Buchanan his life, as Strong, Chamberlain, Jamieson, and some others, whose names I have forgotten, were not only indignant at the conduct of Buchanan, but they distinctly told him that a repetition of it would bring about his personal destruction. There was one ridiculous circumstance connected with this that might as well be told, and I think the circumstance led to the suspicion that Buchanan was not all right. One of the runaway slaves had been lodged at Buchanan's house, to be forwarded on his course to Mt. Tabor, Ia., and was a little above the average negro in point of intelligence. This negro became suspicious that everything was not all right and broke away from the men who had him and escaped south across the Nemaha river into

an Indian reservation. The Indians, of course, had the notion that a black man was property among the white men and the next day they came to town driving the negro before them and wanted to sell him for flour. In the meantime one of the men who had been trying to ship the negro into Missouri came into town and charged that the fellow was a runaway slave and that he must be returned to his master. There were more abolitionists in town than pro-slavery men, and the darkey was kept in a blacksmith's shop and was eventually dressed up in blankets belonging to Judge Dundy, the late United States district judge of the district of Nebraska, and was finally smuggled out of town and sent on his way to Canada. There was not the slightest danger that the negro would be returned to slavery, as there were too many abolitionists in town who would have engaged in conflict rather than allow it. But the difficulty was gotten over by the ingenious device of making the negro appear like an Indian, and he passed out of the shop close to a pro-slavery man, who never knew the difference.

Sewel Jamieson, of Falls City, long since gone to his rest, was an active member; also John Burbank and his brother Joseph, Judge Dundy, and Wm. McFarland, to whom I am indebted for items of interest and who assisted companies to escape on three different occasions. Nemaha City was the central point, where were several stations; one just north of town on the farm of Houstin Russel. Although a Missourian, he was a radical abolitionist. He took care of more fugitives than any other agent at Nemaha. It was there I received my initiation into the order under promise to keep still. I had gone to the Russel home to visit a daughter; she was going to the cave to get vegetables for the meal and invited me to go with her. On entering the cave, I found myself in the midst of colored people of all sizes, men, women, and children. All I could see was red lips, white teeth, eyes, and black faces; frightened is no name for the sensation I experienced. Should I run, scream, or fall down? The more frightened I became the more they showed their white teeth. I begged the girl to help me away, for I could not rise on my feet.

These were the first colored people I had ever met, and to a northern child it was an experience. This was early in the operation of the Nebraska line, for in the next two years I overcame all my fears of colored people. Hezekiah B. Strong, of Nemaha City, was a member and he often helped the fugitives on their way. My father, David Lockwood, kept a station just west of town. There was also a vacant house in town where they were housed when there was a large number together. I remember waking one morning and smelled cooking at an unseasonable hour, and on investigation found my mother preparing an early breakfast for three fugitives. One of the number was a tall, stalwart darkey, Napoleon by name. He was more intelligent than the average slave. He said he intended to return for his family as soon as he could earn some money. My father warned him against it, and advised him to leave his family in the hands of Providence, at least while so much danger threatened. After the three had been warmed and fed they retired to the attic for the day. Napoleon tied two brooms for my mother that day out of some broomcorn that had been stored there. The next night my brother, Eugene V. Lockwood, took the colored gentlemen in an emigrant wagon to Nebraska City. Some months after this Napoleon did return to Missouri with his heart full of love for his family, and determined to take them to Canada with him. He went to the farm house of his wife's owner and under curtain of night stole close to the house with the hope that his wife might come to the door; then he crept close to the well curb where she might come to pump water and breathlessly waited. How his great heart must have beaten, and every moment an hour, while undergoing this suspense. Then there came the sharp crack of a pistol—a flash—and a bullet had pierced Napoleon's heart, and he was dead. Many pathetic incidents were enacted during the two years that the U. G. R. R. was in operation in Nebraska, but none of them touched my heart as did this one.

John Brown's last appearance in Nebraska was early in February, 1859, and in fact, as far as I am able to find out, these were

the last refugees he assisted to escape, for soon after he made his way from Springdale (where his men had been drilling and his guns and ammunition were stored) to Harper's Ferry. This trip has been described by George B. Gill (who was Brown's faithful friend and adviser, as reported in the American Reformer by Carlos Martyn.) He appeared in Nemaha about February 3, 1859, with thirteen fugitives in emigrant wagons. They camped at the station house in Nemaha, which was furnished with a stove and benches; a colored cook prepared their meal. It was no secret then that John Brown with fugitives was in town, where they remained two or three days. His company consisted of men, women, and children. George B. Gill accompanied him and several other white men. This must have been the camp that Mr. Gill alludes to as being on the Otoe reservation, since it was just across the line, and there were no stations on the reservation. The weather was cold, roads rough and hubby. I can now see that group as they surround the wagons preparatory to starting. A number of citizens had assembled, some out of curiosity, others to assist them out of sympathy. They left Nemaha peaceably and without molestation, with the best wishes of many people. These were the last fugitives that I ever saw, for soon the battle cry sounded and the attention of loyal citizens was turned in another direction.

Mr. Gill says: "It is not generally known, but it is a fact, that there were from 1856 to 1858 more slaves in Nebraska than in Kansas. Most of the Kansas slaves were conveyed to the North Star section soon after. The first attempt to cross the Missouri river by the new route was made by the Massachusetts party, under the charge of Martyn Stowell, of which I was a member. We were the advance guard in July, 1856, of Jim Lane's hastily gathered command. The Nebraska City ferry was a flat boat worked by a southern settler named Nuckolls, who had brought slaves there and who declared we should not cross. Three of us, who were mounted, rode down, called, and got the ferry over on the Iowa or eastern side of the river with Nuckolls himself in charge, and we held him there until our little company of sixty-

five young men, with three wagons, were ferried over. These incidents are only mentioned to show the nature of the obstacles. Mr. Nuckolls yielded to our persuasive force, aided by that of his neighbors, many of whom were free state in sympathy, and perhaps even more by the profit he found by the large ferriage tolls we promptly paid."

I cannot close this chapter without making especial mention of James H. Lane, who was active in those days. He must have been out on one of his recruiting trips when I first met him in June, 1856, camped on the bank opposite Nebraska City three days with two or three hundred other people, who were waiting for the high waters caused by the June freshets to recede, sufficiently for safe crossing in a rickety flat boat and by the aid of careless, half-drunken seamen. Mr. Lane was one of the high water-bound party held there nearly one week. He frequently visited our camp, for he found my father's family in sympathy with his work. I scrutinized him in childish curiosity, for to see Jim Lane was to see a noted personage, who had been read and talked about in our New York home, his name being always associated with the Kansas troubles. He was socially a pleasant, congenial gentleman. He was tall, slender in build, with a smooth face, and blind in one eye. I could not pronounce him handsome; he was of a restless, nervous temperament. We crossed the river on the same boat, only part of our family going at the same time. My father met Mr. Lane many times after this. He believed that Lane would be the colored people's Moses, for up to this time little had been heard of John Brown in the west, as he was actively engaged in the rescue work in the east. Lane was organizing against the border ruffians in Kansas, while John Brown's work from beginning to end was the emancipation of the slaves. Aaron Dewight Stevens was known as the fighting free state leader at Topeka, and to him was also intrusted the defense of the open road to Nebraska. John Brown carried on a dual duty after his appearance in the west, that of collecting arms, drilling his men at Tabor and

Springdale, at the same time engineering his U. G. R. R. lines in various places in the country east and west.

There is no way of arriving at a correct estimate of the number of slaves that were assisted over the Nebraska line, but it is safe to say that there were several hundred. The work taught those who were held as slaves in Nebraska territory that they were on free soil, of which they soon took advantage.

One of John Brown's principles was loyalty to government, while he believed there was no wrong in helping the slaves to what naturally belonged to them—freedom. He believed in preserving the Union, and was opposed to taking of life and destruction of property at all times, save only in self defense. These principles stood for those of every true abolitionist. They believed that a government fostering and protecting a wrong of so great magnitude would go down in filth, or it would extricate itself through great loss; *and they were right*. Nebraska has a clear record. She is free from the blot of legalized slavery. This was done by the heroic acts of the few who bore aloft in the time of danger freedom's banner. Although bills were introduced into the legislature by Marquett and Taylor in 1860 to abolish slavery in the territory of Nebraska, these were political methods introduced to test party strength. Legalized slavery did not exist; however, the bills passed over the governor's veto and went into effect May 1, 1860.

I will add here that these were stormy times in Nebraska. Those who have come here of more recent date and enjoyed the fruits of those days can scarcely understand all that the U. G. R. R. implies. The country sparsely settled, no comfort, very little to eat, and that plain food, and money scarce. Cold winters followed by droughts, ague and fever, which accompany new countries, were of frequent occurrence. Means of transportation were limited to Indian ponies or ox teams; all strangers, and they many times homesick and discouraged; war threatening, and harder times, if possible; blood-thirsty ruffians on our borders; with all of these surroundings and many more discouragements, the thought of carrying on a systematic assistance for

the deliverance of thousands of slaves required, first, patriotism, then nerve and energy, such as only great emergencies can command.

These reminiscences have been carefully collected together with my own recollections extending back to my twelfth year of age.

BIOGRAPHICAL SKETCH OF MAJOR W. W. DENNISON.

By I. A. Fort.

William Wallace Dennison was born at Saybrook, Conn., April 20, 1822, and received his education at Yale. He was descended from a noble English family, a branch of which, emigrating from the parent country, settled in Connecticut about the beginning of the last century. The greater part of his life was spent in government service, particularly that branch of it known as the Indian department. In 1857 he was appointed by President Pierce United States agent to the Pawnee, Otoe, and Missouri tribes of Indians, with headquarters at Nebraska City, which was then in its infancy. Enterprising and public spirited, Major Dennison, together with other kindred spirits, did all in his power to invite immigration into the territory and to further in every way the interests of the growing colony at Nebraska City.

Through his instrumentality the Indians under his control and over whom he exercised a most beneficent influence were instructed in the useful arts of civilization and also taught how to live on friendly terms with other Indian tribes, as also with their white neighbors. Treaties greatly to their advantage were, through Major Dennison's influence, concluded with the government, the articles of which were rigidly enforced by him, to the great advancement of the Indians.

In 1859 his friends induced him to stand as democratic nominee for congress, but he was defeated by the republican candidate. During the fall of 1860, his health failing notably, he was advised to try a southern climate for its restoration, in pursuance of which advice he sent in to the Indian department his resignation as agent, and was preparing to proceed with his family to Virginia when the civil war broke upon the country.

Certain unscrupulous persons hearing of Major Dennison's

intentions, got together a mob of low white men and a few deluded Indians, who, presenting themselves at the major's dwelling, demanded him to deliver up the government money which he then held in trust for the payment of Indian annuities, assigning as a reason for this lawless conduct that Major Dennison was about to go south, being a southern sympathizer, taking with him said public funds. A base and groundless calumny, as after events clearly proved. These lawless men further threatened to burn the dwelling of the agent, and even the whole of Nebraska City, if their demands were not complied with—which threat so intimidated some property holders in the city that they appointed a committee to wait upon him and request that he give up the government money then on deposit in Mr. Ware's bank. This request was, of course, indignantly refused. Finally these miscreants, threatening death to the intrepid defender of his trust, seized and bound him, making him a prisoner in his own house, around which they placed a guard of unprincipled men. To all these threats of violence and death Major Dennison replied, with an undaunted courage born of stern integrity and upright principles, "I prefer death before dishonor."

All the available troops at Fort Leavenworth, the nearest garrison, having been called to Washington to assist at the inauguration of President Lincoln, none could be obtained to quell these disorders, and the governor's authority proved powerless to stay the lawless proceedings. Under these circumstances, his friends urging upon the major the duty he owed to his family and himself to protect his life and honor, advised him to leave the territory, which he did early in 1861, proceeding to Richmond, Va., where he was joined by his family some months later.

The government funds remained in the bank until after the arrival of a newly appointed agent, to whom the boxes of specie were delivered with their seals unbroken and their contents intact.

This incident is given as an illustration of the moral strength and force of character possessed by Major Dennison. At no period of his life did he show more magnanimity of soul and

heroic courage than when, almost alone, he defied the threats and violence of an unprincipled mob.

He took no part in the civil war, his physical condition proving a sufficient exemption from military duties, but through the influence of friends and in recognition of his personal merits, he was given a position in the Confederate treasury department at Richmond, thus securing to himself and family a necessary maintenance until such time as they fondly hoped to return to their western home. But, alas for human hopes and expectations! death claimed his wife in 1862, and his own health rapidly declining, he died in Richmond, on the 16th of July, 1863, at the early age of forty, leaving behind him two orphan daughters to mourn their irreparable loss.

Major Dennison was a man of sterling worth, of spotless integrity, a loyal citizen, and a polished and courtly gentleman, whose untimely death was lamented by hosts of friends north and south, and whose memory is held in benediction by those who loved him.

PRESIDENT'S COMMUNICATION, 1897.

Read before the Society at the opening of the Twentieth Session, January 12, 1897.

UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY,

WASHINGTON, D. C., January 8, 1897.

Mr. Jay Amos Barrett, Librarian State Historical Society, Lincoln, Nebraska,

MY DEAR SIR: I very much regret my inability to be present at the coming session of the State Historical Society. But particularly do I lament the fact that I shall not be there to meet the surviving members of the first territorial legislative assembly who will at that time convene within our lecture room. It will be very appropriate, it seems to me, on that interesting occasion to see what sort of history has been made during the last fifty years in regard to class legislation.

It has been recently declared that under the gold standard the poor are invariably oppressed and made poorer and the rich favored and made richer. It has been declared with wonderful effrontery that the American people have been crushed in their enterprises and industries by the single gold standard. Even from citizens in high positions have come utterances like the following:

"The promulgation of the gold standard is an attack upon your homes and your firesides and you have as much right to resist it as to resist an army marching to take your children captive and burn the roof over your head."

In view of these wild and false statements, why not look over the economic and social improvements which have come about under this terrible gold standard during the last fifty years?

In that time has not imprisonment for debt been abolished?

In that time have not laws been passed exempting homesteads

and large values in personal property from execution against debtors who are the heads of families?

Have not liens been provided for mechanics and laborers by which their wages may be secured upon the property in which they have put forth their efforts?

Have not poor persons been permitted to sue in the courts, state and national, without the payment of costs or the giving of security for costs?

Have not laws been passed providing for the appointment of attorneys to defend, without compensation, poor persons in the criminal courts and, in some instances, in the civil courts?

Have not laws been so constructed that courts are directed to enter judgment in favor of the laborer who has to bring suit to recover his wages or enforce his rights against a corporation for a stated sum to recover his attorney's fees?

Have not the hours of labor to make up a day been declared by law as to the public service and on public works?

Have not the wages of labor been made preferred claims in the administration of estates, and in some cases are not wages made preferred claims generally?

Have not laws regulating passenger and freight rates on railroads and other lines of transportation, and also the charges of public warehouses and elevators been instituted during the last fifty years?

In the same time have not national and state commissions been created to supervise railway traffic by which charges are supposed to have been reduced two-thirds or more?

Have not statutes reduced the rates of interest in nearly all the states and extended the time for the redemption of property after the foreclosure of mortgages or deeds of trust?

In that half century have not railroads been required to fence their lines or pay double damages resulting from failure to fence?

Have not railroads in that period been also required to furnish safe places and appliances for their workmen?

Have not manufacturers and mine owners been required to

provide places and machinery for the safety and comfort of their employes?

Has not the incorporation of labor organizations been authorized in that time by law and Labor Day been made a national holiday?

Have not commissioners of labor, state and national, been appointed to gather statistics and as far as possible to ameliorate the condition of the working classes?

Have not the laws provided against poor men being black-listed or threatened by postal cards, as to the collection of debts alleged against them?

Have not the public mails and post routes been relieved by law from the carrying of lottery schemes and other fraudulent methods of getting money from the unsophisticated?

Have not the postages been reduced so that, under the operation of the present laws, the people get the county newspapers free of any carrying cost?

Has not slavery been abolished in that time?

Has not the condition of labor been elevated and improved?

Have not foreign laborers been forbidden to come into the United States under contract, and Chinese emigrants shut out?

Have not boards of arbitration, state and national, for the settlement of labor disputes, been created?

In that half century have not homesteads aggregating more than three millions in number been given gratuitously to those who would enter upon them and cultivate them?

In the same time have we not given away a million or more of farms in the United States under the operation of the timber culture law?

Have not free public libraries been established by statute in nearly every state and county of the east and north and in many of the western and southern states?

Have not institutions for the blind, feeble minded, the insane, and deaf and dumb multiplied in every commonwealth of the United States?

Have not institutions for caring for the sick, the aged, and

the distressed been improved and increased in numbers a thousand-fold during the last fifty years?

During what other half century has any nation shown a pension list running to \$160,000,000 a year to provide for its veteran soldiers?

In what other country have so many millions of dollars been expended for free public schools and universities in the last fifty years?

And who brought about these beneficent institutions which look after and care for those who are unable to care for themselves?

Were they not the higher class of citizens—the intelligent, the wealthy—who conceived and constructed these homes for those who otherwise might have no homes?

Are not these evidences of a bountiful, abundant, and a generous charity visible in every state and county and city of the American Union? And, this being the case, with what truth, with what good common sense, and with what justice can any public man endeavor to array the poorer against the richer citizens of the republic? How can anyone declare, in the face of all these gigantic facts, that the gold standard has cursed and shrunk the civilization of the last half century in the great republic of the western continent?

In the records of all the centuries since man began a historic career where can fifty years be found during which the cost of production of staple foods for the human race has been so much reduced?

What other half century can vie with the last half of this in bringing to the great mass of mankind increased comforts and luxuries at constantly lessening cost?

During these fifty years have not the dynamos of most of these power agents, which before the beginning of 1850 had been concealed from human vision, been developed and made to work for the advantage and benefit of the American people?

And under the gold standard, since 1850, has not the population of the United States more than trebled and its wealth multiplied itself nine times?

If the preceding 200 years had recorded on a phonograph all of the inventions, improvements, and labor-saving machines for production and distribution, would they have equalled the showing which the last twenty-five years can make?

But leaving the United States east of the Mississippi river, how has Nebraska been shriveled and tortured under the gold standard since civil government was first established within its boundaries?

Who present of the members of the first legislative assembly of the territory of Nebraska can recall the physical conditions by which that deliberative body was environed in January, 1855?

Was it not more than three hundred miles to a railroad? Were there more than two thousand men, women, and children resident in all the seventy-six thousand square miles which make up the area of this commonwealth?

And yet in forty-two years have not the material, mental, and social conditions—under the gold standard of value—advanced from the crudities, discomforts, and discouragements of the furthestmost frontiers to the environments, comforts, conveniences, and luxuries of modern civilization in all the older settlements of Nebraska?

And will not the acre of land which would buy but a dollar and a quarter in gold in 1856 now purchase from ten to a hundred dollars of the same coin?

And cannot money, which in 1856, '57, '58, '59, and '60, and even down to 1867, which loaned in Nebraska upon farm mortgages for 12 per cent. per annum, now be borrowed for 8, notwithstanding the alleged appreciation of the dollar?

And cannot railroad bonds, issued upon lines in Nebraska which originally bore 8 per cent., now be floated at 4?

And are not wages more now than forty-two years ago?

And with interest lower, wages higher, and the values of all real property enhanced ten-fold during the forty-two years, how can a truthful man, a sincere lover of big facts, declare that the gold standard has been and will continue to be a blighting curse upon the people.

J. STERLING MORTON.

THE FIRST TERRITORIAL LEGISLATURE OF NEBRASKA.

REMINISCENCES BY H. P. BENNET.

DENVER, COLO., September 15, 1896.

To the Nebraska Historical Society: At the earnest solicitation of your assistant secretary and librarian, I will attempt to express what I can remember of the first territorial legislative assembly of Nebraska. Forty years is a long time to retain in one's memory anything of interest concerning the assembly not found in the journal of its proceedings, so you need not expect a very extended statement. I might, indeed, draw upon my imagination for embellishments; but such you would not want. Nor would I like to give you anything but the plain truth of the matter so far as I can, even though it be not so strange as fiction.

At the date of the passage of the Kansas-Nebraska bill, in May, 1854, I resided at Glenwood, Ia. My oldest brother, Isaiah H. Bennet, was in the employ of the government in the Indian service, and located at Bellevue. He and I were among the very first to locate claims in Nebraska after the passage of the bill. We made our locations on the Papillion, without, however, moving our families to the ground.

Late in the fall of 1854, S. F. Nuckolls, who had located at old Ft. Kearney (Nebraska City), persuaded me to move from Glenwood, Ia., and join him at Nebraska City. This I did, taking my little family with me in a buggy, and leaving all my household and other effects behind. We boarded at the Downs house, the only public house in the city, for some few weeks before the first election in the territory. At that election I was a candidate for the territorial council from Otoe county, which was entitled to two councilmen, and I was elected, together with Captain Bradford, long since deceased. As I remember the matter, I owed my honorable position as a member of the first session of the Ne-

braska legislature more to Stephen F. Nuckolls than to the fact of any long or well-known residence in Nebraska prior to the election.

I was elected as a South Platte man, which meant that I was in favor of the location of the capital at Nebraska City. In other words to remove the capital from Omaha, where Thomas B. Cuming, the secretary, had established it, to a point south of the Platte, where I and my South Platte colleagues and constituents had more corner lots than in Omaha. The corner lot question was the great political question at stake between the two Nebraska parties—"North Platte" and "South Platte"—of that early period. Party spirit, of course, ran high, as it naturally does when, as in this case, a great principle is involved in the issue. Just consider how many

"City lots were staked for sale
Above old Indian graves"

north of the Platte, at Omaha, and south of the Platte, at Nebraska City. In such trials the issue cannot be found by proofs of the right beyond a reasonable doubt, as in criminal cases, but only by a preponderance of corner lots. And it was so found in this case, in favor of Omaha.

However, I must ask you to pardon these reflections, as I am not writing an essay on the righteousness of mankind, but only a few reminiscences of the early and half-forgotten days of the great state of Nebraska.

The legislature met at Omaha a few weeks after the election. It assembled in the old capitol building situate on the bluff near the Hemden house. All the parliamentary law I knew I had gained from study of Jefferson's Manual, which I had borrowed after my election. Notwithstanding my meagre knowledge of the subject, I was considered by my South Platte colleagues to be the most capable and best equipped member to put into the chair as *pro tempore* president of the council.

On the day the legislature met feeling between the parties was very hot in regard to the organization of the two bodies. I know that most of the members of the council were very much worked

up, and the greater portion of the crowded lobby was near the fighting pitch. So far as the council was concerned, the South Platte men had the advantage in nerve and fighting quality, and could have bullied the other side successfully. But the lobby was made up of the friends of Omaha. Some of them were armed, and quite as ready and willing as were our side to have the council organized their way peacefully, even if they had to fight for it.

The North Platte members had a further advantage in having several men of brains and experience. O. D. Richardson, of Omaha, knew more of what the matter in hand was about and how to accomplish it than the entire delegation from South Platte. Besides him on the Omaha side there were B. R. Folsom and Goodell and other cool, able, and experienced men.

Secretary Cuming, after "swearing in" the members of the house, came up to swear us in. We all stood up and he proceeded to swear us to support the constitution of the United States and the organic act of Nebraska, and was proceeding to swear us that we were all citizens of Nebraska and over twenty years of age, when I dropped into my seat, pulling Lafe Nuckolls, the "member from Cass," down with me, thereby declining the oath. This I did because of doubts as to my own or Lafe Nuckolls' residence in the territory, and for the further reason that I knew Lafe was not yet twenty. So I kept him company, and afterwards Judge Ferguson came in and administered to us the proper oath, omitting the matter of age and residence. Lafe was a bright and ready fellow. Some one, pending the arrival of Judge F. to swear us in, asked him his age. Lafe answered at once: "Ask my constituents, as Henry Clay once said."

This by-play on my part in regard to the oath I suppose furthered my being selected to occupy the chair during the organization of the council. This position I filled as best I could for about an hour, in the midst of great excitement on the part of the members, the lobby, and everybody else in the chamber. What occurred during the short time I presided, or pretended to preside, I cannot remember, except that I most assuredly did

not know "where I was at." I was put into the chair by a majority of one; but on the vote for permanent president, the Omaha side, having won over one of our South Platte members by offering him the presidency, elected J. L. Sharp, of Richardson county, and I stepped down and out.

Frank Welch was an enrolling clerk of that session, and a good man. He could sketch with his pen almost as well as Thos. Nast, and during the session he made many caricatures of the ridiculous things that occurred. I remember one on the committee of the whole; and another on "the final departure of the gentleman from Cass," as Lafe Nuckolls was called. The latter represented the council in session and Lafe at the door, his right hand extended in farewell to the members, while in his left, rather back of him, he carried his carpet bag, gorged to overflowing with stationery and other accumulated perquisites of office.

J. Waldo Thompson (son of the Widow Thompson who afterwards married Steven Decatur) was our only page that session.

I cannot now recall to mind that I had any pet measure at that session, other than the location of the capitol, nor that I introduced a bill for any purpose whatever, unless it was for a toll-road bridge or ferry charter. There were hundreds of such bills introduced, and all passed, covering every buffalo and Indian trail to and from watering places and fords on the Platte and every other known river or stream in the territory too wide to step across. In respect to private charters this first legislature did all that was necessary so far as they knew at the time. Future legislatures, I am pleased to hear, followed the precedent set by the first upon the discovery of fresh trails and dry creeks in the then unexplored regions of that part of "the great American desert."

But I must cease this gossip about the great state of Nebraska. It is all right now, however crude and uncouth in its beginnings. It has grown many men of ability, quite a number of whom will compare favorably with the average statesmen of our land. And

now she can proudly point to one masterful son, who, in some respects at least, may well be compared to the immortal Lincoln.

ROBERT BATES WHITTED.

Written by his brother, J. M. Whitted, of Florence, Nebr.

Robert Bates Whitted, who was a member of the first legislature, territory of Nebraska, was born April 26, 1822, in Maury county, Tennessee. His foreparents were of Welsh descent, who came over as disciples of William Penn and settled in Orange county, North Carolina, about 1685. He is of revolutionary stock; both his grandfathers were at the battle of Guilford, North Carolina, and fought under General Green. His father was under Jackson in the war of 1812. Robert's early life was spent on a farm. When he was fifteen years of age his parents moved to Park county, Indiana, where they purchased and settled on a farm. Not making a success of farming, his father tried the occupation of a boatman. He lost his life at Vicksburg, Miss., about 1837, and left Robert's mother with but very little means to support the large family. They struggled on in poverty, Robert going to school in winter and working in summer, until he was twenty years of age, when he apprenticed himself to a tanner and currier until he learned the trade. He then started in business for himself and moved to Keokuk county, Iowa, in 1846. He married Lucindy Hurley in 1847. They had four children. In 1852 he came to Council Bluffs, Ia., and when Nebraska was organized, he located his claim in the present site of Omaha. His wife died in 1856. In 1857 he moved to Grayson county, Texas. His two sons, Simeon and Pinckney Whitted, now live in Sherman, Grayson county, Texas. He was thoroughly democratic in his political views. He died in 1864.

JOSEPH D. N. THOMPSON.

Written by John C. Thompson, Omaha, Nebr.

Joseph D. N. Thompson, the member of the first legislature of Nebraska from Kanosha, was born in White county, Tennessee, December 22, 1809. While a young man he learned the harness-

maker's trade. That, however, did not suit his tastes, so he read law and became an attorney. He was married early in the thirties to Miss Martha Baker, a woman of strong character and maidenly virtues, with whom he lived happily for more than a third of a century—until the day of his death. The early years of their married life were spent in Missouri, and it was while they lived in that state that most of their children were born. The early history of Missouri, if properly and correctly written, would probably show J. D. N. Thompson in his most natural role—that of a soldier—for he was captain of the Fifth Missouri militia, and, after that company disbanded, became a member of one of the twelve-month regiments of militia. His daughter, Mrs. Mary Marsh, says her father served in the Black Hawk, the Seminole, the Mexican, and the civil wars; that he was in Colonel Gentry's regiment and was present and participated in the great battle fought Christmas day, 1837, when Old Rough and Ready so severely chastised the Indians, and when Colonel Gentry was killed. Mr. Thompson's record in the Mexican war was that of a daring, courageous, and loyal soldier. It cannot be stated in language any more appropriate than that employed in the obituary notice published in the Nebraska Advertiser at the time of his death. It said: "He was with Colonel Doniphan's regiment, and participated in a series of marches and hard-fought battles which terminated in the capture of the principal cities of the north of Mexico." After his return from the Mexican battlefields he was not contented in Missouri. He removed from there to Iowa, then to Nebraska, locating in Kanonsha, from which point he was elected as a member of the first house of representatives of Nebraska. This was the only official position, aside from justice of the peace, which he ever filled. After the expiration of his term of office as a representative, in 1855, he removed with his family to Glenwood, Ia. The following year found him on the move again and that time he located in Brownville, Neb. At the breaking out of the civil war he was postmaster of that town, but resigned in order to accept a commission as captain of the First Nebraska under Colonel Thos. J.

Majors. After that regiment was discharged he again enlisted, this time as a private in company K, Forty-eighth Missouri Volunteer Infantry, with Geo. Vandaventer as captain, being mustered in the 1st day of September, 1864, and being mustered out the 29th day of June, 1865. His four sons all fought under the stars and stripes for the preservation of the Union, and his wife and daughters—those remaining unmarried—were at the front, and often acted as nurses, during a portion of the time that he was in active service. After the spirit of state rights had been crushed he returned again to Nebraska, living in Nemaha and Richardson counties alternately until the date of his death, June 2, 1871. He was survived by his wife and six children. He was buried in Walnut Grove cemetery in Brownville.

BIOGRAPHY OF ANDREW JACKSON POPPLETON, MEMBER OF THE
FIRST TERRITORIAL LEGISLATURE.

Written by Hon. James M. Woolworth and William S. Poppleton.

The subject of this brief sketch comes of a family which may be traced to an early day. An English officer of the name was in Cromwell's army which overran Ireland in 1649-50. When the subjugation of the island was complete he remained there. It is said that Samuel Poppleton was his grandson. Samuel Poppleton was born in Ireland in 1710 and was married to Rosanna Whaley, by whom he had four sons, Ebenezer, Benjamin, William, and Samuel, the youngest of whom, Samuel, was born in New Jersey on Christmas day, 1750. Soon after the birth of this child the family settled at Pownall, in the territory which now forms a part of the state of Vermont. At the outbreak of the revolution the elder Samuel adhered to the British crown and returned to Ireland, where he died, but his four sons enlisted in the Continental army and were all actively engaged in the war. Samuel, the youngest, was with Ethan Allen at the taking of Ticonderoga, served under Benedict Arnold in the expedition against Quebec and at the battle of Saratoga, and participated in a number of engagements until the close of the

war. He was accustomed to say that he had been in seven pitched battles.

In 1783 Samuel Poppleton was married in Pownall, Vt., to Caroline Osborne, by whom he had eight children, of whom William Poppleton, the father of Andrew J. Poppleton, was born in Poultney, Vt., in 1795.

In 1811 Samuel Poppleton with his family removed to Richmond, Ontario county, New York, and in 1822 again emigrated and settled at Belleville, in Richland county, Ohio, where he died in 1833. His wife died at the same place on the 7th of November, 1842. In 1814 William Poppleton was married at Richmond, in New York, to Zada Crooks, the granddaughter of David Crooks, a Scotchman, who came to Blandford, in Massachusetts, prior to 1769, and afterwards removed to Richmond, in New York, where he died in 1820. His son, David, the father of Zada Crooks Poppleton, was born in Blandford, Mass., on the 2d day of December, 1769, and afterwards removed to Richmond, in New York, where he was engaged as a saw and grist miller until his death in 1812. The mother of Mrs. Poppleton was Eunice Knox Crooks, a granddaughter of William Knox, who was born in Ireland of Scotch descent in 1690, and came to America in 1735. She was born on the 30th of May, 1772, and died in Troy, Oakland county, Michigan, in 1863, at the great age of ninety-one. In 1825 William Poppleton and his family removed to Troy township, in Oakland county, Michigan. He had seven children, of whom Andrew J. Poppleton was the sixth, born in Troy township, Oakland county, Michigan, on the 24th day of July, 1830. It is worthy of note that each generation of Mr. Poppleton's family, including himself, have been pioneers in a new country.

From Samuel Poppleton and his four sons, who came to this country from Ireland and made new homes in what is now Vermont, to the subject of this sketch, all were farmers, tilling the soil with their own hands. The education of the father of Andrew J. Poppleton was limited. By his own reading, study, and thought he became a man of large intelligence, and as such, and for sterling virtues, was held in the highest esteem in the county

of Oakland. He was several times elected to local offices and once to the Michigan state legislature.

The life of a new comer to a western home in the early days of the settlement of Michigan was very severe. Clearing the forests, planting a farm, and building a home was a work of great privation and unremitting toil. William Poppleton passed through these days and their labors, and in his later manhood saw the state of his adoption a prosperous commonwealth and accumulated an ample competency, living and dying on the farm which his own hands had redeemed from a state of nature.

He greatly valued the education which had been denied him, and gave to his children all the advantages in that way which the circumstances permitted. He died in May, 1869.

The boyhood of Andrew J. Poppleton was passed upon his father's farm. He inherited a love of the pursuits and associations of rural life. The hay and harvest field, the ride to the mill, the orchard, the care and love of animals, the common sports of such a home came to him as natural and enjoyable exercises, and from their pleasures he was never alienated. One of his favorite recreations in later life was the development of agriculture and the breeding, raising, and training of standard bred trotting horses at his Oakland farm of some 1,200 acres, near Elkhorn, Neb. He contributed a strong impulse toward the advancement of the trotting stock interests of the state.

Until 1844 he went to the county district schools, and at that time entered an academy at Romeo, a little town near his home, where he prepared for college. In 1847 he entered Michigan University; but in the fall of 1850 he withdrew and entered Union College at Schenectady. While he was at the latter institution the venerable Dr. Nott was its president, and Dr. Tayler Lewis its professor of Greek. Other members of the faculty left an influence upon his mind, but these two men deeply impressed themselves upon his character. As an instructor of young men, instilling into them the highest principles and at the same time teaching them the precepts which conduct to practical success in life, Dr. Nott has been unsurpassed in this country. The

nature of the country boy was open to such influences, and he has carried through life what he received from the lips and from the personality of that great man. Dr. Lewis influenced the young student in another direction. A Grecian of learning and culture unsurpassed, perhaps, by any other in this country, he not only taught his pupils the language, but inspired in them a love of the literature of the Attic race. Mr. Poppleton graduated in July, 1851. He returned to the school at Romeo, where he taught Latin and Greek until April of the next year. During the last years of his college life, and while engaged in teaching, it was his ambition to be a professor of Greek in a college, which seemed to him the very highest position to which he could attain. Upon leaving Romeo he entered the law office of Messrs. C. I. and E. C. Walker, at Detroit, Mich., then leaders of the bar of the state. He continued his studies with them until October 22, 1852, when, after a public examination by the judges of the supreme court of Michigan, he was admitted to the bar. Directly afterwards he became a student in the law school of John W. Fowler, at that time located at Balston, in New York, and afterwards removed to Poughkeepsie in that state. He enjoyed at this school the special advantages of the instruction which Mr. Fowler gave in elocution and in the related exercises. With very great gifts in public speech, and trained in all of the ways of a popular orator, this gentleman was one of the most useful and successful teachers. He not only gave instruction in the exercises of declamation, but taught his pupils to think upon their feet; to prepare themselves by abundant study, and then express themselves at a moment's notice in the presence of others and under the direction of his critical skill. Timid, hesitating, ineffective, and disconnected speech was, under his training, developed into direct, strong, vigorous, and impressive delivery, not after the pattern of his own style, but according to the natural modes of the pupil, when trained and cultivated. He never had a more apt and enthusiastic scholar than Mr. Poppleton.

In April, 1853, the young man returned to Detroit, and became

a partner in a law firm which was mostly engaged in a collection business, and remained there until the first of October, 1854. At this time California held out many promises to young men, and Mr. Poppleton listened to them. He turned his face to the west, and on his way reached Omaha October 13, 1854, just about the time government was being set up in Nebraska. Omaha was just being settled; its resident population was very small; most of those who claimed citizenship really lived at Council Bluffs and in other towns in Iowa along the Missouri river. There was something interesting to the young man in the work of planting homes and in the institution of social and political order in a new country which disposed him to remain for the winter, thinking at first that when he had seen the work completed he would continue his way to the Pacific or turn his steps in some other direction. One thing and another afterward fell out, which determined him to remain and make his home for life in the new territory. In 1855 he married Caroline L. Sears, by whom he had three children.

The different acts of the executive in organizing the government followed one another in rapid succession. On the 21st day of October, 1854, preliminary to the election of a delegate to congress and a territorial legislature, the acting governor, T. B. Cuming, issued his proclamation for an enumeration of the inhabitants. On the 26th of the same month he issued instructions to deputy marshals directing them in their duties of taking the census. On the 21st of November he sent out a set of rules for conducting the election, and on the 23d issued a further proclamation dividing the territory into counties, apportioning the councilmen and representatives among them, and ordering the election. On the 20th of December he constituted the three judicial districts, assigned the judges of the supreme court thereto, and appointed terms for the courts; and on the same day issued another proclamation convening the legislature at Omaha on the 16th of January, 1855.

Mr. Poppleton had known and been a friend of the governor in Michigan, and naturally was called to take part in advising

the executive in these several political acts. He was elected a member of the house of representatives of the legislature. The training which he had enjoyed fitted him for these new duties. He had acquaintance with the methods and rules governing deliberative bodies; he was able to deliver himself of his views of every question, no matter how unexpectedly it was presented, and he had a keen enjoyment of the excitements and contentions of the unorganized conditions of the new society. The first motion ever made in any legislative body in Nebraska was made by Mr. Poppleton in the first house of representatives for the temporary organization of the house. There was a good deal for the legislature to do. The whole system of laws common in an American state were to be enacted, save such as had been in outline provided by the act of congress organizing the territory. In all this work he had a large part. Besides this, another matter deeply concerned every one: that was the permanent location of the capital, which by the organic act was committed to the first legislature. Whether such a matter be considered trivial or not in a mature and settled state, it was thought to be of the first consequence at this time, because it was supposed that to the seat of government would be drawn the attention and interest of persons seeking homes in the region now first open for settlement. We cannot enter minutely into the plans, methods, and influences which finally secured the location of the capital at Omaha, but in them all Mr. Poppleton engaged with all the power of his nature; and it is not too much to say that as much as any man he contributed to the result.

From this time almost until he was stricken down by a severe sickness he gave his first attention to the upbuilding of Nebraska. Judicial business in the courts was limited. There were not many controversies carried into them, and the judges were not very diligent in holding their terms, but there sprang up at Omaha, as elsewhere in the territory, a popular tribunal in which there were many contentions of great interest. The public lands had not been surveyed and no land office of the government had been opened at which titles could be secured. This

state of things continued until the spring of 1857, except that government surveys of the lands along the Missouri river were prosecuted to some extent. Almost everybody made a settlement upon a parcel of the public lands and alleged a claim to it. For a variety of reasons it was impracticable for many of the settlers to remain continuously upon their claims, so that they were exposed to the settlement of a second or third comer. To protect themselves against this, they organized what were called Claim Clubs. These popular tribunals have always been found in new settlements. It naturally resulted that the owners of adjoining claims sometimes disagreed as to their dividing lines, and disputes arose between the first and subsequent claims. Such controversies were dealt with before a meeting of all the members of the club, who were supposed to listen to the evidence and the arguments of the parties, and decide according to the justice of the case. A good many controversies of this sort came before the Omaha Claim Club, and were tried in this way. They gave opportunity for the gifts of the young citizen, his powers of persuasion and reasoning, and all that goes to make up a popular orator. Mr. Poppleton threw himself into the controversies in which he was engaged with all the zeal, energy, and power of which he was capable. There was much that was amusing and much that was serious. The whole thing was a school in which the skill and the power of the orator and lawyer were trained.

In 1857 Mr. Poppleton was a member of the state legislature which divided, a portion of the members setting up a pretended legislature at Florence. Mr. Poppleton remained at Omaha with the division recognized by the governor, and was elected speaker and served in that capacity during the balance of the session.

In 1858 Mr. Poppleton was mayor of the city of Omaha, being the second person to hold that office. In the following spring, after exposure in a severe storm, he suffered an attack of facial paralysis, which was followed by a protracted and dangerous illness. Upon his recovery the use of one of his limbs was greatly impaired, and he never recovered its strength. He was

absent from the life of the city for about eighteen months, and returned to it with a vigor greatly reduced. Gradually he recovered his position at the bar and enjoyed for many years a large measure of health and strength. He was, however, always obliged to exercise the greatest care of himself, and his habits largely upon that account have been very abstemious. During the time his strength was impaired he cultivated his love of literature and engaged in the study of the best political and philosophical works. When, in 1867, the state was admitted into the Union, he received the entire vote of the democrats in the legislature for United States senator; and but for methods on the part of the adverse party which his friends have never been able to reconcile with fairness and justice, he would have been elected. In the following year he was the democratic candidate for congress, but was defeated. He has never since taken any part in politics as a candidate for office. Mr. Poppleton inherited from his father an uncompromising faith in the principles of the democratic party. This faith strengthened with his strength and became a part of himself. During the war all of his sympathies, hopes, and convictions were on the side of the Union, and he believed that no measure was beyond the competency of those charged with the administration which conduced to the preservation of the country. He held that the principles in which he was reared and with which he was thoroughly imbued called every citizen to the support and maintenance of that Union which Andrew Jackson, in another exigency, had declared "must be preserved." The conflict once over, he believed in burying all animosity. Soon after the war he obtained from an ex-Union soldier possession of a military land warrant issued to Jefferson Davis for services in the Mexican war. He returned the same to Davis at a time when the north generally was disposed to give the fallen chieftain very different treatment, receiving in return a letter of thanks, signed by all the members of the Davis family, including the infant children, whose fingers were guided to make their signatures.

It has been one of the great doctrines of Mr. Poppleton's faith

that it is not the province of government to nurse by subsidies or other like aids the interests of the individual; that it was far better for every citizen to rely upon his own efforts, and as an indiscriminate charity leads its objects to depend thereon rather than upon their own industry and thrift, that the government, in dispensing favors in aid of its citizens, only helped in the end to bring them into a dependent and impoverished condition. This was the fundamental principle of his political faith, and he applied it to all questions of public policy, however they arose. During this period of his life, extending from 1862 to 1878, he was devoted with all his heart and soul and strength to his profession. He loved it for its own sake, and for the good it rendered to society. He held before his eye a high ideal of the lawyer and yielded to no man in his devotion to the law. The period which has been indicated was probably the best part of his professional life. In December, 1863, he was retained by the Union Pacific Railway Company and continued in its service until 1888. Most of his time after 1869 was given to the company in whose official list he bore the title of general attorney, having in his charge all its western business; that is to say, in the states of Nebraska, Iowa, Missouri, Colorado, Nevada, and Oregon, and the territories of Wyoming, Montana, Utah, and Idaho. He conducted its important controversies in the courts personally, giving to them his best strength. After 1878 his duties became so arduous that he was obliged largely to withdraw from the courts and confine himself to the general direction of the legal business of the company.

He argued many important cases in the supreme court of the United States and arrested the attention and held the highest esteem of the judges of that tribunal. His reputation was advanced to a high point, not only in the west, but through the country. One of his best efforts was the writing of "The defense of Oakes Ames against the charge of selling to members of congress shares of the capital stock of the Credit Mobilier of America with intent to bribe said members," which was read in the house of representatives by the clerk. It pro-

duced a strong impression and disposed the members to look upon the offenses charged against Mr. Ames in a new light. The exigency seemed, however, to call for a victim, and the result was the censure of the accused. This, however, was a favorable modification of the report of the investigating committee, which recommended expulsion.

The writer of these lines has recently read that paper and has been greatly impressed by the clearness of the statement, the cogency of the reasoning, and the persuasiveness of the appeal. Not long after its delivery he was told by Mr. Sidney Bartlett, the leader of the bar of this country, that he considered it one of the best pieces of modern advocacy.

Mr. Poppleton's official connection with the Union Pacific Railway Company and his good standing and influence with the magnates in the east who controlled the destiny of that corporation made it possible for him to continue to render the most important service to the city of which in 1854 he was one of the founders. By 1873 the fixing of the Union Pacific Company's terminal plant, offices, and equipment at Omaha was finally decided upon and settled. In regard to Mr. Poppleton's share in this result, the most beneficial to Omaha of any event in its history, the following words from the Omaha Herald of that time speak:

"While we rejoice it is but proper that a few words should be said in behalf of the citizen to whom this people owe much for his intelligent, steady, and well directed efforts to bring about the results over which every man in Omaha is rejoicing.

"Andrew J. Poppleton is the one man who, more than any other, has piloted the people through these railroad complications to their present final settlement and security. We say this as a matter of sheer justice to Mr. Poppleton, without going into details to show how richly he deserved it."

Mr. Poppleton was from time to time called upon to deliver addresses upon many interesting occasions. Among them may be mentioned a maiden address delivered before the Agricultural Society of Oakland County, Michigan, at the age of twenty-two;

a lecture on Edmund Burke; an address before the general convention of the Beta Theta Pi fraternity at Indianapolis, September 5, 1878, on the Unsolved Problem, having reference to the unequal distribution of property; an address on Character, delivered before the Nebraska State University at commencement, June 27, 1877; an address before the Nebraska State Bar Association on the Lawyer in Politics, and addresses on the occasion of breaking ground in Omaha for the construction of the Union Pacific Railway; the presentation of colors to the contingent supplied by Omaha to the army of the Union; the laying of the corner stone of the present Douglas county court house; the memorial meeting of citizens after the death of the Right Rev. Robert H. Clarkson, Episcopal bishop of Nebraska, besides a large number of other addresses and speeches delivered on occasions of public or social interest. Many old residents will remember his appeal at a mass meeting of citizens for aid for those rendered destitute and homeless by the great Chicago fire. He possessed a full vocabulary, a glowing style, and elevated sentiments, as a perusal of those addresses will attest.

Mr. Poppleton retained his connection with the Union Pacific Railway Company until February, 1888, when he was obliged to resign on account of failing health, carrying with him from the officers and directors warm and recorded expressions of their confidence, esteem, and appreciation of his long and faithful services.

During the spring following his resignation he sought recreation in travel, visiting the City of Mexico, where he was accorded the privilege of meeting the judges of the supreme court of that republic. Returning to Omaha he again took up the practice of law, intending to engage only in the more important cases.

In 1890, at the earnest solicitation of Mayor R. C. Cushing, he accepted the office of city attorney of Omaha, serving therein for two years. In advising the city authorities Mr. Poppleton gave free access to all who desired his counsel and applied to all questions democratic principles of economy and strict observance of law. During the greater part of his term he was without

an official assistant, but succeeded in bringing to a final disposition in the courts 196 cases brought against the city, besides performing all the advisory duties of the office.

In 1891 and 1892 Mr. Poppleton was engaged as one of the leading counsel in behalf of the Chicago, Rock Island & Pacific, and Chicago, Milwaukee & St. Paul Railway Companies in litigation before the United States courts with the Union Pacific Railway Company, the result of which was to break down the Union Pacific bridge barrier and secure to the companies named the right to use the bridge and tracks of the Union Pacific at Omaha on reasonable terms for the purpose of bringing in and through the city their freight and passenger traffic.

On June 12, 1878, he received the degree of Doctor of Laws from the University of Nebraska. In June, 1895, he received the degree of Master of Arts from Michigan University.

He was one of the organizers and the first president of the Omaha board of trade and the present Omaha Bar Association. He was an organizer and a president of the Law Library Association, and also one of the organizers, a president, and long a director of the Omaha Public Library.

In 1879, Mr. Poppleton, in connection with Mr. J. L. Webster, made an earnest effort to secure the release on a writ of habeas corpus of Standing Bear, a Ponca chief, and his tribe, who had been unlawfully dispossessed by the government of their homes in Nebraska and were being transferred to Indian Territory under military custody. This case was exhaustively argued and is a "cause celebre" in the history of our Indian affairs, and was the first instance in the judicial history of the United States in which the writ of habeas corpus was invoked and obtained on behalf of a tribal Indian.

In 1890 Mr. Poppleton was elected a trustee of Union College, Schenectady, N. Y.

In 1891, in his dual capacity of director of the Omaha Public Library and city attorney, he aided in securing the acceptance by the city of the Byron Reed bequest for public library purposes, and the voting of bonds to carry out its provisions.

Mr. Poppleton served in many citizens' associations and committees. He has always been especially interested in questions involving the Omaha city charter and the status and future of Omaha as a railway center and manufacturing and distributing point. A firm believer in the future of Omaha, his surplus earnings were invested almost without exception in Omaha and Douglas county real estate, and the erection of buildings therein, resulting in the accumulation of a large fortune.

In 1871 he was one of the original promoters of the building of the Grand Central hotel, the first large hotel built in Omaha, and later joined with Edward Creighton and others in loaning \$100,000 to the hotel company for the purpose of completing the enterprise.

Mr. Poppleton was one of the original incorporators of the Pacific Express Company and Interstate Bridge and Street Railway Company, and at the time of his death was a stockholder and director of the First National Bank of Omaha.

About the first of January, 1892, his eyesight began to fail, and in a few months was completely lost. This misfortune was accompanied during the summer by general illness. Later he recovered his general health and engaged in affairs as far as was possible for one suffering his affliction.

Mr. Poppleton possessed literary tastes and derived a great consolation from their indulgence. He was the owner of a large and valuable private library, especially rich in historical works.

He was never a member of any church. He contributed, however, to the support of church organizations and has always possessed warm friends among clergymen.

Mr. Poppleton died at his home in Omaha on Thursday, September 24, 1896. His illness was of short duration and his death was most unexpected when it occurred.

The following is from the tribute paid to the memory of Mr. Poppleton by the Hon. James M. Woolworth at a meeting of the Douglas county bar held September 28, 1896:

"A long, useful, and honorable life has come to an end; it was a happy life, barring some of the pains and troubles which are

more or less the lot of all—even the most fortunate. We cannot suppress our sorrow; it is part of our humanity to grieve when one is taken from us who has had part in our lives; but in the end of a career of good report that we ourselves have seen in its whole course there is rejoicing in the midst of mourning.” In closing Mr Woolworth said: “Mr. Poppleton’s pride was his profession. His great motive was to contribute to its fame. His desire was to live to a great age and give his years to the last to its exercise and service. He had no other ambition. When he saw his end drawing near and he and I were about to separate never to meet again on this earth, prostrate as he was, his voice, strong as ever, gave me his high command, ‘Hold up the standard.’ If I have ever done anything for the profession to which he and I have given forty years of life together, the most I now can do is to keep on our way and pass on to you, my brethren of a younger generation, his great words, ‘hold up the standard.’

“Four years ago last April he called me to him to tell me of his impending calamity of blindness. No one of all his friends, except his wife and children, knew what was upon him. Perhaps he remembered the sympathy of the days when, after his first great sickness, he was struggling back into strength and professional success. It was not long before the darkness came. As with Milton, from his natural eye the beauties of the earth and the heavens were excluded. To him returned not

“‘Day or the sweet approach of ev’n or morn
Or sight of vernal bloom or summer’s rose,
Or flocks or herds or human face divine.’

“A long season of great distress followed; but when it was passed he composed himself to his new conditions with a calm and serene spirit. They were four years of happy life. He consoled himself with the pleasures of literature, communing with the great spirits of the past, bent on high thoughts, and reasoning of the great problem of life and history. He dwelt in the high places where the light first comes and shines the longest, not in the valleys, where common men hold their way among common things.

"I must say one word of another great happiness. In the home were his treasures. God keep them now.

"Mr. Poppleton held strong opinions upon all subjects of social and political order and the conduct of life. Reared by his father in the school of Jefferson, he believed that the true function of the government was limited; and that as far as is consistent with the equal rights of others, every man should be left to the exercise of his powers, capacities, and faculties in such ways and measures as he in his judgment believes will give them their highest enjoyment. And he held in abhorrence the contrivances and assiduities of those who by statutes seek to create wealth and make private gain of official opportunity. In private life he believed that it is much the best for men to avoid ostentation and hold a simple, frugal, and sincere way among their fellows. For vice he had no tolerance. Good men he held in reverence. Chief among his friends were Bishop Garrett, when that great man lived among us, and Dr. Sherrill, who, at his request, committed his body to the ground, earth to earth, dust to dust, ashes to ashes. If I were to sum up his character I would take the injunction of the apostle, who wrote to his people: 'Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue and if there be any praise, think on these things.'

"With these virtues he clothed himself as with a garment; and in such covering I verily believe he presented himself before the Judge of all the earth."

A TRIBUTE TO MR. POPPLETON.

By Hon. J. Sterling Morton.

Thirty-eight years ago a democrat, just in the sunrise of a strenuous and manly career, began with others in the first session of the legislative assembly of the territory of Nebraska to lay the foundations in Nebraska of civil government.

With other able and temperate, frugal and industrious pioneers

he sought to establish on these plains an educated and prosperous commonwealth. No man ever labored more faithfully in the cause of democracy and good government; and Omaha and Douglas county often honored themselves by honoring him, calling him frequently to the highest positions of trust and responsibility, and always with beneficent results to the community. And in 1866, when the first state legislature selected United States senators—without a caucus, and without solicitation on his part—the democrats, twenty-seven in number and only seven in minority, with hearty spontaneity gave every vote to Andrew Jackson Poppleton. Again, in 1868, Mr. Poppleton was called by the democracy of the state of Nebraska to make a campaign for congress against Hon. John Taffe; and no one who heard Mr. Poppleton in that series of speeches will ever forget his eloquence. His well-trained mind, his vast natural ability, his tremendous acquirements, his glowing earnestness which warmed every word, and a presence which inspired confidence, made him a master; and the majesty of his oratory at that time has never been surpassed in the state. Truthfully, ably, conscientiously, for more than thirty years Mr. Poppleton advocated the principles and policies of a genuine democracy. As a propagandist of the true economic and civic faith which can alone save popular government from overthrow and destruction, for nearly forty years Mr. Poppleton has stood pre-eminent in the northwest, and, intellectually, the peer of any lawyer or publicist in the

Right onward."

Therefore to Andrew J. Poppleton—shut out from the dear light of day—this convention of democracy sends greetings of grateful remembrance, acknowledgement of his valuable and long services, and the assurance that the light of his labors for justice, truth, and popular government, like an unclouded sun, illumines our path towards the overthrow of class legislation and monopoly.

SKETCH OF MAJOR J. W. PADDOCK, CHIEF CLERK OF THE FIRST HOUSE OF REPRESENTATIVES.

By Hon. J. Sterling Morton, for the January Meeting, 1897, of the State Historical Society of Nebraska.

Almost everyone remembers some time in youth when he had the privilege of handling and looking through an old-fashioned spy-glass, and recalls how the lenses were fixed in tubes that shut one into another, and with what difficulty they were drawn out and adjusted so as to extend the vision and make things plainly visible which to the naked eye were mere shadows in the far distance. And now, when I attempt to recall the personalities and characters of the early days of the territory, the years that have come between this time and that are so many lenses which must be deftly steadied and arranged so that I can look through them calmly and unweariedly at a given object upon which I endeavor to fix the eye of memory.

Among the stronger and more rugged individualities of 1855 none was more prominent for its well-defined angles and its positive and granite-like unyieldingness than that of the chief clerk of the house of representatives of the first legislative assembly of the territory of Nebraska, which convened at Omaha in January, 1855. His name was Joseph Williamson Paddock. He was one of the first pioneers to arrive upon the Omaha townsite in the early autumn of 1854. He came from St. Lawrence county, New York. Prior to leaving his native state he had engaged in mercantile and manufacturing pursuits. He was a man of sound intellect and great self-reliance. Upon his own convictions and in harmony with his own judgment, he was always

ready to act with promptness and decision. Never have I known a human being who was more honest with himself in all his mental processes than was Major Paddock. His positivism was frequently facetiously called "muleishness" by his more intimate friends, though everyone respected the integrity with which he adhered to, and was willing to triumph by, or suffer for, any conclusion which he had arrived at upon any question whatsoever, whether financial, political, or theological.

In the early days Major Paddock was possessed of a greater number of readable books than most of the pioneers, and consequently he passed a great portion of his leisure time in study. The equipoise and coolness of Major Paddock was seldom disturbed. During the session of the house whereof he acted as chief clerk there were sometimes quite turbulent and dramatic situations. Among the most exciting and exasperating was a debate between the Hon. A. J. Poppleton, of Douglas county, and the Rev. J. M. Woods, of Nemaha county. In the course of the discussion Mr. Poppleton declared that he could prove an assertion which he made by the Hon. A. J. Hanscom, who was the speaker of that honorable body. To this utterance the Reverend Woods replied that he had no doubt as to the ability of Mr. Poppleton to secure the affidavit of Mr. Hanscom to the state of facts alleged, but that that testimony, although sworn to, would not change his (Woods') views in the case. For a moment there was an evident disposition on the part of the more timid people to escape from possible consequences of this clerical inuendo as to the veracity of the honorable the speaker of the house of representatives. But the chief clerk smilingly sat in his place and really beamed so placidly upon the lawmakers that like rays of sunshine his silent laughter quieted and soothed the angry passions which were tumultuously raging in the breasts of members.

Major Paddock seldom made an enemy; he never betrayed a friend. He never maliciously told an untruth. He never failed to maintain and defend that which he believed to be the truth, even at the risk of his own life. His genuineness was so univer-

sally acknowledged, his honesty of intention so generally admitted, that his so-called obstinacy in maintaining his views upon all questions became a great delight to his most intimate friends. He was an optimist in the broadest and best sense of that term. When, in the autumn of 1854, there were only three or four small shanties and a few tents on the townsite of Omaha, Major Paddock looked into the future and saw clearly, with the eyes of hope and faith, the city which you now behold materialized in great blocks of buildings, long avenues paved with asphalt, and environed with all the concomitants and means and methods of modern manufacture, commerce, comfort, and luxury. He never doubted the ultimate development and thrift of Omaha, of Douglas county, and the state of Nebraska. No man by his works ever showed a more sincere belief in the possibilities—agricultural and commercial—of this commonwealth.

After his service as chief clerk of the house of representatives, he was made the first clerk of the United States district court for Nebraska. He served in that capacity from April, 1855, to July, 1858, discharging his duties with that precision, promptness, and fidelity which distinguished him in all positions, public and private, during all the years of his life. When the civil war between the states began, Major Paddock at once offered his services to the country. He became a captain in the first regiment of Nebraska volunteers and went to the front in the early summer of 1861. His habits of accuracy, facility of expression, and the legibility and uniformity of his handwriting caused him to be detailed to the office of the adjutant general. He was very soon made adjutant general on the staff of Major General Fred Steele. In that capacity he served during the greater portion of the war. Many a time however, promotion was offered to him, but his characteristic adhesiveness and his wonderful fidelity to friends compelled him to deny himself higher rank in order that he might remain faithful to the interests and fortunes of General Steele. Nothing could tempt him to leave the immediate service of that distinguished and most gallant officer. Few men made a more consistent and enviable

official record in the adjutant general's corps or showed so much real altruism.

Reverting to ante-bellum times, it is perhaps well enough to recall the fact that Major Paddock was a representative in the territorial legislature of Douglas county and also a member of the house of representatives of the first state legislature elected in 1866, and that he likewise served as a member of the city council of Omaha during the years 1869 and 1870. In this latter service he was chairman of the finance and fire department committees. He originated the plan of a special cash fund out of which supplies and equipment for the fire department were purchased. He, in fact, laid the foundation of the splendid fire-fighting force of the city of Omaha, which has been so long noted for its efficiency. He did excellent work for the public weal, likewise, as a commissioner of Douglas county.

Major Paddock also held a very confidential and important position in the Union Pacific Railroad Company, and finally was made government director by President Cleveland, and in this latter capacity developed more strongly than ever his power to grasp and understand large and far-reaching affairs.

Major Paddock was born and reared at Massena Springs, in the state of New York. His family, during nearly a century preceding his birth, had been distinguished in the Empire state for its ability and prominence. His father, Dr. William S. Paddock, was a distinguished physician and likewise for several terms a state senator from St. Lawrence county. He was the associate and intimate friend of William L. Marcy and Silas Wright. Therefore, in his youth and at his father's house, Major Paddock was brought in contact with the best intellectual forces of the Empire state. In social life he was constantly in touch with the cultivated and highest type of the citizenship of his immediate neighborhood. Thus it is obvious that by heredity, by nature, by nurture, and by environment, and by acquirements and labors, Major Paddock was entitled to be ranked among the best citizens, not only of our own state, but of the republic. His love of locality, his devotion to a single place to be called

"home," was beautifully and faithfully illustrated by the fact that he took up, as a pre-emptor, a piece of wild land nine miles from Omaha. This claim had for his youthful eyes an irresistible charm. It was wild, wooded, and well watered. There were slopes, miniature valleys, and mimic hills covered with an undergrowth of straggling oaks and hazlenut brush and adorned here and there with a fairly well-grown elm or hickory tree. Early in 1855 the major determined to make this tract of land his permanent home. It became to him a sort of fetish. There was nothing which could tempt him to give it up, to abandon its improvement, or to relinquish the idea that he was finally to settle down upon that particular tract of land as a practical and contented farmer. This was the dream of his life. His estimable wife,—formerly Miss Susie Mack, also of St. Lawrence county, New York,—vied with him in his love of rural life. His affectionate regard for his family and his fidelity to them and to this dream-home by the Papillion, are indices of his steadfastness in all things. No sum of money could have purchased the farm. Perhaps no other character in the early history of Nebraska better illuminates the fact that a man who strongly and intensely loves his home is necessarily an ardent lover of his country. The home is the unit of the republic; the republic is the concrete of the home. Therefore, when the war between the states began, the homes of the country furnished the best material for the preservation and maintenance of the flag and its honor and the constitution and its protection.

Next after his love of family and home, Major Paddock's strongest, most active, intense, and dominant characteristic was patriotism. There is no prominent member of the Grand Army of the Republic or of the military Order of the Loyal Legion who has been at its gatherings in various states in company with Major Paddock who will ever forget the fire of his eye, the fluency of his voice, the strength of his utterances upon those occasions of reunions between veterans of the war. Without ostentation, Major Paddock was an accomplished, an honest, and an attractive gentleman. Without effusion or protestation he was a firm and unyielding friend.

The surviving members of his family are Mrs. William E. Annin, of Washington, D. C.—wife of the famous correspondent of the Daily Ledger of Philadelphia, Daily Tribune of Salt Lake, and the Daily Journal of Lincoln, Neb.—his widow, and his son, Ben Paddock, of Chicago. He left to his true and loving wife, the competent mother of his children, and to his son and daughter a name and a memory fragrant of good deeds and generous impulses.

His record for ability, fidelity, and integrity in civil, and his career of self-sacrifice and courageous patriotism in military life, are a legacy which in all time to come will be valued beyond price by his descendants and his countrymen.

SKETCHES OF MEMBERS OF THE LEGISLATURE OF 1855.

By Hon. Samuel E. Rogers.

OMAHA, January 12, 1897.

Mr. Jay Amos Barrett,

DEAR SIR: I had fully made up my mind to attend the meeting of the Nebraska State Historical Society this evening, but owing to the snowstorm now prevailing have changed my mind. I herewith present recollections, briefly stated, of each member of the legislative council of 1855, hoping that this may in some measure make up for my absence. I also enclose, in compliance with your request, a statement in regard to F. Davidson, of the house of 1855. Yours truly,

SAM'L E. ROGERS.

SAMUEL E. ROGERS was born February 11, 1822, in Fleming County, Ky. Married October 14, 1841. Graduated July, 1848, at Wabash College. Was licensed to practice law in supreme court of Illinois in 1853. Was a member of the city council of Havana, Ill., in 1853 and 1854. Also postmaster under President Pierce at Havana, Ill. Visited the townsite of Omaha August 27, 1854, went back to Illinois for his family, and crossed Iowa with wagons and teams and arrived in Omaha October 28, 1854. Was twice elected to territorial council, in which he

served in 1855, 1856, 1857, and 1858. Was one of the original proprietors of Brownville, in which he had a one-fourth interest. He went to Cincinnati in the spring of 1855 and had a sawmill built for Brownville by Hallabird & Co., which he shipped by steamer on May 3, 1855.

George Ferguson and wife and two children, in company with Rogers and his wife, took passage on the same steamer. Ferguson was a competent engineer and mechanic, who was employed to set up and run the mill at Brownville, where the mill and two families landed in June, 1855. Rogers opened up a private bank on Douglas street in 1856, which was well patronized, deposits running up to \$125,000, and otherwise prosperous. The panic of 1857 set in in the autumn of that year and the then village of Omaha was at once almost deserted; the population of about 2,000 was rapidly reduced to about 500 by the spring of 1858, by which time nearly all business was suspended.

From this time on until the State Bank of Nebraska was organized, he was engaged in handling real estate and in mercantile business. Becoming one of the principal stockholders of the State Bank, he succeeded Enos Lowe as its vice president, which position he filled until the State Bank corporation was succeeded by the Merchants' National Bank in the year 1882, of which he is now and has been its vice president since the date of its organization.

J. C. MITCHELL, a blonde, small in stature, all fire and tow, was erratic, impulsive, fiery in speech, hot-headed, and aggressive. His dear Florence was his only hobby. He was ready to trade, buy, sell, or swap, if he could thereby get advantageous legislation for his Florence townsite. He was eloquent in the description of his townsite, its happy location as a future railroad town. He declared with emphasis that when railroads from the east should seek connection with a future Pacific road up the Platte valley, Pigeon creek was the most feasible route through which railroads from the east could approach the Missouri river.

A. D. JONES was a fearless speaker on all questions. He was not given to diplomacy, but spoke right out whatever was on his mind boldly, without fear or favor. In argument he was forceful and often eloquent. He was not a schemer, a wire puller, but always open-handed and candid; you could always know just where to find him on all questions. There was not a bit of intrigue in him. Partisan feeling ran high as between north of the Platte and south of the Platte interests, but he manifested no sectional feeling; at the same time he was a strong supporter of Omaha on the question of the location of the capital.

M. H. CLARK was a man of no mean ability, quiet in his deportment, a plain but effective speaker; he seldom took the floor in debate, but was, nevertheless, a busy worker for the interests of his constituents. In appearance he would have been taken for a good, plain farmer. When the question of capital location was before the legislature many members were wrought up to an intense degree of excitement. Not so with M. H. Clark; he was as cool and deliberate as if a very ordinary question was before that body.

RICHARD BROWN was a hard worker in his quiet way, a good conversationalist, but a debater of only ordinary ability. He was a true and candid man, a perfect gentleman, but had not the cheek to push himself to the front. As the proprietor of Brownville, Nemaha county, in order to get such legislation as he desired he several times cast votes with his north of the Platte friends, notably on the capital question, as did others from the extreme southern part of the territory. Bellevue, Omaha, Florence, Plattsmouth, and Nebraska City were each candidates for the location of the capital, hence members from the extreme north and south of the territory were often found voting with members from the north Platte.

H. P. BENNET, active, impulsive, a ready off-hand speaker, commanded the respect of his colleagues and the good will of

all members of the council. He was of medium stature, light hair, his complexion varying from pale to florid to fit the state of his varying intensity of feeling in debate. He was pleasant, sociable, and affable with his associates. He was a strong worker for south of the Platte and for the best interests of his constituents.

H. BRADFORD, rotund in habit, with a wholesome farmer look, was an active member of the council, a man of good sound common sense; his squeaky voice was peculiar, sharp, and without compass; at the same time he was a good debater, intensely sectional, so much so that he seemed to have but little care for any other part of the territory than Otoe county, Nebraska City, and the south of the Platte. This feeling, I must say, however, was by no means confined to any one member of the body.

T. G. GOODWILL: Never a better man set foot on Nebraska soil; honorable, refined, and genial in his deportment; no man in the legislative council had more influence than he. He was tolerant, broad-minded, and generous. He was not a gifted public speaker, but he had the power to make impressive arguments, and statements so clear that he at once had a following; open and candid, he despised small intrigue; he was cool and dispassionate in times of greatest excitement over the capital location and other questions.

BENJAMIN R. FOLSOM was a plain, honest man, brusque in his manners, full of energy and tact, strong in his likes and dislikes, one of the very best workers in the council, a strong north Platte partisan. His strength was not in speech-making, but rather in laying plans and wire pulling. In order that Burt county might be represented in the first legislature, with wagons and teams he took with him voters to his favorite county of Burt, which was then destitute of voters, and at the first territorial election had himself elected by a unanimous vote to the first legislative council.

C. H. COWLES was a very active member, a strong partisan, a hard worker in behalf of the local interests of his constituents and of the south of the Platte. He possessed much force of character; a fairly good debater. He was a practical man and a good judge of human nature. Unobtrusive, but kind and social, he commanded the respect of everyone.

LAFAYETTE NUCKOLLS, a young man of nineteen years, tall, lank, smooth faced; the expression of his countenance was unimpassioned. He seldom attempted to make a speech. To look upon him, you would make up your mind that he was a clerk in some dry goods store. He was of the very kindest disposition, was a true friend, a perfect gentleman. He claimed citizenship in Nebraska, but lived in Glenwood, Ia. He was not at all pugnacious, at the same time, when hot discussion was going on as to location of the capital he kept in the drawer of his desk a good-sized brick-bat ready for either attack or defense.

J. L. SHARP impressed me as being a keen, foxy man, ambitious to carry out his designs, one of which was to locate the capital at Plattsmouth. In this he was defeated for the lack of one vote. For a man of his age he was lithe and active physically; in disposition he was cheerful and sociable; a little inclined to be slovenly in dress. To one who was not acquainted with him his pock-marked visage gave him a sinister look. He was a busy, active worker. He presided over the legislative council with dignity and impartiality.

O. D. RICHARDSON, the noblest Roman of them all; for a man sixty years of age he was well preserved and youthful in appearance. He was noble in stature, with a fine, dignified bearing, classical and exact in speech; he was an attorney of large experience and good ability; was an ex-lieutenant governor of Michigan; he was a diligent worker, and no other man had greater influence in the legislative council than he.

FLEMING DAVIDSON, member of the first house, was a Virginian by birth; he stood six feet high in his stocking feet, was portly, with a fine, well-developed physique; he was remarkably social in his disposition and made friends wherever he went. He was married on the 1st day of June, 1854, to Mary A. Brown, and on the 5th day of October following, by wagon and team, he, with his family, left for the town site of Omaha, where he landed October 28th. He was elected to the house of representatives of 1855, in which he served with ability and credit to himself. He was the first man to engage in the ice business in Omaha, and was a silent partner in the wholesale and retail mercantile house of Hileman, Blair & Co. He was born July 27, 1827, near Wheeling, Va. Three years thereafter his parents moved to Vermillion county, Indiana, where he was brought up as a farmer. In the sixties he removed to California, where he engaged in farming. He remained in California until the autumn of 1876, at which date he, with his family, removed to Wichita, Kan., where they remained until his death, July 6, 1891. His widow and five children who survive him still reside in Wichita.

BIOGRAPHY OF B. B. THOMPSON.

Written by John C. Thompson, Omaha, Nebr.

Benjamin Baker Thompson, the door-keeper of the first house of representatives of Nebraska, was born in Calloway County, Missouri, February 5, 1834. He was the oldest son of Joseph D. N. and Martha Baker Thompson, who came to Nebraska in 1854, locating in Kanosha, now Rock Bluff, Cass County. Soon after settling in that community an election was held, and his father was chosen a member of the house of representatives. When that body convened, and its list of officers was decided upon, Benjamin Thompson's name appeared on the roll as door keeper. This was the first political office he ever filled, but it has been related that the duties were performed satisfactorily. In August of the following year there was an Indian scare and Gen. John M. Thayer went to the front with several hundred men to repel the Sioux, who were reported on the war path. Under him was Captain Fifield with a company of young fellows who were spoiling for a brush with the red-skins. Among the number was Ben Thompson, and as he was known personally to almost every man in the company, it was but natural that he should be chosen to fill some minor position. The first day's march brought them to the banks of the Elkhorn, where a halt was ordered. The next thing was to place pickets, a duty which Mr. Thompson was detailed to perform. It was while in the discharge of this duty that he received a wound that ultimately resulted in his death. He had placed all the sentinels and was returning to camp, when one of his own men challenged him. He stopped, advanced and gave the countersign, and was turning to resume his march to camp, when the sentinel's gun was accidentally discharged, inflicting an ugly wound in his shoulder. He was carried into the

camp and a surgeon was summoned. Through some oversight that gentleman had not taken his instruments to the front. He, however, volunteered to extract the bullet with an ordinary butcher's knife, an offer which Mr. Thompson refused to accept, and which necessitated his carrying an ounce of lead in his shoulder the rest of his days. In the meantime, Mr. Thompson's parents had removed from Kanosha and had located in Brownville, a town everybody believed was destined to be the metropolis of Nebraska, and it was to that town he was removed after being wounded. Upon his recovery, he was appointed to the office of deputy sheriff, and it was while filling that position that his courage was often put to the test, and as often vindicated. In February of 1858 he married Elizabeth Thompson. One thing worth mentioning in connection with their marriage was the fact that the groom was a member of the Know-nothing party, which was opposed to the introduction of foreigners into this country, while the bride was a late arrival from England. Nevertheless, their union was a happy one. Before the outbreak of the civil war, a baby girl and boy had come to bless their union. Then Lincoln's call for volunteers was heard throughout the land, and Ben Thompson went home and told his wife his country needed him to help maintain this Union one and indivisible. She could not let him go. Their boy was yet a babe in arms. If she consented to his going, who would provide for her and for their children? He plead with her, and she, as thousands of other wives had done, besought him to remain at home. Finally the company was organized, citizens bade its every member a fervent good-bye, and he turned homeward, the saddest of the number left behind. Within a month, news of the battle reached that little town. Sometimes they told of victories for the North, at others for the South. Then came another call for troops. Again he sought his wife and told her the president was needing men. She hesitated at first, then told him yes. to go, and that if she were a man she would accompany him.

On the 20th day of November, 1861, his name was on an enlistment blank and he was mustered to the service of the United

States in company G, Second Kansas cavalry, as a private. He served in that capacity but a short time. On the 7th of January, 1862, he was promoted to the office of sergeant, and on the 9th of March, 1862, was promoted by the president to the office of first lieutenant of company G, Eleventh U. S. colored troops. He served in that capacity until the 111th, 112th, and 113th U. S. infantry were consolidated, whereupon he became a supernumerary, and as such was honorably discharged April 1st, 1865. He was in action at Newtonia, Mo., October 4, 1862; at Cross Hollow, Ark., October 18, 1862; in the battle of Old Fort Wayne, October 22, 1862, and other battles. After the close of the war, he lived two years in Argenta, Ark., and then returned to Brownville, Nebr., where he lived until the time of his death. He held several official positions in Brownville. He was elected treasurer twice, and was deputy postmaster for about eight years under T. C. Hacker and D. O. Cross. Mr. Thompson died at his home in Brownville, December 1, 1887, and was survived by his wife and three children. He was universally loved and respected by his neighbors, as was plainly attested by the members of the G. A. R., who named their post "Ben Thompson Post, No. 309," in his honor.

LEGISLATORS OF 1855: BIOGRAPHICAL FRAGMENTS.

By Jay Amos Barrett. Read before the Society January 12, 1897.

Those of us who have been born in modern times are not supposed to know much about the details of the session of 1855. We must depend upon the journals of that legislature, and upon the written accounts in books and newspapers. It may be said, too, that the annals of the meetings, as told by the secretaries, is not uninteresting reading, and the newspaper accounts are even lively. I suspect that the secretaries knew right well how to leave out what did not belong to a strict and unbiased chronicle. For example, the account in the *Council Journal* of the proceedings of the first day is a very sober tale of assembling at ten o'clock, in accordance with the proclamation of Acting Governor Cuming; of the election of H. P. Bennet as president *pro tem.*, and Isaac R. Alden clerk *pro tem.* A proclamation of the governor telling who were elected members is barely mentioned, as is also the appointment of a committee to look at credentials and adjournment to 2 P. M. In the afternoon session there are a motion to appoint Mr. Folsom temporary presiding officer; withdrawal of the motion; report of the committee on credentials; invitation from the house to attend joint convention in order to hear the governor's message; the ceremony of administering the oath by the governor, at which Messrs. Bennet, Bradford, and Nuckolls declined to be sworn; the message; the return of the senators to their own hall; the request of Mr. Bennet to be excused from the duty of presiding officer, and the election of Mr. Folsom. Of course this account doesn't explain motives, and one is led to wonder what made Mr. Bennet resign, and why those members wouldn't take the oath from the governor. A communication from Mr. Bennet himself to you, which I shall

read shortly, throws some light on the scene. The secretaries left out of their descriptions the touches that would have given the reader a picture of the scene. Here is an account of the first day's proceedings that is nothing if not lively. It is from the *Washington National Era* of February 8, 1855. You observe, from the interval of time between January 16 and February 8, that the news had to go overland in those days, without electricity or steam.

"The first territorial legislature of Nebraska assembled at Omaha on the 16th ultimo, and after a good deal of excitement both houses were organized. Some seven members of the council assembled early in the day and elected Judge Bennet speaker. Governor Cuming appeared in the hall to make some communication to the council, and was called to order. His proclamation declaring who were members was laid on the table. At two o'clock another speaker was elected, Mr. Folsom, but the first would not vacate. After some contention, the last named gentleman gave up the place to the judge. In the house, Mr. Latham was elected speaker. At three o'clock both houses assembled in joint convention and the members were sworn into office by the governor, after which he delivered his message."

Add to this the following paragraph from a letter of N. R. Folsom, son of B. R. Folsom. The former was a young man of 20, serving as doorkeeper of the council for the session. He writes:

At the first session my father "was elected temporary president of the council. The South Platte members wanted a South Platte man, and when father took the chair there was rather an exciting time. Mr. Lafe Nuckolls, a young member from South Platte, pulled the butt of his revolver into sight, but did not fully draw the weapon."

Mr. Nuckolls, I may say here, was only 19. Mr. Richardson was 60, the average age of the members of the council being about 40. In the house the average age was 32.

At this point I may read you the communication from Judge Bennet, who hoped very much to be here. For fear that he might

not, he wrote a few things that came to his mind about that session. In a letter of July 17, he says: "Now there may have been much that occurred at that session which I have forgotten all about, and perhaps some things that I would not like to tell, even if I could remember. Forty-one years is a long time to keep things in memory. However, I will try to overhaul the old things in my garret and write your society what I can rake up. I would like ever so much to meet with as many of the old boys of that long-ago session as are yet spared, and will endeavor to be with you, if possible, in January next." And at the end of a letter written in September, he says: "If I can conveniently do so, I will be with your society at its next meeting in January, in person as well as in spirit,—in spirit surely." [Here the paper of Judge Bennet was read. It is found in this volume on p. 88.]

Far be it from me to raise the question of the circumstances which surrounded the election of members to that pioneer session. In that connection, however, it will be in point to cite the following from a letter written last May (1896) by W. W. Watson, of Fairbury. "I note with interest the subject of the next annual meeting of the society. The Douglas county members of the legislative session of 1855 * * * were all of what were known as the Omaha interest, opposed to the Bellevue claims for the location of the state capital, the ticket put forth by the south part of the county, now Sarpy county, having been 'snowed under' at the polls. The south end candidates always attributed their defeat to the Mills county, Iowa, vote being divided between Plattsmouth and Bellevue, while Council Bluffs and Pottawatomie county voted solidly for Omaha, except one wagon load of electors who were detailed to hold an election in Washington county, Nebraska. If the crossing of the Platte river had been more feasible, the Mills county electors might have been able to vote at Bellevue as well as Plattsmouth, and the result have been different."

Judge James, of Council Bluffs, now as well as then, was one of that wagon load of people who went from Council Bluffs toward the north star, until they had reached, as they supposed, the

confines of Burt county. H. C. Purple, who was elected member of the house from Burt, was also of the same number. It appeared, after they had held the election, that they had not reached Burt county at all.

Concerning Henry Bradford, or A. H. Bradford, member of the upper house from Pierce county, along with H. P. Bennet and C. H. Cowles, I learned little. A. D. Jones, known to you all as "Alf" Jones, whose infirmity alone keeps him from being with us on this occasion, tells how Bradford got after him on the bank question. Mr. Jones did not believe in the banks and claims to have been the only one who consistently opposed them throughout that session. "In that exciting session," says Mr. Jones, "all members kept in fighting trim, and Bradford kept a brickbat in his desk." He adds that Mr. Bradford was the only one who did so. However, there is other evidence on that subject. Mr. S. E. Rogers, now vice president of the Merchants' National Bank of Omaha, said when I asked him about Mr. Nuckolls: "Oh, yes! I remember him well. His desk was next to mine. He kept a brickbat in his desk all the time." My own impression is that there were more brickbats in hiding than any one member knew about.

Richard Brown, or "Dick" Brown, as he was familiarly called, is said to have been the first settler in the present Nemaha county, after the extinguishment of the Indian title. A native of Tennessee, he came to the territory directly from Holt county, Missouri, August 29, 1854, and settled where now a village bears his name, as a witness to his enterprise. Further, except for his age, occupation, and politics, my record breaks off abruptly.

The following is the obituary notice of Benjamin R. Folsom, that was printed in the *Buffalo Courier* of November 21, 1882:

"Many readers of the *Courier* in Wyoming county will be pained to learn of the death of the Hon. B. R. Folsom, which occurred at Tekamah, Nebr., at an early hour yesterday morning. Mr. Folsom was born at Tunbridge, Vt., February 23, 1809, and was for many years one of the best known citizens of Attica,

N. Y. He was several times elected as president of the village, once without opposition, during his absence. He represented the town of Bennington in the board of supervisors of Wyoming county for a number of successive terms. In the year 1854, he removed to Nebraska, and assisted in organizing the territorial government. He was elected to the state senate twice and to the assembly once, and was chosen to preside over the former body at its second session. He was, at the time of his death, the oldest settler in the state of Nebraska north of Omaha. Although identified with the west since 1854, he had until recently maintained a homestead in the village of Attica. In politics Mr. Folsom was a staunch, unswerving democrat, never an office-seeker, but always ready to do all in his power for the good of the party to which he belonged. He leaves a family consisting of a wife and daughter, Mrs. C. E. Ferris, of Omaha, and two sons, N. R. Folsom, of Omaha, and Benjamin R. Folsom, of this city. Silas Folsom, of Attica, N. Y., and Col. John B. Folsom are brothers of the deceased."

T. G. Goodwill was a Bay State man by birth, but he also came to Nebraska from Attica, N. Y. In an obituary of him written by Dr. Miller, of Omaha, occurs the following paragraph:

"He was one of the leading members of the first territorial council, and by his experience and sound sense, as well as his unflagging energy, contributed largely to the successful organization of the territorial government. He was also treasurer of Douglas county, adjutant general of the militia, and an alderman of the city of Omaha. In the decease of Colonel Goodwill our community has sustained * * * the loss of a high-minded gentleman, an accomplished and able man of business, foremost in all public enterprises, an energetic, manly, kind, and benevolent citizen."

What fitting tribute can be paid to the genial Alf D. Jones? It was my privilege last autumn to hear from his own lips the story of his varied career. Born in 1813, three miles from Phila-

delphia, he has lived to find that great city grown all about the farm house of his early days. November 15, 1853, he crossed into this country before it was Nebraska, after long service as a civil engineer in Iowa. He had, indeed, laid out a number of cities, including Burlington and Council Bluffs, and to his hands fell the work of laying off the future metropolis of Nebraska. When a member of the council in the first assembly, Mr. Jones was in his 42d year, so that now you would find him as you would expect to find him, with snow-white locks of his fifth score. It shall be left for some comrade of his to write his biography ere long, in a manner befitting his long and active career.

Another member of the council, J. C. Mitchell, seems to be known principally as the one who was made sole commissioner to locate the capitol buildings. This was a very complex deal in the location of the site of the territorial edifice, and Mr. Mitchell was perhaps made the one commissioner because he could be used better than a committee of more than one. The town of Florence is said to have been named by him in honor of his niece, Florence Kilbourn, and there he is buried, together with his wife and adopted daughter. I have been unable to find anything further.

Origen D. Richardson, member of the council from Douglas, was very efficient in the work of legislation, having been lieutenant governor of Michigan previous to coming west. He was a native of that state, and shares with J. B. Robertson the distinction of having been born in the eighteenth century. In the *Michigan Pioneer Collections* occur very many references to him, in connection with early Michigan history. He figured in Oakland county affairs, and in connection with the town of Pontiac, he was recorded as one of the contributors toward the building of one of the first churches in that town. He was lieutenant governor during the presidency of the elder Harrison, and was member of the convention of 1836, during the excitement of the Toledo War, as it was called. It is a curious circumstance that one of

the defeated candidates in that campaign was the father of Andrew J. Poppleton.

Concerning Joseph L. Sharp, I know as yet very little. Two sons and a daughter now live in Idaho, and from them I have reason to believe a biography is being prepared. Mr. Hanscom, of Omaha, who was speaker of the house, is able to narrate much more graphically than I how Colonel Sharp came to be elected president of the council. He was in western Iowa early enough to take part in sending Hadley D. Johnson to congress in 1853.

In addition to what Mr. Bennet has written concerning Frank Welch, I may add that he was a member of the council at its ninth session, and was not only member, but also president of our first state senate.

Mr. John Evans, of Omaha, and Henry Sprick, of Fontenelle, have given some information about J. W. Richardson, member of the house. He lived but three years after the close of the session, and was buried at Fontenelle. His wife lived until 1893.

William B. Hail, member of the house, was re-elected four times in succession. He was killed in a railway accident a few years ago.

Of W. N. Byers, one of the most respected and well-to-do citizens of Denver, I need say little. He was listed as a surveyor in 1855; but there is a story of how he moved a printing press to Denver in a very early day, by ox-team, and how under his care there developed a great newspaper, now called the *Rocky Mountain News*. I am told that it is only recently that he has ceased to edit it.

Permit me to quote from a letter or two recently received from him. Under date of November 17, 1896, he writes: "I fear that I will not be able to attend your annual meeting in January next, much as I would like to. Nor can I think of anything reminiscent of the first legislative assembly of Nebraska that would

likely be interesting. It was a large assembly for the first in a new territory, and it seems to me now that it was a very wasteful and extravagant one. This extravagance ran especially in the line of printing, and before it adjourned the country surrounding the capitol building was literally 'snowed under' with waste paper in the form of printed bills, journals, roll calls, reports, and such like documents, for which there never had been any use in the world. Some of the members, it was alleged, had not well established residence in Nebraska, but were actually residents of Iowa and Missouri. They crossed the river, held elections, and went back to the above named states to sleep. However, that assembly laid a good, broad foundation for what has become the great state of Nebraska."

Further, under date of December 31, he writes: "The copy of the program for your annual convention is very interesting, and the roll call of the first legislative assembly is like an echo from the long ago. I value it especially. It would afford me great pleasure to attend your annual, but I am still of the opinion that I will be unable to do so. * * * Perhaps another year I may be able to enjoy a reunion with the Nebraska pioneers—than whom there are none more patriotic, manly, and noble on earth. Wishing one and all a most interesting, harmonious, and profitable gathering, I beg to remain, yours most truly,

"WILLIAM N. BYERS."

William Clancy, mentioned in Judge Bennet's letter, was a young man of 25 from Council Bluffs, a merchant, it is said. Mr. Jones' summary characterization of him is, that "he didn't amount to much." He kept a saloon, eating house, and general combination known as "The Big Six." During the gold excitement he went to "Cherry Creek," near by which Denver very shortly sprang into being. One of the streets of that city is named for him. Thence he went to Montana. Whether he died there, as Judge Bennet heard, or whether he may still be living somewhere, as Mr. Grennell thinks, seems impossible to determine. An incident is told of him, jolly Irishman that he was,

that with an eye to the fancy prices of oddities in the East, he trained six elk to the harness and drove them from Denver to New York, only to find that the market was already overstocked with them. He seems to have had more or less of a political bent, for he was the only member of the lower house who was afterwards elected to the upper. In both the third and fourth sessions he was member of the council.

The last one of the members of that pioneer assembly of whom I wish to speak was the first to die. He had not, however, outlived his usefulness here, and now, after the lapse of forty-two years, he still has an unusual claim upon our interest. The legislature adjourned March 16, 1855. In the Council Bluffs *Chronotype* of April 17 following, I chanced upon the following paragraph:

"Dr. M. H. Clark departed this life yesterday morning at about 7 o'clock, at St. Mary's. The disease which has terminated thus fatally was pneumonia. * * * The deceased has long been a resident of this western frontier, and was a member of the upper house of the Nebraska legislature last winter from Dodge county. We understand that the funeral services will take place in this city to-day."

The intervening years have made it impossible to discover, thus far, where there are relatives of Mr. Clark who can furnish the facts of his life. My knowledge of him is confined to a few hints gathered from sketches of early life on the banks of the Missouri, and from the journals of the first assembly. The history of this man is closely connected with the first election held in the country that was afterward called Nebraska. Mr. Hadley D. Johnson mentions this election especially, in his article entitled "*How the Kansas-Nebraska Line Was Established.*" The election occurred October 11, 1853, at Bellevue. Mr. Johnson calls the voters "impromptu emigrants" from the east bank of the river. The sole object of the election was the praiseworthy one of selecting a delegate to congress who should try to secure the organization of the country west of the Missouri. Besides the election of a delegate, who proved to be, in fact, Mr. Johnson himself, the

offices of territorial governor, secretary, and treasurer were filled. To the office of secretary, Dr. Munson H. Clark was elected.*

Thus it appears that Mr. Clark was active in securing the organization of the country west of the Missouri, and he was entitled as much as anyone to a place in the first assembly of the new territory when congress had created it. Mr. Johnson tells us that this election in the autumn of 1853 was followed by public meetings in Iowa and Missouri, and mentions Judge Bennet and Dr. Clark in connection with "eloquent speeches" and "leading citizens." To some of the oldest residents of western Iowa, when the right ones have been found, we may look for an account of the previous life of Dr. Clark, in the Missouri country. His record in the council shows him to have been an able member. I cite but one or two things to show the ability of the man and his faith in the western country.

Only six days after the opening of the session, Mr. Clark gave notice of a bill to incorporate the Platte Valley and Pacific Railroad,† and three weeks later this prime mover in the matter, as chairman of the committee on corporations, submitted a report that covers four pages of the printed journal.‡ The report is an exceedingly interesting document indeed, and were there time, it would command great attention as a paper read to the society. Its great argument is the practicability of the Platte valley as a route for a line of railroad between the East and the West. He states that Colonel Leavenworth called attention to the "importance, practicability, and expediency of constructing a railroad by way of the Platte valley to the Pacific." Rev. J. Parker, J. Plumber, Colonel Fremont, Mr. Whitney, Captain Stansbury, and a thousand others, he says, have urged the same thing. The report gives statistics to show how important this railroad would be. I am sure you will be interested in the last two short paragraphs of the report, because they go far to show the mind of the man.

*An extra volume is soon to be issued by the State Historical Society which will deal with the years 1852 and 1853, and incidently with this election. The election at Bellevue comprised only one precinct of a general election in an unauthorized Nebraska Territory centering in Wyandotte.

†P. 16, C. Journal.

‡Pp. 65-69.

"This gross income could only be secured after several years of business; but it is easy to see that the vast amount of trade and travel, which does not follow the tedious route by the ocean, would immediately pass through this new, safe, and speedy channel of commerce. The millions of Europe would be brought into contact with the hundreds of millions of Asia, and their line for quick transit would be, to a great extent, across our continent. Their mails, their ministers, their most costly and interesting travel and trade would take this route, and augment our business and multiply our resources.

"In view of the comparative cost, to the wonderful changes that will result, your committee cannot believe the period remote when this work will be accomplished; and with liberal encouragement to capital which your committee are disposed to grant, it is their belief that before fifteen years have transpired, the route to India will be opened, and the way across this continent will be the common way of the world." (68-69.)

Two months from the morning on which this prophecy was made, the man who made it ceased his labors here. In fourteen and one-quarter years, on May 10, 1869, the last spike was driven in the great transcontinental railway, and the East and West were united by the bands of steel for which that primitive railroad company had sought.

The indistinct and fragmentary picture that comes to me from that remote scene in our history, presents him to me as a sort of embodiment of the restless, energetic, progressive spirit of the early makers of the middle West, the actual development of which has far exceeded their brightest fancy.

THE RESULTS OF THE PIONEER SESSION FROM A
LEGAL POINT OF VIEW.

By Hon. M. B. Reese. Read before the Society January 3, 1897.

It is decreed by the powers that be that the subject of this paper must be "The Results of the Pioneer Session from a Legal Point of View." From all appearances we should say that the first session of the territorial legislature was a busy one. That session convened at the city of Omaha, the then capital, on the 16th day of January, 1855, and so far as I have been able to learn, the last date of the approval of laws was on the 16th day of March of the same year. The method adopted for the enactment of laws was in some respects unusual, and shows that that body of statesmen, upon whose shoulders rested the burden of laying the foundation stone upon which to erect the structure of the state of Nebraska, was not averse to rest and probably having a good time, so that many of their laws were enacted by wholesale, and doubtless at wholesale rates. As an illustration of this we need but notice the act which first appears in the volume of laws issued as the result of that session. This act is entitled "An Act Adopting Certain Parts of the Code of Iowa." The act consists of two sections. The first section is "That the following chapters of the Code of Iowa, passed at the session of the general assembly of the state of Iowa in 1850 and 1851 and approved the 5th of February, 1851, be and are hereby adopted and declared to be in force as law in the territory of Nebraska, so far as the same are applicable and not inconsistent with any laws passed at the present session or with the organic law of said territory, to-wit:" Here follows an enumeration of the chapters which are adopted, but few of which need be here copied. They run as follows: Chapter 3, section 26, entitled "Constructions of Statutes;" ditto 58; ditto "Notes and Bills," etc. Section 2 is as follows: "Sec. 2.

This act to take effect from and after its passage." The whole matter of preparing the chapters referred to and publishing them as a part of the law of the territory devolved upon some functionary of the government, and they were copied into the territorial laws, occupying one hundred pages of that publication. Who did this, or by what authority it was done, it is not necessary now to inquire. It is quite plain, however, that the legislature spent none of its valuable time in trimming up and otherwise embellishing the laws of Iowa in order to render them applicable to territorial conditions. The territory then consisted of the counties of Burt, Washington, Dodge, Douglas, Cass, Pierce, Forney, Richardson, and probably Jones. However, it appears that on the 10th day of December, 1854, Jesse Lowe, deputy United States marshal, in obedience to a commission issued by Acting Governor T. B. Cuming, made a report that no person lived in the county of Jones, "unless a few living in the neighborhood of Belwells precinct in Richardson county, and who would naturally vote at said precinct," and therefore he was of the opinion that no apportionment should be made to Jones county. With Jones county lost, or otherwise not accounted for, the council consisted of thirteen members, one from each of the counties, excepting Douglas, which had four, and Pierce, which had three. The house of representatives was composed of twenty-six members, two from each of the counties, excepting the counties of Douglas, which had eight, Cass, which had three, and Pierce, which had five. The legal effect of this enactment can only be considered with reference to the results desired, as we know this whole body of law, thus enacted, constituted a part of the law of the territory until the year of 1857. In this collection we find some provisions which to our minds have never been improved upon, and are much better and more reasonable than the laws enacted in their stead. The widow's dower in the real estate of her deceased husband was declared to be one-third in fee simple. This law was repealed by the act of 1857, and we now have a dower of one-third during the life of the widow. No improvement.

We notice in that law the qualification for jurors which has

been lost by the carelessness or ignorance of subsequent legislatures and the efflux of time, which we would do well to recapture. It was provided by section 211 of that act that "All qualified electors of the state of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, are competent." Just think of it! Twelve men rounded up in one body, all of whom were of good moral character and *sound judgment*. Evidently, by the provisions of that act none else would do. "Sound judgment" was an essential element. Were it not that we are fully persuaded that the judges of those days were composed of an excellent quality of clay, we would be compelled to say that the jurors filling the measure of that section were upon a higher plane than the judges, for experience has taught those of us who have acted in judicial capacities, as well as those who have not, that "sound judgment" is not always attained, even upon the bench. However, let us be glad that in those days their juries were sound,—take courage and press on. By the act referred to the legislature adopted that portion of the Civil Code of Iowa which prescribed the manner of commencing actions or suits, and for one year, at least, the territory of Nebraska had a sensible law upon that subject. It has never had one since.

The process or writ by which jurisdiction over the individual was obtained was called an original notice. It was prepared by the party plaintiff or his attorney, and served upon the defendant either within or without the limits of the territory by reading it to the defendant and giving him a copy if demanded, or if not found by leaving a copy at his usual place of residence with some member of his family over fourteen years of age. It could be served by any person not a party to the suit. By it the defendant was informed that on or before a day named therein a petition would be filed in the court containing a prayer for the relief demanded.

. Whether we can say that our present law upon that subject is the "Results of the Pioneer Session" may be a matter of doubt, but certain it is that if it is, the results have been bad. By our

present law, in order to commence an action in the district court, a petition must first be prepared. Then it must be sworn to. The clerk must then be found at his office and it must be filed. If a precipe accompanies the petition and there is money enough upon the person of the attorney to pay the fees for filing the petition a summons may be issued by the clerk. The next step is to find the sheriff, for no other person can serve that precious bit of paper excepting that functionary or some one duly appointed to do so under his hand and endorsed upon the summons. This all being done, we are ready for the service, but if the proposed defendant has conceived the idea of absconding he is perhaps a hundred miles away before this cumbrous machine can be put in motion. In this the wisdom of the present day is not made manifest.

The law of the foreclosure of real estate mortgages as contained in that wonderful bill provided no other proceeding than simple notice and sale, all procedure in courts of justice being entirely omitted. Upon this we have made "valuable," and it is to be hoped, "lasting" improvements by requiring a procedure in court and giving the unlucky mortgagor something of a chance for the redemption of his property.

The law as to the competency of witnesses in judicial proceedings was made after the good old democratic plan, and "an Indian, a negro, a mulatto, or black person" was not allowed to give testimony in any case wherein a white person was a party. This was a shadow of the American Dark Age, which was cast upon our fair territory.

The prohibitionist would say that the law enacted by that legislature upon the subject of manufacturing and selling intoxicating liquors was about right, for a very stringent prohibitory law of but few sections was enacted. By that act the manufacture, giving away, or by any manner of subterfuge trafficking, trading, exchanging, or otherwise disposing of intoxicating liquors within the territory, to be used as a beverage, was prohibited under severe penalties.

Among other things enacted by that legislature was a law for

the admission of attorneys to practice at the bar of courts. The principal requirement was 21 years of age, satisfactory evidence of a good moral character, and passing an examination, in what is not stated, before a judge. Those essential elements being present, the lawyer was made. The "results" of this legislation was the immediate immigration from adjoining states and territories of those without other preparation than the requisite age and moral character to this territory. They were admitted to the bar and returned to their homes fully prepared to aid the courts in those states and territories in the administration of justice.

The enterprise of that body was further manifested by the adoption of a criminal code. The act by which the criminal code was adopted was entitled "An Act Relative to Criminal Laws." The body of the act provided that "The fourth part of the Code of Iowa, given on page 349, as published in the authorized edition of said Code, so far as practicable and not inconsistent with the laws of this territory, be and the same is hereby declared to be in full force and effect in this territory." Thus by the enactment of this short section Nebraska became possessed of a criminal code of 803 sections, providing punishment for all the crimes known to the law of Iowa. This act was approved March 15, 1855. This immense body of criminal law remained in force until probably about the 13th of February, 1857, when it transpired that an unlucky member of the human race had committed the crime of willful and deliberate murder and employed a wideawake, enterprising, and vigorous attorney to conduct his defense. This attorney, upon an examination of his client's case, discovered that the evidence of guilt was conclusive and the presumption against his client great. There was no help nor hope of escape with that Iowa law staring him in the face. He turned his attention to politics, became a candidate for legislative honors, was elected, and in the conscientious discharge of his duties as a legislator he introduced a bill entitled "An act to repeal certain acts of the legislative assembly of Nebraska passed at the first session of the said assembly." This

act was short. Its provisions were as follows: "An act entitled 'An act adopting certain parts of the code of Iowa,' approved March 16, 1855, and also an act entitled 'An act relative to criminal laws,' approved March 15, 1855, be and the same are hereby repealed." The second section of this law simply provided that the repealing act "should take effect and be in force from and after its passage." This is called an emergency clause. You see, an emergency existed. The bill was promptly passed and the whole of both civil and criminal codes of the territory were swept out of existence. In justice to the memory of the then governor, it should be here said that he vetoed the bill, but that the necessary two-thirds vote was forthcoming, and his veto did not count. For one year it is said that the territory of Nebraska was without either a civil or a criminal code; and tradition informs us that during that period of one year civil rights were duly respected and less crime was committed in proportion to the population than during any other year in the history of the territory or state. Of course, the luckless defendant who had taken the life of his fellow man was promptly discharged and permitted to return east to visit his friends or "go west and grow up with the country," as might suit his fancy. The enterprise of his counsel was fully rewarded. A civil code copied after the code of Ohio was subsequently adopted and this code with its many imperfections is with us yet. Our lawmakers not being satisfied with Iowa rules in criminal cases, afterwards adopted the criminal code of Illinois, but Ohio had been heard from. The home of statesmen had sent her sons into Nebraska, and in 1873 the Illinois code was repealed and the Ohio code adopted. In regard to the criminal code, this Ohio code was an improvement upon the one we had previously enjoyed. We will probably retain it as the result of the perfection of human wisdom in criminal matters.

Referring to the laws passed by the pioneer session, aside from the two codes mentioned, but little of those enactments remains with us. The legislature seems to have been very busy in providing and creating corporations and naming towns and cities which existed alone upon paper, and giving them a system of

municipal government. Indeed, we are informed that so strong was the desire to incorporate cities and towns that it became necessary for one of the members to introduce a bill setting aside certain portions of the state for agricultural purposes and one section in each township was declared to be free from the blighting hand of the townsite boomers. It is interesting, indeed, to peruse the acts referred to and know that of the many cities thus created, but very few, if any, have a geographical location. The cities of Carlisle, Margaretta, Chester, Lawrence, Elizabeth, and many others were born to bloom unseen, etc.

A number of counties were duly and properly bounded and made ready for business, some of which have entirely disappeared from the map of the state. Among this latter class might be mentioned the county of Greene, with no county seat nor town lots. The county of Black Bird, with Black Bird city for a county seat, but no town lots. The county of Clay, with a provision that the seat of justice "shall be called Clayton." This embryo city seems not to have had a permanent habitation and therefore no city lots were demanded. The county of McNeale was duly created and Manitou was decreed to be its seat of justice and fifty city lots were required "for the purpose of building a court house and other necessary county buildings." Jackson county was also born and with it the requirement that its county seat "shall be called Jacksonville," and the requisite fifty city lots were demanded for building purposes. Johnston county was declared to lie west of Forney county and its legal existence duly decreed, and it was said the seat of justice "shall be called Frances," with fifty city lots. Izard county closes the list, with Hunton for the county seat and fifty lots reserved. "From a legal point of view," we conclude that these efforts were not productive of great results. It is evident that the antimonopolist had not then grown to his present magnificent dimensions, for, if there was any subject upon which that legislature might be said to be orthodox, it was that of the creation of corporations and monopolies. If there was any one enterprise or line of business which did not demand the right to the exclusive exercise of

“corporate power,” they failed to make the exception. Everything, from the magnificent railroad company, with its millions of dollars of capital stock, to the bridge and ferry company, with its few dollars and pocket ferry-boat for crossing the spring branches and wet weather drains with which the territory at that time abounded, was provided for.

The Western Exchange and Marine Insurance Company, with its capital stock of \$50,000, and R. W. Latham, William Kempton, James S. Izard, J. McNeale Latham, W. E. Moore, Thomas H. Benton, Jr., and their associates, not to exceed thirteen in number, their heirs and assigns as incorporators, was duly incorporated and the necessary plans and specifications provided, ready for business. It has never been my pleasure to form the acquaintance of that artificial individual, and whether “the legal results” of that law have ever been manifested, I am at this moment unable to say. I think, however, its life was short, owing, possibly, to the inexcusable blunder of the legislature in selecting the unlucky number—13— as the maximum number of incorporators. This was a bad break and one for which we can imagine no valid excuse. I think it “killed the bill.” Had that organization survived we would have had some legal results right there, for by the terms of the bill the “heirs” of the incorporators were not forgotten, and, though unborn when the law was passed, they were “by act of law” made a part of that corporation, whether agreeable to them or not. It is quite probable that the “object of the bill” was to change the rule for the classification of property and make the capital stock of that corporation real estate, descendable to heirs by the law of inheritance. These things are “hard to find out.”

Competition and the law of the “survival of the fittest” were not forgotten and so “The Franklin Insurance Company” was also set upon its feet with a capital stock of \$10,000, with Paddock, Hathaway, Ellsworth, Kempton, Estabrook, Corfield, and Richardson as incorporators, evidently for the purpose of holding its larger brother in line. While this company had less money, it had some advantages over the big brother,—for in-

stance, instead of having the unlucky number "thirteen" for the number of its incorporators, it was blessed with the scriptural number "seven,"—the perfect number. This more than outweighed the more money and incorporators. It is supposed this latter company lived fully as long as the former one.

The Platte Valley and Pacific Railroad Company was started on the road to future greatness with its \$5,000,000 capital one day before the Missouri River and Platte Valley Railroad Company, with a like capital, became its rival.

We should also notice the fact that *salt* was not forgotten. Two corporations were created in order that the industry known as the manufacture of salt should keep fully up with the procession.

The educational interests of the territory received the fostering care of the "Pioneer." The "Nebraska University," with capital stock of \$150,000 and fifteen incorporators, was created and that great institution was given permission to live. Its location seems to have been at "Fontenelle, in Dodge county." Its perpetuity and safety were doubtless intended to be secured by the fourteenth section of its charter. It was as follows: "The said institution and its preparatory departments shall be open to all denominations of christians, and the profession of any particular faith shall not be required of those who become students. All persons, however, who are idle or vicious, or whose characters are immoral, may be suspended or expelled." You thus see it was in no sense a reformatory institution. The Jew could stay away and the idle, vicious, and immoral could "travel." I more than half suspect that our present "University of Nebraska"—the pride of every patriotic Nebraskan—is not the result of that bill.

Simpson University, with \$150,000 capital stock, was turned loose about the same time, but the fatal "thirteen" mistake was again made, and there are no results "from a legal point of view" in sight.

"The Nebraska City Collegiate and Preparatory Institute," with an equal volume of capital stock, was given permission to

compete with the others named for public favor and patronage, but "results" not being visible from our "point of view," we are compelled to abandon the search.

Before closing this hastily written paper we should notice another act of the "Pioneers" in the educational line, which we are persuaded has furnished its "results" and borne abundant fruit. The title of that act was, "An act to establish a common school system." The bill contained seventy-three sections, was evidently prepared with care, and provided for territorial, county, and school district officers, specifying their several duties with considerable minuteness. From it has probably grown up our now complete common school system. The librarian of the territory was made the superintendent of public instruction, with a yearly salary of \$200. In some respects the bill was crude when surveyed from a "legal point of view," but in no sense to be despised. That act alone should give the "Pioneer Session" a lasting hold upon the affections of the Nebraskan of to-day and of the future.

View of Judge J. H. Broady. Delivered before the Society January 13, 1897.

Ladies and Gentlemen: There are two kinds of titles, the original kind and the artificial kind. The artificial are always in a large majority, but the longer they are in our country the smaller that majority. They are brought suddenly into contact with nature. They deal with natural things rather than artificial things, with substance rather than form. They are put upon their individuality, and their individuality crops out continually in a new country more on the average than in an old one. As to the work of the first legislature of the territory of Nebraska, I can only say that I became a citizen of this state about a dozen years after that took place, and I have not given it any careful attention for the purposes of this talk here tonight. Yesterday I did run through it some, and I had some knowledge of it before. Its great characteristics, it strikes me, are these: The clearness and penetration of the minds of the

men who were in that legislature, indicating superior metal over the average legislature in the older states; and the less amount of illogical verbosity that is so usually found among professional men in law courts and the procedure of legislatures in general. Looking over those acts calls to mind what I heard some one say not long ago. It was the old and general proposition that the less a man knows the longer it takes him to say it. How much more apt those law-makers were to sift out the words that were not necessary, and how well they covered the subject for the purpose they had in view, with a few words, even more effectively than longer acts passed by other legislatures? I am not here eulogizing that legislature. I will leave that to you men who were members of it, as we all like to talk about how much nicer things used to be than they are now. But I will give you a sample of it. And we know, too, that they were not careful about repealing these acts, and did repeal most of what they did at the next legislature. This happened at a time when the democratic party was in power in Washington, and that crops out here the very first thing. That good governor whose image we see here was a good Jacksonian. In those days I believe they were all straight party men. Being a good Jacksonian, and looking for a time when this body should meet, he put it just the right time, the best time in the year: "The said legislature will convene on the 8th day of January, 1855."

And they were clear and penetrating, as you see when you read the words they put in their acts, though you must concede that the main questions lay deeper down in a great matter than it appears many times. Secretary Morton has indicated in his letter something about this prohibition being a recent thing. This legislature made the best prohibition law anybody ever made. Let me just read it, and notice the wording, and notice how they shut up the loopholes through which lawyers might evade the law. (Laws of 1855, p. 158.)

"Section 1. Be it enacted by the council and house of representatives of the Territory of Nebraska, that from and after the first day of April, A. D. one thousand eight hundred and fifty-five,

it shall not be lawful for any person to manufacture, or give away, sell, or in any way, or by any manner of subterfuge, traffic, trade, exchange, or otherwise dispose of any intoxicating liquors within this territory, to be used as a beverage.

"Sec. 2. The places commonly known as 'dram shops' are hereby prohibited and declared public nuisances, and their establishment shall be presumptive evidence of a sale of intoxicating liquor within the provisions of the foregoing section."

Just look at those words! You can't restrain it; it is a public nuisance and they understood it, and left no escape through the door of a jury trial. And it goes on with the presumption, and they acknowledge it, then and there, that the sale of liquor is a nuisance and can be prevented. The proclamation continues:

"Sec. 3. The establishment or keeping of a place of any description whatever, and whether within or without a building, coming within the spirit and intent of this act, and the establishment, or the keeping a place of any description where other persons are accustomed to resort, providing their own liquors, of the prohibitory character purchased elsewhere and drinking the same there, shall be taken to be within the meaning of this act.

"Sec. 4. Every person engaged in any of the acts above prohibited, or in any way aiding or assisting in such illegal acts, whether as principal or clerk, bar keeper, or otherwise, shall be subject to the penalties herein provided.

"Sec. 5. Courts and juries are required to construe this act so as to prevent evasion and subterfuge and so as to cover the act of giving, as well as of selling in the places above prohibited.

"Sec. 6. Whoever is guilty of violating any of the provisions of this act, on conviction thereof, shall be fined in a sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail not more than ninety days, or both, in the discretion of the court, and may be prosecuted therefor, either by indictment or by information before a justice of the peace, the punishment shall be fine only.

"Sec. 7. Any person being convicted for a second, or any subsequent violation of this act, shall be fined in a sum not less than one hundred dollars or be imprisoned not more than one year."

It provides a less penalty the first time. That is a feature that is very meritorious in it. This act provides for an information. Read this act and see the clearness and penetration of the minds of these men who enacted it.

This was a great legislature for granting agencies. A great variety is found in its acts, and here is another feature, which is very brief, viz., to authorize the governor to appoint emigrant agents. "That the governor shall be authorized to appoint and commission for one year, one or more traveling or local emigrant agent or agents, to reside at any point, or to travel upon any of the thoroughfares in the United States.

"It shall be the duty of each agent or agents to disseminate correct intelligence among emigrants coming to the Territory of Nebraska, to give necessary directions as to the proper routes and modes of travel, and to use all proper exertions to induce emigration to said territory."

Those are sections one and two. Section three is a very wise provision as to the compensation of such emigrant agents: "The services of such emigrant agent or agents shall constitute no charge against the territory of Nebraska or the government of the United States." (Laws of 1855, p. 179.)

These legislators struck away out as far as we have gone, in most things in which we have been thinking we had shown so much sense. I have just alluded to the prohibition law. That is in advance of anything I have ever seen anywhere else. And here is a herd law. We have one now, and a week or two ago I was down on the Missouri river, where a man was complaining of the herd law. There was an old fellow down there on the bottoms with a lot of old horses. The way horses are now, they were not worth anything, and he took them down on the bottoms and turned them loose, and let them go around in the corn-fields. One man in whose corn the horses had been feeding, talked with me, and he said: "What am I to do? The horses are there feeding and I can't take them up under the herd law, because they are not worth keeping. What am I going to do about it?" I advised him to kill them. And he said he was not au-

thorized to kill them, and he might get into trouble, and then I didn't know what to tell him to do. There is no law against malicious mischief, and I didn't know what to tell him to do. But here is their act, and they say it covered it like a top. Here it is:

“Section 3. If any such animal be found running at large, and it be found impossible or dangerous to take up and secure the same, it shall be lawful for any person to kill said animal, and the owner thereof shall sustain no action against such person for so doing.” (Laws of 1855, p. 206.)

Another is the impeachment law. We have had some of that in this state, and some in congress. The question is to know whether you can impeach a man not in office, and another question that has been discussed here and at Washington is whether after a man is impeached, he shall exercise the functions of the office until he is convicted. Lawyers and judges have worried their brains about it, but these men had penetration enough to settle it. And another thing we used to discuss among the lawyers is, what is meant by “removal from office and disqualification to hold any other office of honor, trust, and profit,”—whether they could make such a law or whether our constitution and the federal constitution did not settle that, and which should be first or which second, and all that. That is what has caused such a myriad of words, and books and books and myriad words, until it would make a man dizzy to hear them, and then not know as much when he got through as he did when he commenced. Here is what they say upon these points: “Any civil officer of this territory, except county or township officers, may be impeached for corruption or other malconduct in office, as well as for high crimes and misdemeanors. Upon conviction the judgment shall be removal from office. It may also attach a disqualification to hold any office of trust, honor, or profit under the laws of this territory. Every officer impeached shall be suspended from the exercise of his official duties until his acquittal. Conviction on an impeachment does not exempt the offender from a private action or public prosecution for the same act or offense.” (Ibid, 302.)

These men went at that in not exactly an artistic way; they didn't pay so much attention to the way a word was spelled as to the use of the same, you know. They seldom spelled a name twice alike. It was the substance they were after. They can't spell the name right, perhaps, but they get in the meaning. But this was when they started the state, and they started in a good way. They started by enacting the common law of England, subject to the constitution of the United States and the organic act of the Territory of Nebraska. There they had a code in one section with five or six lines, and they had a code of laws to proceed under right there, if they hadn't done anything else, and even if they did enact laws and then repeal them. Some legislatures would repeal anything others did, but they had this governing system that has governed for ages in England, with the modification of the constitution of the United States. And notwithstanding that they did soon after repeal the civil and criminal code, they had a code here. Some people think that if legislators didn't know so many words, and couldn't use so many words, they wouldn't pass so many acts and the public would be better off.

Here is another instance: A law "To make a road from Pawnee to Nebraska Center." I don't know where Nebraska Center is, but just look at the brevity of this: "Section 1. Be it enacted," and so forth, "that Lorin Miller, D. C. Oakes, and John B. Bennett, or a majority of them, be appointed commissioners to locate and establish a territorial road from Pawnee to Nebraska Center. Section 2. The said commissioners shall meet at Pawnee on the first Monday in June next, or within six months thereafter, and proceed to lay out and establish a territorial road according to the true intent and meaning of this act, and after locating the same, shall deposit a certified plat of same for record in the register's office at Pawnee." (Laws of 1855, p. 331.)

If that act had been drawn in the modern way you could get up a lawsuit on the subject, with the probability of an awful scrap among the attorneys as to when it was located and whether it was located at all or not, until that map was filed, but under

the language of this act they couldn't have any point on that, because it was located before that is filed, and then after it was located they filed a map of it. It doesn't say how the commissioners shall be paid. I don't suppose they cared whether they were paid at all or not, but when they got the map out and had the road staked out, there was the road.

Then here is a city charter of the city of Brownville, in five sections. They got together and said, "We have all the offices we want"; and the assembly said, "You don't have to have anything unless you want it, and if you want anything you can have all you want." (Laws of 1855, p. 406.)

They were great on joint memorials to congress, and there wasn't anything small about them either. South Pass, as I understand it, was over on the other side of the mountains. There must have been a good many Indians around here about that time and they were making a good deal of trouble. And the people memorialized the legislative assembly of the territory of Nebraska, representing that the interests of this territory and the nation at large would be greatly advanced by the construction of a railroad running from the town of Plattsmouth, in Cass county, immediately on the Missouri river, via Fort Kearney and Fort Laramie to the South Pass, with a branch starting at or near the mouth of the Nemaha river, and intersecting the main trunk at Fort Kearney or Grand Island. And they memorialized congress, and they go on to tell congress what a great country this is. You can see there is nothing small about them. They propose to start two tracks, one in the south part of the state, at the Missouri river, and the other in the north part, and run on out to Denver and to the mountains and South Pass. There is nothing small about them. They memorialized congress to grant a right of way and to grant land, and then they told their delegate in congress to get that through. (Laws of 1855, p. 451.)

Then here is another joint resolution. It shows that they are all in line with what they thought was the trend of the democratic party at that time. There wasn't any trouble about democrats then; they were all right. "Resolved, that we herewith

endorse the principles enunciated in the bill organizing the territory of Nebraska and Kansas; that we rejoice that the geographical line between the Northern and Southern states has been erased, leaving the people of every state and territory free to control their domestic institutions, and that we commend the firm and patriotic course of the men, without distinction of party, who have aided in establishing the sound constitutional principles of the compromise of 1850. And resolved, furthermore, that we pledge ourselves to oppose any unfair discriminations, such as those of the late Missouri compromise, but to protect and defend the rights of the states, and the union of the states, and to advance and to perpetuate the doctrine of popular sovereignty."

Then there was the mail route, the Overland Route. There was nothing small about that either. It extends from the Atlantic to the Pacific. "Concerning the protection of settlers and emigrants between the Mississippi valley and the Pacific ocean, including the establishment of postal and telegraphic correspondence across the American continent."

I will not weary the audience, but I wanted to read this much to show that an examination of these acts passed by that body of men only corroborates what a little thought and a little history will prove,—that when men are put so much upon their individuality anything that comes up in which actions and words reach down in a great matter, they are the kind of men whose words are gilded words and carry a thought with them, and their actions the same. That is impressed upon us largely in the acts passed in the first legislative assembly in the Territory of Nebraska, far more so than we can discover in any of the older states. That is only in harmony with what was heard in parliament when Chatham declared that in his opinion and judgment no body of legislators, ever assembled in the world, was greater than the Continental congress which assembled in Philadelphia. And so they used words with more far-seeing and penetrating minds than now. In those days, when they were brought so continually into great struggles, they impress them-

selves on the mind and make their acts strike deeper into their minds, and they were more careful to use words that would mean something; and secondly, they were freer from verbosity, and there was less than now of what we might call "a wilderness of words."

View of Hon. J. R. Webster. Delivered before the Society January 13, 1897.

Ladies and Gentlemen; In studying for the first time the results, from a legal point of view, of the first legislative assembly of Nebraska, it seemed to me that the best thing to say of it, in a general way, was that epitaph of a child that died very young: "Oh, what did I come for, to be so soon done for?" for most of its work remained a very short time. There is, however, a little to be noticed in its work which has remained. I notice in the president's paper that was read here to-night, he speaks of the mechanic's lien for the laboring man's protection as a development of the last fifty years. Of course, so far as Nebraska is concerned that is a fact, but the mechanic's lien law, as a separate chapter in the part of this code that was so soon repealed, was one of the things passed and adopted, probably, from some other state at that legislative assembly.

Another thing I noticed was that the law for the protection of a married woman in her property rights was in every respect as liberal. It fully emancipated her, and gave her as complete control of that which was her own as the recently much lauded act of 1873, and I was surprised that as long ago as 1855, in the legislature of Nebraska, so liberal a view as that prevailed.

I also noticed that there was another action, that the owners of the salt manufactured goods incorporated, and that the corporation was granted more than ordinary powers; this was a manufacturing corporation to manufacture salt at some of the salt springs. It was made a governmental corporation, like a city. It was to build a town and the town was to be named Nesuma, and that corporation was given all corporate power of legislation that Nebraska City had, as a part of its charter of

incorporation. That certainly was not anti-municipal legislation.

Seventy-seven pages were given to the bridge and toll charters. Nearly every stream you could think of in Nebraska was provided with a toll bridge or a toll ferry, and 114 of these were private corporations. Yet you cannot say that the results to Nebraska of that first legislative assembly, in a judicial or legal point of view, were very marked.

Not much of it can now be traced. Most of the work was soon stricken down. Its most effective part, probably, was in the direction of education, and that remains. As I saw this picture of Governor Cuming here, I thought that the society ought to have,—I may be out of order, but I will take a moment or two to say that you ought to have,—a picture of John M. Young, who used to live here in Lincoln, who was a man in whose heart no guile ever came. He reached the strength of manhood in intellectual thought, with the love and sincerity of a child. He led here a clan of men devoted to education, coming for the purpose of establishing here a center of education. That is the motive that brought him here, and the impress upon that clan of men through his spirit was shown in the fact that even after his death it has remained here. If there was any pioneer of Nebraska, in the early day, who more controlled, without knowing it and without knowing that he was a remarkable man, and who made his impress more plainly upon the state and the spirit that leads to its progress in liberal education, I never heard of him. I think perhaps some old photographs or pictures might be obtained from some of his relatives, and if the secretary of this society was instructed to collect two or three I would take it upon myself to get a good crayon made from those pictures, and I believe I could succeed. He is worthy to be honored by a portrait in the hall of this society, and I hope the society at the proper time and in the proper way will take this suggestion and work it out.

As to the repeal of this code, I think our president this evening may say something. When this repeal was made, as Judge Reese says, the governor vetoed it, and modestly suggested that

he doubted the expediency of taking away all the civil and all the criminal law of Nebraska and substituting nothing for it except that we would have to fall back upon the common law. I was very much surprised in reading the legislative assembly proceedings to find that Governor Furnas voted to override the veto. I see that the very next day, however, he moved to reconsider the vote. So doubtless that was the reason he voted to override the veto, in order that he might be in a position of advantage to move reconsideration, and on that vote he voted right, and doubtless intended to all the time. George L. Miller was the only member of the council who voted against the bill on its original passage, and evidently the bill was not well considered, and from its title you would see that it was introduced by an editor by the name of Bradford, who also was chairman of the judiciary committee. It seems not to have been read at length, so it appears probable that they did not understand it, but when it came to the governor's veto there were five men for reconsideration and seven against reconsideration, so of course reconsideration did not carry. So, having merely in a jocose way called attention to the fact that Governor Furnas voted for that measure, I think I have taken back the charge when I say he voted for reconsideration.

View of Judge S. B. Pound. Delivered before the Society January 13, 1897.

Mr. President, Ladies and Gentlemen: I assume that this is a discussion to the jury rather than to the court, and infer that you will not expect radical argument, but rather a few discursive remarks. I will say I am not prepared to agree with the gentlemen who have just preceded me in estimating the ability of the members of the first session of the legislature of Nebraska, in 1855. They have placed a very high estimate upon them. They claim they were original creatures, able to express themselves in strong, terse language, and in every way proved themselves very able men. Well, that might be. I am hardly disposed to say anything that would detract from their credit in

any way. When you consider that a large portion of the legislation of that session consisted in adopting in bulk the code of another state, both the civil and criminal code, and that they lacked the knowledge and ability to frame laws of their own and express them in their own language, I think there is ground for suspicion that a large part of their legislation was borrowed. It has been said that the adoption of the criminal code was in this way: Be it enacted that one-fourth of the criminal code of Iowa, beginning on such a page, shall constitute the criminal law of the territory of Nebraska. I should say that is pretty crude legislation. I believe they made a party chief clerk to copy that portion of the code. But they did not say that the copy, or a certified copy, should be evidence of the law at all. In trying a lawsuit, how are we to know what the law was? Take the criminal law, and how were the people to know what it was and how could they find out? The law did not say that the certified copy of the clerk should be evidence of it at all.

To illustrate my meaning somewhat, I heard a lamented member of this society say that he was attorney in a case arising under that law, which was tried before a very dignified magistrate, and after the case had been proved, as it was supposed, by the attorney on the other side, he made the point that the law itself had to be proved; that there was nothing in the statute as enacted by the legislature making the copy proof of the law at all. He insisted that the clerk should be produced as a witness to prove that the copy was a true copy of the act of Iowa, and he stated that that was the only way to prove it and that they must prove not only the facts of the case, but must prove the law, because the statute did not make the copy evidence of that fact, and he won his point before the magistrate. So much for that. That was queer legislation. Nothing more nor less could be said of it.

I have said this because we have been disposed to laud these men as superior to the men of the present time. I presume they were men of more than ordinary ability. Men who would come out in this western country at that early day and try to build

up a state, we might presume, were men of more than ordinary energy and enterprise.

I think it may fairly be claimed as one of the results of the legislation of the first session, in 1855, that we never have had any small towns or villages in this state. Our municipalities have all been cities. At that session there were some fifteen or twenty cities incorporated. That legislation has been explained on this theory: That the early inhabitants of this state were, at least one-third of them, distinguished and titled persons; they were majors, colonels, generals, judges, and governors, who preferred to live in cities rather than in small towns and villages, and the result was that the ratio between titled and untitled persons has been pretty faithfully maintained from that time to this. If you remember, a large per cent of our citizens to-day are titled persons; we are all colonels, or judges, or something of that sort, so that this may fairly be claimed as one of the results of this legislature. We all live in cities. We have the cities of Brownville, Nemaha City, Nebraska City, the city of Plattsmouth, Dakota City, the city of Carlisle, the city of Fontanelle, Republican City,—all these are cities.

It is not unlikely that the legislation of that session also gave point and trend to the public mind on the question of municipal corporations. At that session there were some thirty ferry companies incorporated, giving them exclusive privileges to ferry passengers over, and to charge a toll therefor. This, too, at a time when there was little or no travel, and when inhabitants were so few there were hardly enough to make a respectable town meeting; and then there were the incorporated banks, and railroads, and emigration societies, and seminaries, and insurance companies, and all sorts of corporations of that kind. This shows one thing, and that is that people at that time seem to have thought that the great source of wealth and prosperity was in legislation; that in order to obtain money all that was necessary was to incorporate banks; if they wanted a railroad, to incorporate a railroad; if they wanted salt, to incorporate a manufacturing company for salt. That is the way they seem to have

thought to be the way to get on in the world; that a private individual could accomplish nothing toward developing the resources of the state, but to carry on the great industrial enterprises of the state there must be a concentration and combination of skill and capital and enterprise. That seems to have been their idea. Legislation was a useful and necessary thing, and therefore they incorporated companies for everything they could think of. Nothing could be carried on by individual effort. I am afraid that sentiment is too much abroad in the country today. Whether we can trace this present sentiment to the impetus that was given to it at that time and in that session, I cannot say. But the fact is, that there is a prevailing sentiment of that kind abroad at the present time, in the minds of people, that individual effort cannot accomplish much; that in order to get on in the world and to develop the resources of our state it is necessary to form corporations, to concentrate, to combine. I think it is a false opinion—a false idea. Legislation can do something, but not much. Very much depends on the individual and very little on the legislation.

View of Hon. Samuel Maxwell. Presented at Annual Meeting January 13, 1897.

The impression prevails in some of the older states that a large proportion of the settlers of a new state have but little respect for law and order, and hence neither life nor property are secure. This may be true in some new mining camps and like places, where gamblers and prostitutes form the larger part of the population, but as a rule has no application to an agricultural community. And this is particularly true of the people of this state, who from the first have shown a desire for equal and just laws and a disposition to obey the same.

Nearly all of the first settlers were young in years, but full of enterprise, hope, and ambition, not only to succeed themselves, but to lay the foundation of a great state. The territory of Nebraska then was bounded on the north by British America, on

the east by Minnesota, Iowa, and the Missouri river, on the south by the 40th parallel, and on the west by the dividing ridge of the Rocky mountains.

The first session of the territorial legislature met in Omaha in January, 1855. The bill organizing the territory passed congress in May, 1854, and from that time until the close of the 1855 session, there was practically no statute law in force in the territory. The legislature of 1855 appointed Origen D. Richardson, of Omaha, a member of the council, and, I think, J. D. N. Thompson, of Falls City, a member of the house, as special commissioners to prepare a code of laws, civil and criminal, to submit to the legislature.

Mr. Richardson had been lieutenant governor of Michigan and was a capable lawyer and an honorable, upright, worthy gentleman. Mr. Thompson was also a capable lawyer and every way worthy as an associate of Mr. Richardson. The statutes reported by these gentlemen were necessarily borrowed from other states. The Code of Civil Procedure was almost wholly copied from that of Iowa. I think the Criminal Code was also taken from the Criminal Code of that state.

The laws passed at that session, including those borrowed from Iowa, cover almost every question relating to rights and remedies in civil actions; and the Criminal Code provided for punishing almost every species of crime. In considering the general laws then passed, the student will be impressed with their simplicity, fairness, directness, and brevity.

The laws copied from Iowa continued in force until February, 1857, when, without providing any legislation to take their place, the legislature of that year, in its closing hours, repealed both the Civil and Criminal, and left the territory for more than a year without either a Civil or Criminal Code. In addition to this the legislature elected in August, 1857, when in regular session in December of that year, split on the capital removal question,—a part going to Florence,—hence nothing was done until a called session in the fall of 1858.

Our present Code of Civil Procedure, so far as it relates to ac-

tions *at law*, was passed in November, 1858, and took effect April 1, 1859.

The distinction between actions at law and suits in equity, however, was not abolished until 1867. The credit of this change, which is so important in the administration of justice, is due to the efforts of Hon. W. F. Chapin, then of Cass county, speaker of the house in the second session of the state legislature. The 1858 session of the legislature also passed a Criminal Code, which, in deference apparently to Governor W. A. Richardson, of Illinois, was copied from the laws of that state and continued in force until 1873.

The legislature of 1855 also created a number of counties and described their boundaries as accurately as possible, as but a small part of the territory had been surveyed at that time. It also granted charters to educational institutions like "Simpson University" and other like schools.

It granted special charters to railways, cities, ferries, bridges, etc. These laws indicate the spirit of progress which pervaded the early settlers and their determination to make Nebraska one of the leading states in the nation.

But few persons who have not had actual experience know the hardships and obstacles encountered by the pioneers of a new country, but these difficulties were met bravely and with a determination to overcome them. The new settler on the prairie, it is true, has a claim upon the land he has settled upon, but, as a rule, every pound of fuel must be purchased, as well as all lumber, brick, and lime for his house, etc., and in most cases he must hire it erected. He must provide suitable out-buildings for his stock. If he has sufficient means to pay for all these things and crops are reasonably good, ordinarily he will soon be on the high road to prosperity. But if crops fail, or severe illness affects him or his family, the probabilities are that it will require a great deal of courage and self-denial of both himself and wife to succeed. Such people, however, possess the necessary brain and brawn to found a new state upon the foundations of justice and equal rights, and to protect and uphold the rights and duties of the state and nation.

Forty-three years ago western Iowa from Marshalltown to the Missouri river was very sparsely settled. A large part of the public lands of the western part of that state had been entered by speculators with land warrants. These warrants were worth about one dollar per acre in cash. In May, 1856, a land grant of alternate sections of public lands across Iowa was made by congress to form lines of railway in that state. This caused a withdrawal for a time of the public lands of Iowa from pre-emption or private entry, hence in the fall of 1856 and spring of 1857 there was quite an influx of settlers into this then territory. Most of these were worthy people and good citizens with but little means. They settled at various points, usually near streams and timber. They were not required to prove up until just before a public sale. In the latter part of 1857, the owners of land warrants induced the president to order a public sale of lands in the territory. This caused the settlers to complete their pre-emptions. Many had to borrow 160 acre land warrants to enter their land, and secured the same by a mortgage thereon. The usual price of warrants on credit was \$280, due in one year.

The result in every case, so far as I know, was that the mortgagee obtained the land. With the passage of the homestead law a new policy was inaugurated in favor of actual settlers, which has done so much to add to the population and wealth of the state.

There have been but few cases of mob violence in the territory or state—the sentiment of the great mass of people being that the law furnishes an adequate remedy and that mob violence should be deprecated.

The character of our people from the first is exemplified in our schools and churches. These are found side by side in every city and village. The large amounts voluntarily paid each year for the support of the churches and religious institutions is more than equalled by the taxes levied to make our schools free, and bring them to the highest degree of efficiency.

In some of the western states there has been a tendency to squander the public lands granted by the general government

for educational purposes, but not so in this state. The framers of the constitution of 1866 desired to prevent these lands from passing into the hands of speculators, therefore the first constitution fixed the maximum price at \$5 per acre, although there were not 1,000 acres in the state that could then be sold at that price. The constitutional convention of 1875 increased the minimum to \$7, and in all cases the lands were not to be sold below the appraised value. The effect has been to lay the foundation for a magnificent school fund that will soon provide free schools for every school district in the state.

I do not think the first session of the legislature had any particular influence in shaping public sentiment, but public sentiment,—the general desire of the people,—controlled the legislature, and we have to-day the same desire of the people of the state for fair, equal, and just laws.

NEBRASKA WOMEN IN 1855.

By Harriet S. MacMurphy. Read before the Society January 12, 1897.

"The women of 1855," said Mr. John Evans, "why, the women in Nebraska in 1855 were Pawnee squaws."

Though joking, Mr. Evans was right, if majority in numbers be considered, and we of the Caucasian race are so prone to ignore the prior rights of our dusky sisters on this western continent that he was the only one found even to hint of their existence when asked about the women of Nebraska.

Let me, therefore, inspired by his example, speak of those who, by right of occupancy, as well as of numbers, should justly be given first place among the women of 1855.

Who that lived among them in those early days does not carry a vivid mind picture of the silent, noiseless beings whose moccasined feet trod the narrow trails or the grassy prairies, bearing upon their backs always a burden; for they were the burden-carriers, the workers, the slaves. And such various burdens! A broad band of tanned skin around their foreheads, and extending down their backs, held sometimes a large bundle of wood, sometimes a sack of meal or flour, traded for with fruits or skins or moccasins at the nearest trading post; sometimes a blanket full of "squaw" corn, and sometimes a board to which was tightly strapped a papoose, wrapped in calico and blanket until it looked like a mummy, but for its ever-moving, bright black eyes.

Ah, the skins they tanned, the meats they dried or jerked, the moccasins they made, the corn they planted and gathered, the journeys they took following their chase-loving lords, of which no record remains! They are almost gone, but let us stop and recall for a moment their share, so great and yet so unacknowledged, in the era of aboriginal Nebraska life.

Sometimes one among them attracts passing notice, and of such in Nebraska was Nekoma, daughter of an Ayeoway (Iowa) chief, who became first the wife of Dr. Gayle, and later of Peter A. Sarpy, and whose only child, Mary, was the mother of the La Flesches, women of more than ordinary ability in the Omaha tribe. A stately woman she, as the early settlers tell of her, quiet and dignified, able to command respect of even such a fiery-tongued despot as Sarpy, the then ruler of Indian and white man alike, through the mysterious power of the Great American Fur Company. And well she might, for it was reported of her that she once carried him, when sick with the mountain fever, many miles on her back to a place of aid and safety. ✓

There are two other classes of women who have silently labored and endured on these great western plains, and passing away have left scarcely a trace; the women of that strange French-Canadian or Creole race that came down the lakes from Canada, or up the rivers from the Gulf, following their water-loving lords, who built rude cabins beside the streams and constructed flat boats on which they crossed from shore to shore, westward bound; and the wives of that still stranger people, the Mormons, who wearily trod the westward trail which they had been taught to believe led to the land of promise. If we could but embody them how strangely they would appear at this day, following behind the two-wheeled cart, often, which bore all their worldly wealth, and at eventide stopping beside the sun-flower-lined roadside to cook the meal of bacon and bread over the tiny fire made from rosin weed and buffalo chips.

While they were silently doing their part in this beginning of the settlement of a new country, the pioneers who should take final possession of the land and build lasting records of their presence, were advancing from the east, and in this westward march women again were taking a place.

First in the procession were the missionaries; and the names of Merrill, Dunbar, Allis, Gaston, Platt, Hamilton, and others are conspicuous in the records of those early days. It is noteworthy, too, that the missionary women are oftener mentioned

in the annals of that time than other women, probably because their duties as teachers brought them into public notice. Several admirable articles from the pen of one of them, Mrs. Alvira Gaston Platt, appear in the records of this society.

As, owing to the location of the Presbyterian mission and the trading post of the American Fur Company at Bellevue, it was the scene of the first gathering of any considerable number of white people, we must look here first for the women who made the history of that period.

Rev. Mr. Hamilton was in charge of the Presbyterian Mission, and Mrs. Hamilton and the Misses Amanda, Maria, Elsie, and Mary Hamilton bore most prominent parts in the home and social life of that period. The mission house, in which they resided, was the one building of any size and degree of comfort for some time, and within its walls Father Hamilton received and Mrs. Hamilton entertained many and varied guests. Here came the first Governor of the territory, Francis Burt, stricken with disease even before his arrival, and was cared for by these pioneer women, who assumed cheerfully every duty presented to them, until he succumbed to the burden of anxiety which, enfeebled by the hardships of his journey from South Carolina, he was not strong enough to endure.

From Judge A. N. Ferguson have been obtained some interesting reminiscences of his mother's participation in those early events. Judge Fenner Ferguson, who had been appointed the first chief justice of the territory, left Albion, Mich., accompanied by his wife and three sons, in October, 1854, and coming up the river from St. Louis on the steamer Admiral, arrived at Bethlehem, a little town in Iowa opposite Plattsmouth, in November. They were obliged to land there on account of the low water and go thence by wagon to Kanessville, some miles further up. Their destination was Bellevue, but until the old agency building could be fitted up for them they boarded at the Pacific House in Kanessville. The agency building had one room below, an attic above, and porches in front and rear. Just beyond them lived Isaiah and Rachel Bennett, who kept an eating house, and there meals

were obtained until they could set up their own household goods and provide for themselves.

One of the good results of the mission school was already apparent in the education of quite a number of Indian girls, who were glad to further obtain the benefits of association with white people by living with them, and Mrs. Ferguson obtained the services of Susan Fontenelle, who had been educated at the mission schools there and further south. Susan Fontenelle's mother was the daughter of an Omaha chief, and her father, Lucian Fontenelle, was the grandson of a French marquis. Her relatives in New Orleans were among the most patrician of the patrician residents of that old city, but Susan's father, imbued with a spirit of adventure, had wandered away and become a famous trader among the Indians, married among them, and dying, left his children with their strange heredity to make of themselves what they could. About the time she lived with Mrs. Ferguson, her brother, Logan Fontenelle, the last chief of the Omahas, a man of much more than ordinary ability and intelligence, while on a hunt was killed by the Sioux. His body was brought home to Bellevue and buried as near as possible to the site of the building which had been his father's trading post. Mrs. Ferguson and several other women attended this funeral, and were she alive she might tell a most interesting story of this strange mingling of civilized and savage ceremonies. It was the custom of the relatives of deceased Indians, particularly of women, to make loud outcries over the body from the time of the death until several days after the burial, and also to cut their flesh until the blood flowed. These wierd cries and bodily sacrifices were greater in proportion to the rank of the deceased, and as Fontenelle was the chief, the whole tribe united in the ceremony. Then, as he was possessed of white blood and had been a great friend of the white people, they attempted to show their respect by participating in the last rites. Commodore Stephen Decatur read the burial service of the Episcopal church as the body was lowered into the grave, and Mrs. Sloan, a Pawnee half-breed, vehemently protested that it was a most un-

seemly thing for him to do. What were the thoughts of these women who had but lately come from pleasant homes where the beloved dead were decorously laid away to rest, as they watched this strange sight?

When Susan Fontenelle's father lay on his deathbed he exacted a promise from the famous Father de Smet, who was with him and who had married him, to go to his sister in New Orleans with his last request that she take his only daughter and educate her; but she refused, and Susan was left in the care of the mission schools. She married Louis Neal, and after a life of strange vicissitudes has returned to Bellevue to spend her last days, her daughter attending Bellevue College. To the writer she said a couple of years ago: "When I was about sixteen and living at St. Joseph with some white people who had been very good to me, a steamboat came up the river and on it was a cousin of mine from New Orleans. They told her I was there and wanted her to come and see me, but she refused, and said slighting things of me and of my mother. When I was told of it I wished that she might sometime be worse off than I was, and I think my worst wishes were realized, for they did lose all their property and suffer very much, I heard long after." Mrs. Neal shows even yet traces of the gentle breeding of her ancestry in her quiet grace of manner and ready tact.

Mrs. Ferguson was the target of much curiosity on the part of the Indians. Often the daylight would be suddenly obscured, and she would look up to see the dusky faces flattened against the window panes curiously regarding her. The shoes she wore were a great curiosity to them. One day a stalwart Indian, with his blanket wrapped around him, came up on the back porch and taking one of the pans which lay on a bench put it under his blanket and started off. Mrs. Ferguson saw him, and going out demanded it and finally took it from him. He started off, but suddenly turned and strode back rapidly. She ran in and slammed the door to in great fright. A crash, a shaking of the door, and then—quiet. When at last someone ventured out the mark of the Indian's tomahawk was found where he had hurled it into the door.

A beautiful little kitten was given Mrs. Ferguson, and as cats were scarce it was greatly prized. It suddenly disappeared and no search could find it. Some time after an Indian walked in wearing the remains of kitty in the form of a tobacco pouch, the head ornamenting the front.

Mrs. Ferguson was the only woman present at the issuing of the first paper in Nebraska, the *Palladium*, but there is no record of a woman's column in it.

Just about the same time that Judge Ferguson's family arrived came also from Michigan Mr. and Mrs. J. Sterling Morton. They were married in Detroit and started westward the same day to make for themselves a home in the new territory. Their first one was a log cabin of two rooms situated just beyond that occupied by the Fergusons. Here the young bride assumed the duties of her household with a gay heart and boundless hope. Judge Ferguson tells how she used to feed the Indians, but insisted on adding her quota to their education by obliging them to use the knife and fork which she always placed with the plate set out on the porch for them. A lady also tells of the interest and admiration Mrs. Morton excited when she appeared at a ball at the Douglas House in Omaha. "She was so bright and beautiful in her pink silk dress; every one fell in love with her."

When it was decided to make Omaha the capital Mr. and Mrs. Morton went from Bellevue to Nebraska City and there began in truth the home which they had purposed to make before they left the more luxurious ones of their youthful days. Arbor Lodge was the result, and a more beautiful object lesson could not have been given to the women of later Nebraska than this. She made not only the interior of the four walls she called home beautiful, but she widened home to embrace beautiful yard and trees and shrubs, vines and flowers. She loved nature and taught her children to love it with her. She spent days in the woods with them, and the trees that beautified their home bore pet names that commemorated familiar household events. When more mothers teach these simple, natural pursuits to their children, and share them with them; when the beauty of free

and grass and flower and the delight of making them grow is learned by women, we shall begin to escape from the unhealthy environment which dwarfs us physically and mentally, we shall have strong bodies and healthy minds and a broader outlook into life.

Mrs. Morton has left behind her a better monument than even the beautiful one which surmounts her last resting place, in the lesson which she taught of collaborating with Mother Nature in making a bit of earth beautiful and abiding in it with love.

As we have journeyed with Mrs. Morton to Nebraska City we will take a glance at some of the women who assisted in planting homes there in those days. Mrs. John McMechan, whose husband laid out Kearney City, which afterward became Nebraska City, was one, and Mrs. Geo. H. Benton had the honor of giving birth to the first child, a boy. Sarah Kennedy was the first bride, becoming Mrs. Geo. W. Nuckolls. Mrs. John Boulware was one of the very oldest settlers, and one the memory of whose good deeds many a settler still cherishes. Mrs. James Fitch endured the hardships of pioneer life, and there were quite a number of others, as Nebraska City was among the first and most numerously settled of the towns which sprang up along the Missouri river.

Plattsmouth, lying between Nebraska City and Bellevue, was also settled very early, and Mrs. Wheatly Mickelwait, Mrs. Wiles, Mrs. Walker, Mrs. O'Neill, Mrs. F. M. Young, Mrs. Wm. Gilmour, Mrs. J. McF. Hagood, Mrs. Todd, Mrs. Kirkpatrick were among the first. Miss Sarah Morris was the first bride, becoming Mrs. Elza Martin.

Omaha, although not first among the river towns in point of settlement, was destined soon to surpass them all, as it became the capital of the territory, and here we find in the person of Mrs. Marguerite C. Cuming

THE FIRST LADY OF NEBRASKA,

the wife of Thos. B. Cuming, first acting governor of the territory.

Only about six months married, Secretary Cuming, for such he had been appointed by President Pierce, with his bride left Keokuk late in September, 1854, in a light covered wagon containing a supply of provisions and a man and wife in his employ. Mrs. Cuming was only eighteen, and with the enthusiasm of youth she regarded the trip as a pleasant adventure, as, indeed, she seems to have done the whole of those first years in Nebraska. And with reason, for, surrounded by the watchful care of her energetic and brilliant lover-husband, with her mother, her brothers, and her sister beside her, occupying a position which afforded much of the pleasure of life and the responsibilities of which were rendered easy to bear by the joint co-operation of her family, those first years were a pleasant dream, rudely dissipated by the death of the idol of her youth, whose too lavish giving of himself to his work had sapped his life forces before anyone was aware of the strain upon him.

Arrived at Council Bluffs they were obliged to remain there until better quarters could be provided within the limits of the territory, and they boarded at the LaClede House, Governor Cuming, as he shortly became, going back and forth to Bellevue, where Governor Burt was located.

"I well remember one trip over to Omaha while still at Council Bluffs," said Mrs. Cuming. "I had been persuaded to drive over with some friends, the Misses Rockwood, Judge Larrimer, and a newspaper man, Mr. Pattison, I believe, and getting caught on this side in one of those severe windstorms which we used to have. They said it was not safe to try to cross the river, and we took refuge in a house by crawling through the window. The house had just been built by General Thayer, who was still in Council Bluffs. I waited very patiently, for I felt certain when my husband returned from Bellevue he would come for me. Some provisions had been stored in the house, as General and Mrs. Thayer were expecting to move in in a few days, and we appropriated some of them and prepared supper. The rest of the party were groaning over the necessity of staying there all night when we heard a shouting, and looking out saw three or

four forms approaching, illuminated by pitch torches which they were carrying. It was my husband, my brother, and our man. Mr. Cuming insisted on starting back immediately, notwithstanding the protests of our male companions, and we were soon off, jumping quickly over the treacherous quicksands until we reached our boats, and crossing in the face of the wind under their vigorous rowing. Those who had told Mr. Cuming on the other side that he couldn't get across were soon astonished to see us walking in."

Mrs. Cuming tells the following story of their inexperience as cooks: "One of our number, who had just gone to housekeeping, invited us to spend the day with her. She had obtained some beans and consulted her cook book as to the way to cook them, but unfortunately these were bake beans and she got the receipt for Lima beans, which said boil about half an hour. She put on the beans according to directions, but they refused to be tender as they should at the expiration of the half hour, so we all sat and waited for those beans until we were so hungry! We were still patiently watching them bubbling up and down in the water when our carriage arrived with word from Mr. Cuming that there was an alarm of Indians and for all to come immediately to the Douglas House, so we left our dinner still boiling and drove into town. The proprietor of the Douglas House had a hungry crowd to feed, none of whom, it was very evident, came from Massachusetts, the land of baked beans."

In 1855 Governor Cuming built the house on Dodge street, near Nineteenth, which, with some additions, remained the home of Mrs. Cuming until about ten years ago. It was a palace for those days, and Governor and Mrs. Cuming set out trees and shrubbery and made a garden, so the grounds also were soon conspicuous for their beauty. The gradual slope, with the outlook upon the river and the hills in the distance, made it a lovely location, and the generous hospitality of the governor and his family made many a pleasant occasion, upon which the settlers of those times look back with affection. When, a few years ago, the old house was torn down and the grounds graded, removing

the trees and obliterating the old landmark, there was many an expression of regret.

"I well remember," said one gentleman, "New Year's day, 1856. Several of us called upon Mrs. Cuming and her mother and sister Fanny, afterwards Mrs. C. W. Hamilton, who were keeping open house. Mrs. Murphy had made a delicious egg-nog, the first tasted since we came to the territory, and we had a merry time."

Mrs. Cuming, in speaking of the privations of those early days, said: "I did not realize them then as I have done since, for I personally had so few of them to endure. I remember being complimented on our delicious coffee, and I took it as a tribute to my skill, when the fact was the most delicious Mocha and Java came to us from Mr. Cuming's uncle in New York by the sack, such as is hard to get even now. Thirty dozen eggs came in one day, and when I asked my husband why he bought so many he said we might not have another opportunity to get more during the winter. I afterwards found he paid a dollar a dozen for them." Probably those eggs went to the making of that egg-nog.

There were many social functions in those days; receptions, balls, dances, given at the Douglas House, or the state house, which was down on Ninth street, between Farnam and Douglas, or upon the steamboats, which always made the occasion of their landing the opportunity for a ball in their spacious saloons. The majority of those who participated in them had been accustomed to all the elegancies of social life in the east, and while they laughed at the unavoidable crudenesses of house and banquet table and orchestra, they imparted after all an atmosphere of ease and elegance that was noticeable even then, and with it all was that hearty comradeship which is one of the delights of a new country, and which once participated in is never forgotten. The universal statement to the writer was, "There has never been such hearty sociability since in Nebraska as in those early days."

Many of the women who came were brides, and wedding gowns and delicate silks adorned these occasions, and from the first lady of the territory through the list they graced their silken attire.

Mrs. Murphy, Mrs. Cuming's mother, ended her days in Nebraska in the same house that she and her daughter had dedicated to a governor's hospitality, and Mrs. Cuming has always been and still is a resident of the city which her husband first called into prominence. Although the affliction of his death and the blindness of her mother withdrew her much from society, she is nevertheless identified even in later days with some of the most delightful hospitality of the metropolis of the state.

Another official of the first territorial staff was Hon. Experience Estabrook, who was appointed attorney general. He came from Geneva Lake, Wis., in 1855, and was followed by his wife and two children a few months later. They first occupied a house belonging to Dr. Miller, who, with his wife, was absent on a trip up the Missouri in a government steamboat to give his professional services to the soldiers in an epidemic of cholera. Like a true pioneer, his wife had gone with him.

With all possible haste General Estabrook built a house on his own lots at the corner of Tenth and Capitol avenue, that they might get away before Dr. Miller and wife returned. It was built of cottonwood boards nailed up and down to the framework, had one room, with brush and hay roof, and no floor. Dry hay was scattered over the ground and carpets laid over that, and when the rain penetrated the primitive roof and dripped on the carpets and hay they were carried out and hung up, and dry hay substituted. Partitions were made by hanging up other carpets. In this house they lived until a more comfortable one could be erected. At that time Henry Estabrook, since become an orator whose silvery eloquence does honor to Nebraska, was a baby.

Within these primitive surroundings Mrs. Estabrook became famous for her generous aid to every one who needed help. "I hope," said Mrs. Poppleton, another of those pioneer women who has left her impress upon those times, "that you will tell of Mrs. Estabrook that she was always helping someone. She was famous for her cookery, and everyone was made welcome to her table."

Thus do the women of those times bear testimony to the good deeds of each other.

Mrs. Estabrook still lives and still is known as she always was for the quiet unostentatious doing of good.

From Mrs. Lyman Richardson comes the following most interesting sketch, and although she with her family did not come until just after the period prescribed for this article, their experiences as portrayed by her are so interesting a picture of those times that I give them entire. Mrs. Richardson was a daughter of John T. Clark, and the three sisters spoken of were Miss Imogene, who still resides in Omaha; Miss Dora, who married Rev. Algernon Batte; and Miss —, who became Mrs. King.

"We arrived in Omaha early in May, '56, after a trip of twelve days on a steamboat, from St. Louis. The trip was a very pleasant one, though at times a little monotonous, as we traveled up stream, and were frequently on a sand bar several hours at a time. We had lovely days and beautiful moonlight nights, and to four young girls, without a thought or a care, life seemed full of joy and pleasure. When we landed there were a number of young men at the landing to see for themselves if it was really true that four young ladies were to be added to the few already here.

"My father had succeeded in renting a house of four small rooms, with a lean-to for a kitchen, from Mr. J. I. Redick, and it stood where the Millard Hotel now stands. The ladies all called on us after a few days. Mrs. Cuming, with her sister Fanny, now Mrs. C. W. Hamilton, Mrs. Hanscom, Mrs. Peck, wife of our physician, Mrs. John McCormick, Miss Lide, Patrick, now Mrs. Joseph Barker, and others. We had brought a servant girl with us from St. Louis, who had promised to stay with us one year, but she married in less than three weeks, so we had to cook, wash, iron, and do the housework. As we were novices in it all, it came pretty hard on our dear mother, who, of course, had a general oversight of the work. Later in the season we were able to procure 'help' by going up to Florence and persuading a very incompetent girl to remain over a trip; the Mormons were start-

ing their trains three times a year from that point. She did the rough work, which was a great help, and in that way we had more time on our hands. Our piano was still boxed at the warehouse, and after much persuading and many pleadings we were allowed to have it, though it necessitated the removal of every piece of furniture in the warehouse. As it was a large, old-fashioned, square piano and occupied two-thirds of our room, it barely left space enough at one end to open and close the only window in the room. I can't tell whether I looked oftener at the notes or the window, as there was very frequently a dusky face flattened on the window pane, and there was no escape, as every one in the house was so darkened. All we could do was to lock every door and call out, 'puck agee,' which meant 'go away,' but they seemed to enjoy our fright and great discomfort, especially the squaws, with the little papooses strapped to their backs. One day a pane was broken, and I think the only glazier in the town was sent over to replace it. He came in barefooted, and entered into conversation with much interest, and as he was leaving he said: 'If you're going to the party to-night, I'd like to dance the first set with you.' I replied I had not yet made up my mind whether I would go or not, but sure enough, he was there. Of course I was engaged for every dance, so had not the pleasure of his society. A few days after we had another dance, given by Armstrong & Clarke in their new furniture warehouse that stood where the Dewey & Stone Company now is. It was a house-warming, and I remember I danced a 'hoe-down' with Governor Cuming, who dared me to do it. That night we took two of the girls home with us to stay all night. We were limited as to bed accommodation, and so had to occupy the floor and sleep under the piano. As I was the slimmer of the two, I had to sleep back of the pedals, and my friend in front. But for all the discomforts we slept soundly, and were ready for the evening. Knowing a boat was looked for, we were discussing what we should wear, when we heard the whistle. Oh, the cove-oyster soup, steamboat sandwiches (much like railroad 'tid-bits' of the same name), and the canned peaches, were a supper for the gods, to say nothing of the goddesses!

“Our house, which was prepared in St. Louis, and still stands at Capitol avenue and 17th street, was finished, and we moved in, thinking and feeling as if we were in another place, with such palatial surroundings. Father had a high board fence around three sides of the place, so it was called ‘The Fort.’ Such good times we have never had before or since. Three daughters were married in the old house, and I recall many lovely morning walks there while it was building, and the beautiful wild flowers picked on the grounds.

“‘God bless us every one,’ says Tiny Tim, ‘and may we live long and prosper,’ we and our families.”

Mrs. Geo. L. Miller was one of the band of cultured young women who, with their husbands, cast their lot in a new country, and lived to see the land of the Mahas become Omaha, the only city of its name on the continent. Mrs. Miller has passed through all the vicissitudes of life in a new land from the little house on the open prairie to the great stone castle which will be her home for the remainder of her life, probably, and she has many a pleasant reminiscence of those passing years.

Mrs. Joseph W. Paddock came in 1854, and she, too, has been identified with all the years of Omaha’s growth.

Mrs. Jno. M. Thayer was another of the pioneer women in this new territory and state, where she lived to share with her husband the responsibilities and dignities of his career as a general, a governor, and a United States senator.

Mrs. A. J. Hanscom was among the first women to occupy a home of her own in the new land. She came with her husband from Detroit to Council Bluffs in 1849, and in 1854 they built a home on their pre-emption claim near where Fort Omaha formerly was.

At a very early day Miss Sears came with her family to Council Bluffs, where she met the young attorney, Mr. Andrew J. Poppleton, and in 1855 they were married and went to housekeeping in a few rooms in the brick building on the site where the United States National Bank now stands. They at once proceeded to the building of a home of their own on the block at Fifteenth and

Capital avenue, where they resided until the encroachments of business necessitated the removal to a site further northward, where a lovely home was built that will be doubtless for Mrs. Poppleton, as it has been for Mr. Poppleton, her last earthly abode. But she yet reverts with pleasure to their first home and the enjoyment of planting the trees and vines which for years adorned it.

Mrs. George Mills and her daughter Maggie, who afterwards became Mrs. Dick McCormick, were among those who came in 1855.

Mrs. Alf. D. Jones came with her husband to Omaha in 1854, and endured the hardships as she also enjoyed the pleasures of those early days. Mr. and Mrs. Jones are still residents of Omaha, and upon the walls of their luxurious home is a picture of the first log cabin erected by Mr. Jones at a place called Park Idlewild, not far from the present home of Mr. Herman Kountze. Mrs. Jones was the first of the gentler sex to visit the first session of the territorial legislature, held in Omaha. She had arranged to go with Mrs. Thayer, who was detained by callers. Her presence called forth from Dr. Bradford, a member from Nebraska City, the following lines which he indited on the spot and presented to her:

“Though man is called creation's lord,
And proudly steps in lofty style,
The earth was but a desert broad
Till cheered by lovely woman's smile.
So in this hall of stern-faced men,
With passions roused by fierce debate,
The entrance of dear woman's form
Smooths softly down those looks of hate.”

The first woman to settle permanently in Omaha was Mrs. Wm. P. Snowden, who came with her husband from Council Bluffs for the purpose of boarding the men who were burning the kiln of brick that went into the first buildings of the town. A house had been built on what is now Jackson and Twelfth streets by the Town and Ferry Company, and called the St. Nicholas, and this they occupied. Mrs. Snowden came to stay, as events

proved, for she is still a resident of Omaha, and with her husband celebrated her golden wedding in this year 1897, surrounded by their children and grandchildren, most of whom were born and reared in Omaha.

Mrs. Elizabeth Reeves, later the wife of William S. Cannon, a merchant of Elkhorn, was the mother of the first child born in Omaha, William Nebraska Reeves, at present residing in Valley county, this state. The first girl born in Omaha was Margaret Ferry, daughter of Mr. and Mrs. James Ferry, and she first saw the light of day in a tent on the valley of a creek known then as "Paradise Lost," about where Krug's brewery now stands. In the flight of years she has forsaken her birthplace for a home beyond the Rocky mountains.

Mrs. E. Reeves, Sen., was the first doctor in Omaha, and not only did successful professional work, but was most kind and benevolent to everyone needing it, and endured many hardships in aiding others.

Miss Adelaide Goodwill, now Mrs. Allen Root, was the first school teacher.

The first bride was Miss Caroline Mosier, who became Mrs. John Logan, and still resides in Omaha, a widow.

The first public speaker among women was Mrs. Amelia Bloomer, of Council Bluffs, who later became famous as the originator of the bloomer costume.

Among the very earliest settlers was Mrs. Wm. D. Brown, whose husband ran the first ferry between Council Bluffs and what is now Omaha, the land then being in the possession of the Indians. Mr. Brown made a claim to land which comprised about what is now the entire site of Omaha in 1853, the greater portion of which he sold out to a ferry company. He died in the sixties, but Mrs. Brown lived some time after him, and still has descendants who are residents of Nebraska, one daughter having married Mr. Alfred Sorenson, who compiled a most excellent history of the early days of Omaha. Another daughter, Miss Nellie Brown, became a writer of some note and left some beautiful poems that were pen pictures of her native state. Mrs.

McKenzie is the only daughter of the family now resident in Nebraska, and tells many interesting reminiscences of the early days.

Mrs. Thomas Davis and Miss Davis, daughter of Mr. John Davis, who afterwards became Mrs. Hermann Kountze, were among the residents of those days, Miss Davis being among the few young ladies who were the centers of attraction to the many young bachelors who had come west to seek their fortunes.

The first woman to succumb to the hardships of the new land was Mrs. Collins, wife of Rev. Mr. Collins, the first Methodist minister to be stationed in Omaha.

It would have been a pleasant task, were life only long enough and not so full of other duties, to gather into this article the stories which these pioneers have to tell of those early days, to see the smiles and tears chase each other across their faces as the pleasures and pains of those most eventful days of their lives were recalled, but to others I must delegate the continuance of this pleasant duty, which I have only begun, hoping that future pages of the records of the State Historical Society will contain many a pleasant reminiscence of those women who helped to lay the foundations of the commonwealth of Nebraska.

Some of them, who came in their youth with glowing anticipations, to build a home in the new, strange land, have gone ahead, but they lived to see much of the growth of a country marvelous in its rapidity, and many are yet spared to watch still further its development and prosperity. As their century draws to its close may its rapidly hastening events foretell to their senses, sharpened by the wisdom of years, the greater future which is coming to this land they have helped to give to the generation succeeding.

This is woman's century, and thus do the women of 1855 send greeting to the women of almost 1900.

THE TRUE STORY OF THE DEATH OF SITTING BULL.

By Major E. G. Fechet, Sixth Cavalry, U. S. A. Read before the Society, January 15, 1896; printed in the *Cosmopolitan*, XX, 493-501, March, 1896.

More than five years have passed since the most famous Indian warrior of his time lost his life while resisting arrest by lawful authority, and as yet the general public has never been given the true story of the events which led up to and which culminated in the death of Sitting Bull and some of his most devoted adherents. Many accounts have been written, few of which had more than a faint color of truth. The different versions were many, and nearly all simply absurdities.

During the Sioux outbreak of 1890-91 the writer, then a captain of the Eighth Cavalry, was stationed at Fort Yates, North Dakota. The post was commanded by Lieut.-Col. William F. Drum, Twelfth Infantry. The garrison consisted of two companies of the Twelfth Infantry and two troops of the Eighth Cavalry. The Standing Rock agency is on the north side of the post and only a few hundred yards away. Maj. James McLaughlin was the agent and had held the position during the eight or nine previous years. During the summer of 1890 it became apparent that the Indians were becoming imbued with the Messiah craze. Major McLaughlin, aided by his wife and seconded by the well-known warrior, Gall, and other loyally disposed chiefs, used his utmost efforts to stem the tide of fanaticism. Sitting Bull, who had proclaimed himself "high priest," was thus in direct opposition to his agent. The exertions of the latter confined the "disease" to the settlements on the Upper Grand River, which were largely composed of Sitting Bull's old followers.

In a letter to Mr. Herbert Welsh, of Philadelphia, Major Mc-

Laughlin says: "Sitting Bull always exerted a baneful influence over his followers, and in this craze they fell easy victims to his subtlety, believing blindly in the absurdities he preached of the Indian millennium. He promised them the return of their dead ancestors, and restoration of their old Indian life, together with the removal of the white race; that the white man's gunpowder should not throw a bullet with sufficient force in future to injure true believers; and even if Indians should be killed while obeying this call of the Messiah, they would only be the sooner united with their dead relatives, who were now all upon earth (having returned from the clouds), as the living and the dead would be united in the flesh next spring." Those whom Sitting Bull had converted to his views gave up all industrial pursuits, abandoned their homes, gathered around him, and raised their tepees near his house, which was on the Upper Grand River and about forty-two miles from Fort Yates. Here they passed the time in dancing the ghost-dance and in purification baths.

Rations were issued at the agency every second Saturday. Previous to October, Sitting Bull seldom failed to come in person and draw his share. From that time on he sent some member of his family to procure his rations, and no inducement of the agent could tempt him to appear at the agency. This determination of Sitting Bull frustrated one of the schemes to get him into safe-keeping. In the event of his coming in, Colonel Drum had intended quietly to surround the agency with the troops. Each company and troop had its position designated and on signal were to move up quickly. Sitting Bull, by remaining at home, declined to walk into the trap laid for him.

On the 14th of November, 1890, Major McLaughlin was advised by telegram "that the president had directed the secretary of war to assume a military responsibility for the suppression of any threatened outbreak among the Sioux Indians," and on December 1, 1890, he was instructed "that as to all operations intended to suppress any outbreak by force, the agent should co-operate with and obey the orders of the military officers com-

manding on the reservation." These orders practically placed the whole conduct of affairs in the hands of Colonel Drum, and he and Major McLaughlin were at all times in perfect accord. Throughout the entire civil and military services, two men better fitted for the trying and delicate duty to come could not have been found.

As each day passed it became more and more apparent that the sooner Sitting Bull could be removed from among the Indians of the Standing Rock agency, the fewer hostiles there would be to encounter when the "outbreak by force" came. In the meantime everything had been put in shape for a sharp and quick movement of the cavalry squadron, the troopers and horses designated for duty (fifty from each troop), gun detachments for the Gatling and Hotchkiss guns told off and drilled, one day's supply of rations and grain, buffalo overcoats and horse covers, extra ammunition—all packed ready to be loaded. The transportation selected was one spring escort wagon, drawn by four horses, and one Red Cross ambulance.

Meanwhile Major McLaughlin had sent his company of Indian police by small parties to points on the Grand River above and below Sitting Bull's house. They were scattered for some miles, ostensibly cutting timber, but as a matter of fact keeping close watch on the actions of Sitting Bull and his partisans.

With the coming of December, McLaughlin was all anxiety to have the arrest made without delay, and arranged with Colonel Drum that the event should take place on the 6th. McLaughlin selected that date as it was the next issue day, and as the greater number of his Indians would be in at the agency, he believed that the arrest could be effected with the least trouble and alarm. As the 6th drew near McLaughlin became doubtful of his authority to make the arrest, inasmuch as it might be in conflict with the instructions referred to before as received on November 14, and December 1, 1890. To settle doubts he referred the matter by telegraph to the commissioner of Indian affairs, receiving a reply on the evening of the 5th to the effect that no arrest whatever should be made, except on

orders from the military or order of the secretary of the interior. Colonel Drum, not having orders from "higher authority," felt that he could not take the responsibility of ordering the arrest; consequently no movement was made. Both Drum and McLaughlin chafed under the delay, as they felt that each day of the waiting only added to the difficulties of the situation. Their anxiety was quieted by the receipt of the following telegram on the afternoon of the 12th. It will be remembered that Gen. Nelson A. Miles was at this time division commander:

"HEADQUARTERS DEPARTMENT OF DAKOTA,

"ST. PAUL, MINN., Dec. 12, 1890.

"To the Commanding Officer, Fort Yates, North Dakota: The division commander has directed that you make it your especial duty to secure the person of Sitting Bull. Call on the Indian agent to co-operate and render such assistance as will best promote the purpose in view. Acknowledge receipt, and if not perfectly clear, report back.

"By command of General Ruger.

"[Signed]

M. BARBER,

"Assistant Adjutant General."

After consulting Major McLaughlin, who adhered to his idea that it was best to make the arrest on an issue day, Colonel Drum consented to wait until the 20th, which was the next ration-drawing. Early on the morning of the 13th Colonel Drum imparted to me his orders and plans for their execution. As I was to command the force intended to co-operate with the Indian police, he directed me to make the necessary preparations quietly, in order not to attract attention, as he felt confident that Sitting Bull had his spies watching both post and agency. There was but little to do, everything having been previously attended to.

But an event came which caused us to act before the 20th, as the sequel will show. On the 14th, about 6 P. M., as we were enjoying the usual after-dinner cigars beside our comfortable firesides, "officers' call" rang out loud and shrill on the clear

frosty air. In a few minutes all the officers of the post were assembled in Colonel Drum's office. He informed us briefly that the attempt to arrest Sitting Bull would be made that night; then turning, he said that charge of the troops going out would be given to me, that my orders would be made out in a short time, and that my command would move at midnight. Orders were at once given to load the wagon. A hot supper was served to the men at 11 o'clock. Then, after seeing that my orders were in process of execution, I went over to the colonel's house for final instructions and to ascertain the cause of the change of program. With Colonel Drum I found Major McLaughlin, and learned that Henry Bull Head, the lieutenant of police in charge of a company on Grand river, had written to the agent that Sitting Bull was evidently making preparations to leave the reservation, as "he had fitted his horses for a long and hard ride." Couriers had started at 6 p. m. with orders to Lieutenant Bull Head to concentrate his men near Sitting Bull's house, to arrest him at daybreak, place him in a light wagon, move with all speed to Oak Creek, where my force would be found, and transfer the prisoner to my custody. The lieutenant of police had been instructed to send a courier to await my arrival at Oak Creek, to let me know that the police had received their orders, and to give me any other information that might be for my interest to know. By this time my written order had been handed to me. I found it directed me to proceed to Oak Creek and there await the arrival of the Indian police with Sitting Bull. This seemed faulty to me, as Oak Creek was eighteen miles from Grand River, and my force would not be within supporting distance of the police if there should be a fight. Moreover, if he should succeed in escaping from the police, it was the intention to pursue him to the utmost, and in the race for the Bad Lands which would ensue he would have a start of at least thirty miles.

After some discussion with Colonel Drum and Major McLaughlin it was agreed that I should go some ten or twelve miles beyond Oak Creek toward Grand River.

The squadron moved out promptly at midnight. When I was bidding Colonel Drum good-bye he said to me: "Captain, after you leave here use your own discretion. You know the object of the movement; do your best to make it a success."

The command consisted of troop "F," Eighth Cavalry, Lieutenants S. L. H. Slocum and M. F. Steele and forty-eight enlisted men; troop "G," Eighth Cavalry, Captain E. G. Fechet, Lieutenants E. H. Crowder and E. C. Brooks and fifty-one enlisted men; Captain A. R. Chapin, medical officer, and Hospital Steward August Nickel, two Indian scouts, Smell-the-Bear and Iron-Dog, Louis Primeau, guide and interpreter. The artillery, consisting of one Gatling gun with "G" troop, and one Hotchkiss breach-loading steel rifle, with "F" troop, was under the immediate command of Lieutenant Brooks. Transportation, one four-horse spring wagon and one Red Cross ambulance.

For the first four miles the squadron moved at a quick walk. A halt was then made and the men were then told to fix their saddles and arms securely, as I intended to make a rapid ride to Oak Creek.

The ride to Oak Creek was taken at a brisk trot. Two or three short halts were made in order to tighten girths and to change the troop leading the column. On reaching the creek, at about 4:30 A. M., I was greatly surprised and concerned to find that the scout whom Bull Head had been directed to send to meet me at that point had not arrived. Although bewildered by this event, I realized that there was but one thing to be done, to push my command to Grand River as rapidly as possible and act according to the situation found. The gallop was the gait from this time on. I was pushing the animals, but still not too fast to impair pursuit beyond Grand River should I find that Sitting Bull had escaped.

Just in the gray of the dawn a mounted man was discovered approaching rapidly. He proved to be one of the police, who reported that all the other police had been killed. I forwarded to Colonel Drum the substance of his report, with the additional statement that I would move in rapidly and endeavor to relieve

any of the police who might be alive. This courier (Hawkman), by the way, was mounted on the famous white horse given to Sitting Bull by Buffalo Bill.

The men at once prepared for action by removing and stowing away their overcoats and fur gloves. While they were doing this I rode along the line, taking a good look at each man. Their bearing was such as to inspire me with the fullest confidence that they would do their duty. The squadron was advancing in two columns, the artillery between the heads, ready for deployment. The line had just commenced the forward movement when another of the police came in and reported that Sitting Bull's people had a number of the police penned up in his house; that they were nearly out of ammunition and could not hold out much longer. At this time we could hear some firing. In a few minutes we were in position on the highlands overlooking the valley of Grand River, with Sitting Bull's house, surrounded by the camp of the ghost-dancers, immediately in front and some twelve hundred yards distant. The firing continued and seemed to be from three different and widely separated points—from the house, from a clump of timber beyond the house, and from a party, apparently forty or fifty, on our right front and some eight or nine hundred yards away. At first there was nothing to indicate the position of the police. Our approach had apparently not been noticed by either party, so intent were they on the business on hand. The pre-arranged signal (a white flag) was displayed, but was not answered. I then ordered Brooks to drop a shell between the house and the clump of timber just beyond. It may be as well to state here that the Hotchkiss gun would not have been up on the line at this time but for the courage and presence of mind of Hospital Steward Nickel. In going into position over some very rough ground the gun was overturned and the harness broken, so that the animal drawing it became detached. Steward Nickel, a man of exceptional physical strength, coming up with the Red Cross ambulance, seeing the plight the gun was in, seated himself on the bottom of the ambulance, bracing his feet

against the tail gate, took a good grip with his hands on the shafts, told his driver to go ahead, and in this way dragged the gun up to the line.

The shell from the gun had the desired effect and a white flag was seen displayed from the house. Slocum and Steele, with their men dismounted, advanced directly on the house. Crowder, with "G" troop, was ordered to move along the crest and protect the right flank of the dismounted line. Brooks threw a few shells into the timber, also against the party which had been on our right front, but was now moving rapidly into the valley. As Slocum's line approached the house the police came out and joined it. The line was pushed into the timber, dislodging the few hostiles who remained. I now caused the dismounted line to fall back to the vicinity of the house, pickets being left at the farthest point gained by the advance. All the hostiles having disappeared, Crowder was recalled.

I had moved with the dismounted line and in passing the house had noticed Sitting Bull's body lying on the ground. On returning, when the advance fell back, I saw the evidences of a most desperate encounter. In front of the house, and within a radius of fifty yards, were the bodies of eight dead Indians, including that of Sitting Bull, and two dead horses. In the house were four dead policemen and three wounded, two mortally. To add to the horror of the scene the squaws of Sitting Bull, who were in a small house near by, kept up a great wailing. I at once began to investigate the causes which brought about the tragedy. The inquiry showed that the police entered the house about 5:50 A. M. and arrested Sitting Bull. He occupied considerable time in dressing and at first accepted his arrest quietly; but while he was dressing his son, Crowfoot, commenced upbraiding him for going with the police. On this Sitting Bull became obstinate and refused to go. After some parleying the police removed him from the house and found themselves and prisoner in the midst of the whole crowd of ghost dancers, frenzied with rage. As to the occurrences outside the house, I will again quote from Major McLaughlin's

letter, the details of which are more complete than my notes and were distinctly corroborated by investigations on the spot made within three hours after the fight:

“The policemen reasoned with the crowd, gradually forcing them back, thus increasing the circle considerably; but Sitting Bull kept calling upon his followers to rescue him from the police; that if the two principal men, Bull Head and Shave Head, were killed the others would run away; and he finally called out to them to commence the attack, whereupon Catch-the-Bear and Strike-the-Kettle, two of Sitting Bull’s men, dashed through the crowd and fired. Lieutenant Bull Head was standing on one side of Sitting Bull and Sergeant Shave Head on the other, with Sergeant Red Tomahawk behind, to prevent his escaping. Catch-the-Bear’s shot struck Bull Head on the right side and he instantly wheeled and shot Sitting Bull, hitting him in the left side, between the tenth and eleventh ribs, and Strike-the-Kettle’s shot having passed through Shave Head’s abdomen, all three fell together. Catch-the-Bear, who fired the first shot, was immediately shot down by Private Lone Man.”

The fight now became general. The police, gaining possession of the house and stables, drove the ghost-dancers to cover in the timber near by. From these positions the fight was kept up until the arrival of my command.

While I was engaged in the investigation breakfast had been prepared for the men and grain given to the horses. Going to the cook-fire for a cup of coffee, which I had just raised to my lips, I was startled by the exclamations of the police, and on looking up the road to where they pointed saw one of the ghost-dancers in full war array, including the ghost-shirt, on his horse, not to exceed eighty yards away. In a flash the police opened fire on him; at this he turned his horse and in an instant was out of sight in the willows. Coming into view again some four hundred yards further on, another volley was sent after him. Still further on he passed between two of my picket posts, both of which fired on him. From all this fire he escaped unharmed, only to fall at Wounded Knee two weeks afterward.

It was ascertained that this Indian had deliberately ridden up to our line to draw the fire, to test the invulnerability of the ghost-shirt, as he had been told by Sitting Bull that the ghost-shirt worn, in battle, would be a perfect shield against the bullets of the white man. He, with some others of the most fanatical of the party, fled south, joining Big Foot's band. He was one of the most impetuous of those urging that chief not to surrender to Colonel Sumner, but to go south and unite with the Indians in the Bad Lands, backing up his arguments by the story of the trial of his shirt. Who can tell but that the sanguinary conflict at Wounded Knee, December 28, would have been averted if the Indian police had been better marksmen and had brought down that daring Indian; and that Captain Wallace and his gallant comrades of the Seventh Cavalry, who gave up their lives that day, would be still among us?

The excitement over the bold act of the ghost-dancer had hardly died away when another commotion was raised by the discovery of two young boys concealed in the house where the squaws were. They were found under a pile of buffalo robes and blankets, on which several squaws were seated. These boys were taken to the agency and turned over to Major McLaughlin, not murdered before the eyes of the women, as one newspaper account stated.

About 1 P. M. the squadron commenced the return march. Before leaving, the bodies of the hostiles were laid away in one of the houses and the squaws of Sitting Bull released, they having been under guard during our stay. Well knowing that they would communicate with their friends on the withdrawal of the troops, I sent a message to the hostiles to the effect that if they would return and stay peaceably in their homes they would not be molested.

The dead and wounded Indian police and the remains of Sitting Bull were taken with the command to the post. On arriving at Oak creek, about 5 P. M., a courier was met with a message from Colonel Drum to the effect that he would join me some time in the night with the infantry. About midnight Colonel

Drum, with the companies of Captains Craigie and Haskell, marched in, bringing with them food, forage, and tents, all of which we needed sadly. The cold was intense and fuel so scarce that only very small fires could be made. Our stomachs were in a state of collapse, as we had had but one light meal since leaving the post, twenty-four hours before, during the first seventeen of which the entire command had ridden over sixty miles, and part of it nearly seventy miles. Supper was cooked in short order, and the infantry generously sharing their blankets with us, the balance of the night was passed comfortably.

After a long and anxious conference with Colonel Drum as to further operations, it was decided that pursuit might possibly do much harm, by causing many Indians to flee into the Bad Lands. Accordingly Colonel Drum ordered the command to Fort Yates, the movement to commence at daylight. Subsequent events proved the wisdom of Colonel Drum's decision, as, in response to the messages sent by Major McLaughlin by runners to those who had left the reservation, one hundred and sixty returned in a few days, and two weeks later eighty-eight more were added to the one hundred and sixty. Of those that had held their way to the south, one hundred and sixty-eight men, women, and children surrendered to Lieut. Harry E. Hale, Twelfth Infantry, on the 21st, near the mouth of Cherry Creek, a tributary of the Cheyenne River. Only about thirty-eight men, women, and children went to Big Foot's camp. Had pursuit been made, all the Indians of Sitting Bull's faction would undoubtedly have been forced into the band of Big Foot, thus swelling the force which met Colonel Forsyth at Wounded Knee.

The dead policemen were buried with military honors in the agency cemetery. The Indian police and their friends objected so strenuously to the interment of Sitting Bull among their dead that he was buried in the cemetery of the post.

In this account of the events which led up to and resulted in the death of Sitting Bull, I have in some cases merely alluded to incidents which were actually important, and which I would

have preferred to describe in greater detail. The principal of these is the courage and devotion to duty manifested by the Indian police while attempting to make the arrest; and I am forced to express all the admiration which I feel for these well-nigh unknown heroes. The service which they rendered was of the highest value and importance, and it has not, in my opinion, met with adequate appreciation. Liberal pensions are paid to the widows and orphans of those who lost their lives or were disabled in the civil war. I trust a similar liberality will be shown to the widows and orphans of Bull Head, Shave Head, Little Eagle, Afraid-of-Soldiers, John Armstrong, Hawkman, and Middle.

II.—PROCEEDINGS.

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PROCEEDINGS OF THE SOCIETY.

NINETEENTH ANNUAL MEETING.

UNIVERSITY CHAPEL, LINCOLN, NEBR.,

January 14, 1896.

The society was called to order by Hon. R. W. Furnas, in the enforced absence of the president of the society. After roll call, which disclosed a quorum present, the minutes of the meetings of January 15 and 16, 1895, were read by the secretary and approved. The first paper of the evening was read by Rev. William Murphy, of Tecumseh, entitled "A Brief Sketch of the Life of Captain P. S. Real, of Sherman's Army." Hon. J. Q. Goss, of Bellevue, then gave a graphic account of "Bellevue: Its Past and Present," after which Mr. I. A. Fort presented a carefully prepared paper on "Edward Morin, One of the Early Settlers of the Trans-Missouri Country." This ending the papers for the evening, the society went into business session. A telegram to ex-Governor Furnas, first vice-president of the society, from the president of the society, Hon. J. Sterling Morton, was read, as follows:

"WASHINGTON, D. C., January 10, 1896.

"Robert W. Furnas, Brownville, Nebr.:"

"Impossible for me to attend Historical Society meeting this year, but hope they will not condemn me for my absence. Have sent a paper to Mrs. Sawyer to be read.

"J. STERLING MORTON."

The annual report of the secretary, containing some summaries from the librarian's report, was then read. An offer was made by Mr. Furnas, Mr. Stolley, and Mr. Harwood to contribute \$5 each to purchase a bust of Hon. J. Sterling Morton, to be presented to the society.

The report of the librarian was read and approved, as was also the report of the treasurer, Hon. C. H. Gere. Mr. J. Q. Goss presented a skull of an Indian chief found at Bellevue on the farm of Hon. B. R. Stouffer. Mr. W. H. Woods gave to the society a gavel made from wood taken from old Fort Calhoun, or Fort Atkinson, as it was also called. The thanks of the society were extended to both of these gentlemen for their presents and thoughtful recognition of the society. The following names were then presented for membership in the society and received by unanimous ballot: Hon. H. C. Lindsey, Pawnee County; John W. Dixon, Nebraska City; W. R. Patrick, Bellevue; L. J. Abbott, Lincoln.

The following officers were then elected for the ensuing year: J. Sterling Morton, president; Robert W. Furnas, first vice-president; W. S. Summers, second vice-president; C. H. Gere, treasurer; H. W. Caldwell, secretary.

H. W. CALDWELL, *Secretary.*

R. W. FURNAS, *First Vice-President.*

UNIVERSITY CHAPEL, LINCOLN, NEB.,

January 15, 1896.

The society was called to order by Hon. Robert W. Furnas, first vice-president. Papers were then presented as follows: Rev. C. S. Harrison, on the "Ethics of Horticulture"; by the Hon. J. Sterling Morton, on "Taxation Then and Now," read by Mrs. A. J. Sawyer in the absence of Mr. Morton. Mrs. Minick discussed from her own recollections the subject of "The Underground Railway in Nebraska." After this the society was favored with a very able paper by Major Fechet, on "The True Story of the Death of Sitting Bull." Mr. J. P. Dunlap, of Dwight, discussed, under the title of "Reminiscences," his recollections of early days in Nebraska.

On motion of the secretary the thanks of the society were extended to all those who had prepared papers, and a request was made that copies of the same be furnished the society for publication, which was carried unanimously. The following

persons were then elected to membership in the society: Chancellor G. E. MacLéan, Hon. Edward Morin, Major E. G. Fechet, Judge M. B. Reese, and Mr. A. S. Godfrey. As there was no more business, the society then adjourned.

H. W. CALDWELL, *Secretary*.

R. W. FURNAS, *First Vice-President*.

TWENTIETH ANNUAL MEETING.

UNIVERSITY CHAPEL, LINCOLN,

January 12, 1897.

In the absence of the president, Hon. J. Sterling Morton, the society was called to order by Hon. R. W. Furnas, first vice-president. The call of the roll disclosed the presence of a quorum, but only a small minority of the active members of the society. The program of the evening was devoted to the general subject of the first territorial legislature, that of 1855.

The opening paper was by the president of the society, and in his absence was read by Mrs. A. J. Sawyer. Then Mrs. Harriet S. MacMurphy, of Omaha, presented a paper on "The Women of 1855." Both of these papers were able, and shed much light on the conditions in Nebraska at that date. A biography of Hon. A. J. Poppleton, in the absence of its author, was read by Mr. A. S. Harding. Mr. Barrett then presented a very interesting general sketch of the men who composed the Nebraska legislature of 1855. After some general announcements, the society adjourned to meet at 7:30 P. M., January 13, for the election of officers and the transaction of such other general business as should come before the society.

H. W. CALDWELL, *Secretary*.

R. W. FURNAS, *First Vice-President*.

UNIVERSITY CHAPEL, January 13, 1897.

The secretary's report for the last annual meeting was read and approved. Mr. Barrett then presented his report as libra-

rian, which was received and placed on file. The report of the treasurer, Hon. C. H. Gere, was presented, audited, and approved. It showed a total balance on hand January 12, 1897, of \$1,146.14.

The following communication, presented by Prof. C. E. Bessey, was received from the Nebraska Academy of Sciences:

1. That Professor Bessey be requested to lay before the State Historical Society a plan to incorporate the proceedings of the Nebraska Academy of Sciences with the publications of the society.

2. That the Historical Society be requested to give the matter immediate attention.

3. In case this proposition is accepted, the Academy hereby pledges itself to use its best endeavors to further the several undertakings of the Historical Society.

Adopted by the executive committee, jointly with the legislative committee, January 13, 1897.

G. D. SWEZEY,

Sec. Nebr. Acad. of Sciences.

After some discussion by Professor Bessey, Mr. Hartley, and Hon. R. W. Furnas, the request was acceded to and the secretary empowered to arrange details for a joint publication. Under this plan the forthcoming volume of the Historical Society will contain some seventy-five or eighty pages of matter furnished by the Academy of Sciences.

The following names were presented for membership: Frank E. White, Plattsmouth; A. E. Pope, Red Cloud; Mrs. Laura N. Dickey, Palmyra; Thomas P. Morgan, Palmyra; H. B. Ward, Lincoln; E. H. Barbour, Lincoln; Dr. P. L. Hall, Mead; Dr. C. F. Steward, Auburn; E. F. Stephens, Crete; Dr. G. W. Wilkinson, 1704 Washington street, Lincoln; W. E. Stewart, Lincoln; F. W. Taylor, Lincoln.

The rules were suspended and the secretary instructed to cast the unanimous ballot for those above named, which was done, and they were declared duly elected.

The election of officers resulted as follows: Hon. J. Sterling

Morton, president; Hon. R. W. Furnas, first vice-president; Hon. W. S. Summers, second vice-president; Hon. C. H. Gere, treasurer; Prof. H. W. Caldwell, secretary.

The first paper of the evening was by Mr. Roscoe Pound, on the "Organization of the Sons and Daughters of Nebraska." This was followed by a paper by Hon. J. Sterling Morton, on "Then and Now: 1855 and 1897." The latter paper was read by the secretary.

At this point an interesting discussion took place concerning early territorial legislation, participated in by Judges S. B. Pound, M. B. Reese, J. R. Webster, and J. H. Broady.

A vote of thanks was extended by the society to those who had presented papers and taken part in the discussions, and a request was also made for their papers for publication. It was suggested that a picture of Elder J. M. Young ought to be procured by the society, and the secretary was instructed to see what could be done in regard to the matter.

There being no other business to come before the society, an adjournment took place until the next annual meeting.

H. W. CALDWELL, *Secretary.*

R. W. FURNAS, *First Vice-President.*

TREASURER'S REPORT, 1897.

LINCOLN, January 12, 1897.

Hon. J. Sterling Morton, President of the Nebraska State Historical Society,

SIR: I have the honor to submit the following report of the receipts and disbursements of the society for the year ending January 12, 1897:

BANK ACCOUNT.

Balance on hand in First National Bank of Lincoln, subject to check, on January 14, 1896.....	\$433	24
Received membership fees.....	4	00
Interest on deposits from Jan. 14, 1896....	12	96
		\$450 20

AUDITOR'S ACCOUNT.

Balance on hand January 14, 1896.....	\$2,263	66
Warrants drawn for salaries and sun- dries	1,567	72
		695 94
Balance in state treasury.....		695 94
Total balance on hand.....		\$1,146 14

Very respectfully,

C. H. GERE, *Treasurer.*

Approved.

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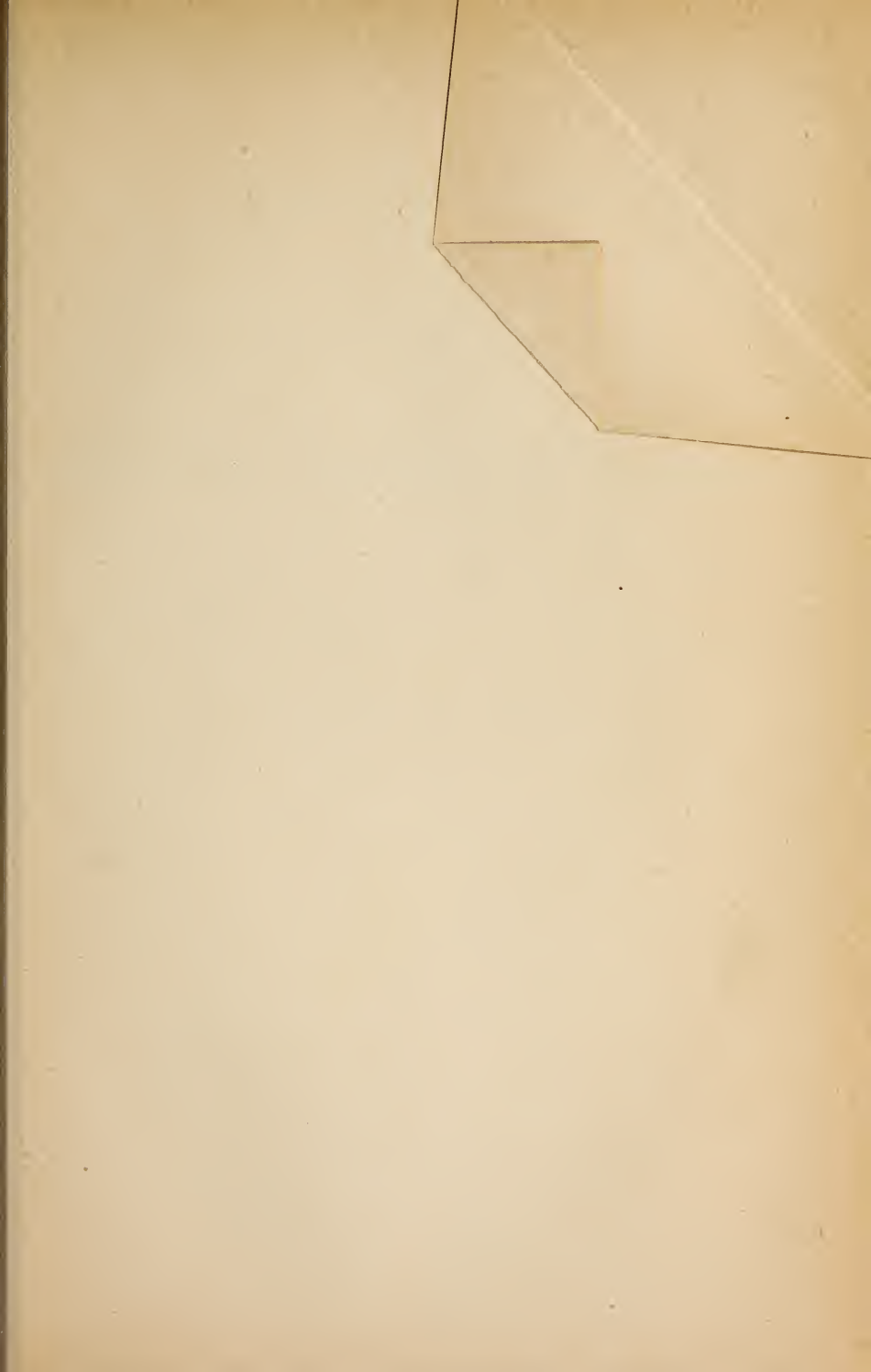
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- J. Ellis Maxwell, York; Professor of Natural Science in York College—Biology.
- Robert Edward Moritz, Ph. M., Hastings; Professor of Mathematics in Hastings College—Mathematics.
- A. W. Norton, A. M., Warrensburg, Mo.—Psychology.
- Bayard H. Payne, B. S., Grand Island; Instructor in Science in the High School—Zoology.
- Arthur Sperry Pearse, De Witt—Mammalogy, Herpetology, and Ornithology.
- Albert T. Peters, D. V. M., Investigator of Animal Diseases at the U. S. Experiment Station, Lincoln—Bacteriology.
- * Roscoe Pound, A. B., Ph. D., 126 Burr Block, Lincoln; Director of the Botanical Survey of Nebraska—Botany.
- Joseph Horace Powers, A. B., Ph. D., Professor of Natural Science in Doane College, Crete—Psychology.
- Albert A. Reed, A. B., Superintendent of Schools, Crete—Botany.
- Charles F. Rogers, Beatrice; Instructor in Science in the High School—Chemistry.
- Jesse Perry Rowe, B. S., Lincoln—Geology.
- B. L. Seawell, A. B., Hastings; Professor of Natural Science in Hastings College—Zoology.
- * Wells Hawks Skinner, A. B., Nebraska City; Superintendent of Schools—Botany.
- T. F. Stauffer, Box 806, Lincoln; Clergyman—Psychology.
- * Andrew B. Stephens, Holdrege; Superintendent of Schools—Botany.
- A. P. S. Stuart, 330 No. Eleventh St., Lincoln—Chemistry.
- Oscar Van Pelt Stout, B. C. E., Lincoln; Associate Professor of Civil Engineering in the University of Nebraska—Civil Engineering.
- * Goodwin Deloss Swezey, A. B., A. M., Lincoln; Professor of Meteorology and in charge of Astronomy in the University of Nebraska—Meteorology and Astronomy.
- Isador S. Trostler, 4246 Farnham St., Omaha—Ornithology.
- Elza Edward Tyler, Lincoln—Geology and Botany.
- Henry Baldwin Ward, A. M., Ph. D., Lincoln; Professor of Zoology in the University of Nebraska, and Acting State Zoologist—Zoology.
- Robert Henry Wolcott, B. S., M. D., Instructor in Zoology in the University of Nebraska, Lincoln—Zoology.

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PROCEEDINGS.

MINUTES OF THE SEVENTH ANNUAL MEETING.

THE UNIVERSITY OF NEBRASKA, LINCOLN,
December 29, 1896.

The seventh annual meeting of the Nebraska Academy of Sciences was called to order at 2 P. M. in room 15, Nebraska Hall. In the absence of the president the vice president, H. B. Duncanson, presided.

In accordance with the provision in the constitution, the chair appointed as a nominating committee C. E. Bessey, H. Brownell, and E. M. Hussong.

The report of the secretary, including the minutes of the last annual meeting was read, together with the report of the custodian, and the following recommendations of the executive committee were submitted:

First—The appointment of a committee, to consist of the executive committee together with two other members of the Academy, to consider and act in the matter of having the proceedings published by the state.

Second—That the following by-laws be proposed at the annual meeting for adoption by the Academy:

1. Volumes of the proceedings of the Academy shall be sent only to members whose dues are paid.

2. Papers may be read before the Academy by members only, except on order of the executive committee.

3. In order to be published in the proceedings, papers must be in the hands of the secretary within thirty days from the date of reading.

4. All titles of papers to be read at the annual meeting must be in the hands of the secretary two weeks before the annual meeting.

Third—That the following amendments to the constitution be proposed and recommended:

Amendment to article 3, section 3: Instead of "two directors," to read "four directors."

Amendment to article 4, section 1: "The annual meeting shall be held in the city of Lincoln, on the afternoon and evening of the day before Charter day, and on Charter day, unless otherwise ordered by the executive committee."

It was further recommended that the treasurer be authorized to sell back numbers of publications III. and IV. together for 25 cents, and that the price of 50 cents be placed on the last issue; that the secretary be authorized to secure other publications in exchange for those of the Academy, and that the library of the University of Nebraska be officially designated as depository for the exchanges and library of the Academy.

The report of the secretary, the minutes of the last meeting, and the general recommendations of the executive committee were adopted by successive motions, as were also the amendments to the by-laws as proposed by the executive committee, together with the first amendment to the constitution, changing the number of directors from two to four.

The proposed change in the date of the annual meeting was discussed at some length. An informal vote showed ten members and visitors in favor of the present date, eleven in favor of Charter day, and twelve in favor of a date about Thanksgiving time. Voted that for next year the annual meeting be held on the Friday and Saturday following Thanksgiving day.

The treasurer's report was referred, without being read, to an auditing committee to be appointed.

The annual address by the retiring president, E. H. Barbour, who had been unexpectedly called to Washington to read a paper before the Geological Society of America, was by permission of the academy read by H. B. Ward for the author. The

subject of the address was "Academies of Science: Their Economic and Educational Value."*

Two connected papers, "Continued Biological Observations," by Henry B. Ward, and "A New Plankton Pump," by Henry B. Ward and Charles Fordyce, were then read. Following these came a short "Report of Progress in the Study of the Fauna of the State," by Laurence Bruner:

"This state is exceedingly rich in forms of life. I can call to your attention a few examples of this. Our birds in Nebraska number 416 species, as against 364 species for Kansas. I have found in the state 280 to 290 species of grasshoppers. In the study of our butterflies we have ascertained that upwards of 125 distinct forms occur in the state of Nebraska, and each year we add new forms to these. In the collection of tiger beetles in this state we succeeded in bringing together 40 different forms. In like manner, in the study of our wild bees, during the last two years we have gathered about 300 distinct species, collecting only during three months in the year at two places in the state. Nebraska is well adapted for these forms, as well as plants. I have been surprised that there is so little done in the collection of different forms. If we eliminate species after species, we would eliminate more titles than species—150 to 200 titles would include all that has been written on the animal life in this state. We have in the state something like 40 species of worms collected. In Arkansas there are something like 30 species recorded. We have of insects about 7,000 species in the collection of the university. The spiders, etc., which have been collected show that our fauna is very rich in these forms also. We have in the university a collection which numbers about 150 species, and 15 or 20 have been counted as not known. When we come down to the crustacea, there has been little done. Of fishes we know a little through the work carried out by the state fish commission. But we undoubtedly have a larger number of fishes that the fish commission knows nothing about. I re-

* Since the studies were not yet brought to full completion, the author expressed a desire to withdraw the article from publication for the present. It is accordingly not printed in this volume of the Publications of the Academy.

member of taking from 50 to 60 species from the Elkhorn river alone. Again, the reptiles of Nebraska are quite numerous. We have a paper by Taylor on the snakes of the state, but aside from this I know of no record of the reptiles. The birds have been pretty thoroughly studied, as we have working in the state about twenty-five good observers. The notes of most of these were brought together before the State Horticultural Society last year, and since then no additional forms have occurred, so the list is about completed. As to mammals, we know practically nothing in this state. In the early days we know that the buffalo, the antelope, two species of deer, the gray wolf, the brown bear, foxes, and panthers used to be found here. Thus far, then, we see that there has been little done in the way of studying the animal life of the state. The botanists have made a fair beginning in the study of the plants of the state, but the animals are much more numerous than the plants. I might say, in conclusion, that the reasons for a larger fauna in the state are these: Nebraska is located midway between the north and south; the southeastern corner of the state is barely 800 feet above the sea level, while the western part is almost 6,000. We have two large water courses and the variation of the surface is great. Therefore the variation in the animal life must be great. The time will come when a number of the forms that are now living in the state will be extinct, due to various changes brought about by civilization."

"The Nomenclature of Nebraska Forest Trees" was the title of a paper by C. E. Bessey, and "Reflections on the Genus Ribes" were presented by F. W. Card. Papers on "Chalcedony-Lime Nuts from the Bad Lands of Nebraska," by E. H. Barbour, "A Comparison Between Nebraska Diatomaceous Earth with that from Neighboring States," by C. J. Elmore, "What is Mathematics?" by Ellery W. Davis, and "A Family of Quartic Surfaces," by R. E. Moritz, were read and discussed.

The nominating committee reported the following list of officers for the coming year, and by vote the secretary was instructed to cast the ballot of the Academy for the same:

President, A. S. von Mansfelde, Ashland; vice president, E. H. Barbour, Lincoln; secretary-treasurer, G. D. Swezey, Lincoln; custodian, Laurence Bruner, Lincoln; directors, H. B. Ward, Lincoln, H. B. Duncanson, Peru, C. J. Elmore, Crete, H. Hapeman, Minden.

On motion the Academy then adjourned until 8 P. M.

December 29, 1896, 8 P. M.

In the absence of the president and vice president, the meeting was called to order by the secretary and L. Bruner was elected chairman *pro tem*.

Voted that the directors of the Academy be an auditing committee to examine the books of the treasurer.

Voted that the committee to arrange for the publication of the proceedings by the state be the new executive committee, with two others chosen by the president. A. S. v. Mansfelde* and E. T. Hartley were appointed on this committee.

A paper on "Some Methods of Collecting, Preserving, and Mounting Fossils," by Carrie A. Barbour, was read and then commented upon by C. E. Bessey as follows: "I want to express my gratification on this address. I have not heard of it myself, before. The one thing that it seems to me all this teaches us is that apparently destroyed remains may be preserved if we know how to take care of the material. It calls to my mind a number of cases a year ago. I found bones, tusks, etc., which I thought were entirely too decayed for use at all. The one thing that we must see that the people of the state know is that even a most thoroughly decayed specimen of a bone, if it is covered over and kept from the air until some expert can come and dig it out, may turn out to be of scientific value. These things can be saved long after a point where they seem to be beyond redemption."

A paper entitled "An Observation Upon Annual Rings in Tree Growth" was then read by Fred W. Card and discussed as follows by C. E. Bessey: "I should like to see this repeated a num-

* As Dr. v. Mansfelde was an *ex-officio* member of the committee the chair later substituted the name of Dr. Bessey.

ber of times. I doubt whether we get any other results. I was a surveyor many years ago in a wooded country. Now in a wooded country, when a line is run from one section to another, they 'blaze' the line. When they come to the quarter posts they have what they call 'witness' trees. Now it happens that these 'witness' trees many times stand twenty-five and forty years, and over and over again it occurs that these 'blazes' are overgrown and we never found that the account was mis-written. For the government survey was thirty-two years before our survey, and when we cut in we could count just thirty-two rings from that time. I do think that a tree may form occasionally a second ring. Governor Furnas has a number of trees of which he knows the date when he set them out, and he finds that sometimes they have more rings than they should have. On the plains here I do not see why a tree, being isolated, might not go into the summer rest and start again in the fall. But in the forests this cannot occur, so I doubt whether a second ring ever happens in a great forest, because the ground is moist all the time. So I take it that if we make experiments here long enough, we could get a second ring. Again, if you go into the south far enough you will not find rest with the growth. There are blocks of wood in some of the cases here on which you cannot make out any line where one growth begins and another stops."

R. A. Emerson read a paper on the "Internal Temperature of Trees," which was discussed as follows:

The importance of this may be shown in regard to orchard trees. Trees sometimes get sick on the southwest side; this is called "sun-scald." The tree usually dies. There is a belief among horticulturists that a rapid change in the winter affects the vitality of the bark. There is a great deal of injury done to trees in this way.

Professor Condra: "Did you perform any experiments in regard to the growth of trees?"

Mr. Emerson: "I think it would be hard to obtain such results. Results have been obtained, however, in regard to this, and have been published."

Dr. Bessey: "We have no means of accurately obtaining these results. We do not know yet of any way by which we can tell the temperature of the cambium layer. When we bore a hole in a tree and destroy the layer of cells and have an air cavity in there instead of the solid mass of wood, we put in at once a condition which brings about an error. It is to be hoped that the electricians will give us an instrument by which we can measure the temperature of leaves without destroying them. We have no thermometer small enough to really determine the temperature of the limb accurately. All this, while it tells us something, is telling it to us about as crudely as the illustration I have suggested. We must have some thermometer of an entirely different kind. Something which will not make it necessary to break the tissue at all. I am quite strongly of the opinion that when we learn how hot the cambium layer becomes, we will find it gets very hot in the summer."

Professor Swezey: "I think it is possible to get such an electrical device."

Owing to the lateness of the hour, the following papers were read by title only: "The Barites of Nebraska and the Bad Lands," by E. H. Barbour; "Some Data as to Wind Distribution of Seeds," by E. M. Hussong; "Parasites of Nebraska Dogs and Cats," by H. B. Ward; "The Study of Botany in the School for the Blind," by C. E. Bessey; "Discovery of Meteoric Iron in Nebraska," by E. H. Barbour; "Notes on the Phyllopoda of Nebraska," by H. A. Lafler and A. S. Pearse.

The Academy then adjourned.

G. D. SWEZEY,

Secretary.

TREASURER'S REPORT FOR 1896.

G. D. Swezey, treasurer, in account with the Nebraska Academy of Sciences:

1896.

Jan. 1, Balance from last year.....	\$5	64
Received dues for 1895.....	3	00
Received dues for 1896.....	31	00
Feb. 1, Paid for printing programs and circulars		\$8 75
April 16, Paid for cuts for transactions.....		1 25
April 16, Paid for exchange.....		03
October 23, Paid for rubber stamp.....		30
December 1, Paid for postage.....		2 10
Balance on hand.....		27 21
	\$39	64
	\$39	64

Approved:

H. B. DUNCANSON,

C. J. ELMORE,

H. HAPEMAN,

HENRY B. WARD,

Directors.

At a meeting of the publication committee of the Nebraska Academy of Sciences, December 14, 1897, the following rules were adopted:

I. All papers intended for publication must be in the hands of the publication committee, ready for printing, within thirty days after official notice has been sent to the authors.

II. No corrections will be allowed after a paper is set up, save at the expense of the author. To avoid the necessity of correction, as far as may be possible, the committee earnestly recommends that all manuscript be prepared with the utmost care, and, if possible, type-written.

III. All necessary drawings must accompany the manuscript and must be made in India ink.

IV. Illustrations used in the Proceedings will ordinarily be zinc etchings. Only in rare cases, and then by a special vote of the editorial committee, will photographs be reproduced as half-tone engravings.

V. When the request is made on the manuscript, an author will be furnished, gratis, twenty unbound copies of his paper. Additional unbound copies will be furnished at cost if so requested on manuscript.

VI. Papers read before the Academy, but printed elsewhere, will regularly be noticed in the Proceedings, but may be abstracted, and only very exceptionally printed in full.

VII. Papers read before the Academy, but not in condition for publication, shall be presented as notes or preliminary reports.

ELLERY W. DAVIS,
Secretary of the Committee.

NOTE.—In accordance with the decision of the editorial committee papers are grouped according to subjects into botanical, geological, mathematical, and zoological ; and under each topic are arranged alphabetically according to authors, except in the case of those papers so closely connected in subject-matter as to necessitate another order. All papers included in the program of the last meeting of the Academy are printed here so far as they have been received from the authors, and have not been published elsewhere.

THE NOMENCLATURE OF THE NEBRASKA FOREST TREES.

CHARLES E. BESSEY.

The many changes in the nomenclature of the forest trees of Nebraska make it necessary that an authentic list should be given in which the names now generally accepted take the place of those which have become antiquated. I find that of the sixty-seven trees admitted to the following list no less than twenty-six have suffered some changes in nomenclature.

BRANCH SPERMATOPHYTA (ANTHOPHYTA, PHANEROGAMIA).

CLASS GYMNOSPERMAE.

ORDER CONIFERAE. Family Pinaceae.

1. *Pinus ponderosa* Douglas, in Lawson's Manual, 354 (1836). The citation of Loudon as the authority for this species is an error. Douglas's name was used in Companion of the Botanical Magazine in 1836, and in Lawson's Agriculturist's Manual of the same year, but (Sudworth says) he did not describe it. Loudon described it (in Arboretum et Fructicetum Britannicum, vol. IV., crediting the name to Douglas, as appears to have been done also in Lawson's Manual. Our tree is what Engelmann separated as the variety *scopulorum* in the Botany of California, vol. II., p. 126 (1880). It is

doubtful whether this is entitled to varietal rank, since our trees are but little different from those on the Pacific coast, which are regarded as typical. If this variety is to be deemed valid our tree will then be named *P. ponderosa scopulorum* Engelm., otherwise it will be *P. ponderosa* Douglas.

2. *Juniperus virginiana* L. Sp. Pl. 1039 (1753).

CLASS ANGIOSPERMAE.

ORDER THALAMIFLORAE. SUB-ORDER RANALES.

Family Anonaceae.

3. *Asimina triloba* (L.) Dunal, Monographie de la Famille des Anonacées, 83 (1817). This was named *Anona triloba* by Linne, in the first edition of his Species Plantarum, 537, but since Dunal's work there has been no doubt as to its proper name.

SUB-ORDER CARYOPHYLLALES. Family Salicaceae.

4. *Salix nigra* Marshall, Arbustum Americanum, 139 (1785).
5. *Salix amygdaloides* Andersson, Ofversigt af Kongliga Vetenskaps Akademiens Forhandlingar (1858). This tree was originally confused with *S. nigra*, from which it was separated by Andersson in 1858.
6. *Salix lucida* Muehlenberg, Neue Schriften der Gesellschaft Naturforschender Freunde zu Berlin, IV. (1803).
7. *Salix fluviatilis* Nuttall, Sylva of North America (1842). This has hitherto borne the name of *S. longifolia* Muehlenberg, Neue Schrift. Gessel. Nat. Fr. Berlin (1803), and was so named in my previous lists, but, as Professor Sargent points out in Garden and Forest, vol. VIII., November (1895), Muehlenberg's name is not available, having been used in 1778 by Lamarck in his Flora Francais, vol 2, 232. The name *S. longifolia* is still used in Gray's and Coulter's Manuals.
8. *Salix bebbiana* Sargent, Garden and Forest VIII., November (1895). This has hitherto borne the name of *S. rostrata* Rich-

ardson in the appendix to Franklin's Narrative of a Journey from the Shores of Hudson Bay and the Polar Sea, 753 (1823), and was so named in my previous lists, but, as Professor Sargent pointed out in Garden and Forest, cited above, this name had already been used by Thuillier in his Flore des Environs de Paris in 1799. In consequence it became necessary for Professor Sargent to give it a new name, as above. This still bears the name of *S. rostrata* in Gray's and Coulter's Manuals.

9. *Salix cordata* Muehlenberg, Neue Schrift. Gesel. Nat. Fr. Berlin (1803). The tree here referred to is the one to which the common name of Diamond Willow has been applied. For some years it was supposed that the variety *vestita* of Andersson was this tree, and it was so named in my previous lists, but that has been determined by Sargent to be an error. For the present we can do no more than call it a form of this species. In the Illustrated Flora (Britton and Brown) our plant appears to be confused with *S. missouriensis* Bebb.
10. *Populus tremuloides* Michaux, Flora Boreali-Americana, 11 (1803).
11. *Populus balsamifera* L. Sp. Pl. 1034 (1753). In previous lists this has been given as the variety *candicans* of Gray (more properly of (Aiton) Gray), or *canadensis* (Moench) Sudworth, but I am confident now that our tree is the species proper and not the variety.
12. *Populus angustifolia* James, Long's Expedition, 1, 497 (1823).
13. *Populus acuminata* Rydberg, Bulletin of the Torrey Botanical Club, 20:50 (1893). This interesting tree is conceded by Professor Sargent as "probably a distinct species." (Sylva, IX., 172.)
14. *Populus deltoidea* Marshall, Arbustum Americanum, 106 (1785). This has borne the name of *P. monilifera* Aiton in previous lists and in Gray's Manual. In Coulter's Manual it is *P. angulata* Aiton, while in De Candolle's Prodromus

XVI., 2 (1868), it is *P. canadensis* Moench. In the Illustrated Flora a variation of the spelling is used, as *P. deltoides*.

SUB-ORDER MALVALES. Family Tiliaceae.

15. *Tilia americana* L. Sp. Pl. 514 (1753).

Family Urticaceae.

16. *Ulmus americana* L. Sp. Pl. 226 (1753).
 17. *Ulmus racemosa* Thomas, American Journal of Science, 19:170 (1831).
 18. *Ulmus fulva* Michaux, Flora Boreali-Americana, 1:172 (1803). In some recent lists this bears the name *U. pubescens* Walter, Flora Caroliniana (1788), and there is reason to believe that this may be the prior name.
 19. *Celtis occidentalis* L. Sp. Pl. 1044 (1753).
 20. *Morus rubra* L. Sp. Pl. 986 (1753).

ORDER BICARPELLATAE. SUB-ORDER GENTIANALES.

Family Oleaceae.

21. *Fraxinus americana* L. Sp. Pl. 1057 (1753).
 22. *Fraxinus pennsylvanica* Marshall, Arbustum Americanum, 51 (1785). This is the *F. pubescens* Lamarck (1786), which name it bears in Gray's and Coulter's Manuals.
 23. *Fraxinus pennsylvanica lanceolata* (Borkh.) Sargent, Silva of North America, VI., 50 (1894). This was first named *F. lanceolata* by Borkhausen (Handbook Forst. Bot., 1800). It received the name of *F. viridis* by Michaux filius in Histoire des Arbres in 1813, and the latter name has been very generally adopted by American botanists, and is still used in Gray's and Coulter's Manuals.

ORDER CALYCIFLORAE. SUB-ORDER ROSALES.

Family Rosaceae.

24. *Pirus coronaria iowensis* Wood, Class-book, 333 (1870). This is the *P. iowensis* (Wood) Bailey of the "Check List."
 25. *Crataegus tomentosa* L. Sp. Pl. 476 (1753).

26. *Crataegus mollis* (Torrey & Gray) Scheele, *Linnaea* 21:569 (1848). This is the *C. coccinea mollis* T. & G. of the sixth edition of Gray's Manual, and the *C. subvillosa* Schrader of some lists.
27. *Crataegus coccinea* L. Sp. Pl. 476 (1753).
28. *Crataegus coccinea macracantha* (Lodd.) Dudley, *Bulletin of Cornell University*, 2:33 (1886). In the "Check List" this is considered to be a distinct species under Loddige's original name *C. macracantha*.
29. *Amelanchier canadensis* (L.) Medicus, *Geschichte der Botanik-unsere Zeiten*, 79 (1793).
30. *Prunus virginiana* L. Sp. Pl. 473 (1753).
31. *Prunus serotina* Ehrhart, *Beitraege zur Naturkunde*, 3:20 (1788).
32. *Prunus americana* Marshall, *Arbustum Americanum*, 111 (1785).

Family Caesalpiaceae.

33. *Gymnocladus dioicus* (L.) Koch, *Dendrologie*, 1:5 (1869). This is *G. canadensis* Lamarek (1783), and of the ordinary manuals. It was first named *Guilandina dioica* by Linne in Sp. Pl. 381 (1753).
34. *Gleditsia triacanthos* L. Sp. Pl. 1056 (1753). In nearly all publications the generic name is given as *Gleditschia* in spite of the fact that Linne spelled *Gleditsia*, evidently from *Gleditsius*, Latinized from the German *Gleditsch*.
35. *Cercis canadensis* L. Sp. Pl. 374 (1753).

Family Platanaceae.

36. *Platanus occidentalis* L. Sp. Pl. 999 (1753).

SUB-ORDER CELASTRALES. Family Rhamnaceae.

37. *Rhamnus lanceolata* Pursh, *Flora Americae Septentrionalis*, 166 (1814).
38. *Rhamnus caroliniana* Walter, *Flora Caroliniana*, 101 (1788).

Family Elaeagnaceae.

39. *Lepargyrea argentea* (Pursh) Greene, Pittonia 2:122 (1890). This small tree was first named *Elaeagnus argentea* by Nuttall in Fraser's Catalogue in 1813; but this being a name only, with no description whatever, it cannot be considered valid. In 1814 Pursh in his Flora Americae Septentrionalis, 1:115, described it as *Hippophae argentea*, giving no credit whatever to Nuttall for the specific name. In 1817 Rafinesque, in the American Monthly Magazine, separated it and erected the genus *Lepargyrea*, and about a year later Nuttall independently erected the genus *Shepherdia* (Genera of North American Plants, 2:240, 1818). Nuttall's name was generally accepted and is still used in Gray's and Coulter's Manuals.

SUB-ORDER SAPINDALES. Family Sapindaceae.

40. *Aesculus glabra* Willdenow, Enumeratio Plantarum Horti Regii Botanici Berolinensis, 405 (1809).
41. *Acer glabrum* Torrey, Annals of the Lyceum of New York, 2:172 (1826).
42. *Acer saccharinum* L. Sp. Pl. 1055 (1753). This tree is commonly given the name *A. dasycarpum* Ehrhart, Beitrage zur Naturkunde, 4:24 (1789), but the name given by Linne certainly belongs to this tree, since the specimens in his herbarium with this name attached, as well as the original description, agree fully with our tree. Dr. Gray long ago (1839), in a letter to Dr. Torrey (Letters of Asa Gray, 1:150), called his attention to the fact that Linne referred to the tree subsequently described by Michaux (Flor. Bor.-Am., 2:253, 1803) as *A. eriocarpum*, which is identical with Ehrhart's *A. dasycarpum*. For some reason, not now regarded as valid, no effort was made to restore this name, and so we find that in all the editions of Gray's Manual, down to the present, the error has been permitted to stand.
43. *Acer barbatum* Michaux, Flora Boreali-Americana, 2:252 (1803). There has been much confusion as to the names of

this and the preceding species. It appears that this tree was not separated from the preceding species for half a century after Linne had bestowed the name *A. saccharinum* upon one of our sugar-producing maples. Wangenheim in 1787 (Beytrag zur teutschen holzgerechten Forstwissenschaft die Anpflanzung Nordamericanischer Holzarten, page 26), supposing that Linne's description referred to the maple from which most of the sugar is made, described and figured it under the name *A. saccharinum*. Thus we have had two trees bearing the same name. In 1803 Michaux described this as distinct from *A. saccharinum*, and his name is therefore the earliest available one. In Gray's Manual this is still given the name *A. saccharinum*.

44. *Acer negundo* L. Sp. Pl. 1056 (1753). This is the *Negundo aceroides* Moench (Methodus Plantas Horti Botanici et Agri Marburgensis, 1794), and this name has been generally adopted in American manuals. In Gray's and Coulter's Manuals this name is used. In some lists the name appears as *Negundo negundo* (L.) Sudworth, while in still others, as *Rulac negundo* (L.) Hitchcock. Since, however, this tree is really a maple, there is no good reason for abandoning the name originally given by Linne.

Family Anacardiaceae.

45. *Rhus copallina* L. Sp. Pl. 266 (1753).

Family Juglandaceae.

46. *Juglans cinerea* L. Sp. Pl., ed. 2, 1415 (1763).
47. *Juglans nigra* L. Sp. Pl. 997 (1753).
48. *Hicoria ovata* (Mill.) Britton, Bulletin of the Torrey Botanical Club, 15:283 (1888). This was first called *Juglans ovata* by Miller in the Gardener's Dictionary, edition 8 (1768). In 1808 Rafinesque separated the hickories generically from the walnuts under the name *Hicoria* (by a typographical error printed "*Scoria*"), but Nuttall, in ignorance of this, made a genus with the same limitations, but with the name *Carya*

(Genera of North American Plants, 2:220, 1818). Nuttall's name was taken up by botanists generally, that of Rafinesque being allowed to remain in obscurity until it was revived by Britton in 1888. Through a mistake by Michaux (*Flora Boreali-Americana*, 2:193, 1803) this was called by him *Juglans alba*, but it is not the *J. alba* of Linne (Sp. Pl. 997, 1753). Nuttall transferred this mistake, calling this tree *Carya alba*, the name by which it has generally been known. In Gray's Manual, even in the latest edition, Nuttall's name is used.

49. *Hicoria laciniosa* (Michaux) Sargent, *Silva of North America*, VII., 157 (1895). This is the *H. sulcata* (Nutt.) Britton of previous lists, and is the *Carya sulcata* of Gray's Manual.
50. *Hicoria alba* (L.) Britton, *Bulletin of the Torrey Botanical Club*, 15:283 (1888). This is the *Carya tomentosa* of Gray's Manual.
51. *Hicoria glabra* (Mill.) Britton, *Bulletin of the Torrey Botanical Club*, 15:283 (1888). This is the *Carya porcina* of Gray's Manual.
52. *Hicoria minima* (Marshall) Britton, *Bulletin of the Torrey Botanical Club*, 15:283 (1888). This is the *Carya amara* of Gray's Manual.

Family Cupuliferae.

53. *Quercus alba* L. Sp. Pl. 996 (1753).
54. *Quercus minor* (Marshall) Sargent, *Garden and Forest*, II., 471 (1889).
55. *Quercus macrocarpa* Michaux, *Histoire des Chenes de l'Amerique*, 2 (1801).
56. *Quercus acuminata* (Michx.) Sargent, *Garden and Forest*, VIII., 93 (1895). This is the *Q. prinus*, var. *acuminata* of the fifth edition of Gray's Manual, and the *Q. muhlenbergii* of the sixth edition. This last name was used in the later lists issued by the botanical department of the University.
57. *Quercus prinoides* Willdenow, *Neue Schrift. Gesell. Nat. Fr.*

- Berlin, 3:397 (1801). In the fifth edition of Gray's Manual this bore the name of *Q. prinus*, var. *humilis*.
58. *Quercus rubra* L. Sp. Pl. 996 (1753).
59. *Quercus coccinea* Muenchhausen, Der Hausvater, V.,254 (1770). This species has commonly been attributed to Wangenheim (1787), but Muenchhausen antedates him by seventeen years.
60. *Quercus velutina* Lamarck, Dictionnaire de Botanique, 721 (1783). This is the *Q. discolor* of Aiton (1789), the *Q. tinctoria* of Michaux (1803), and the *Q. coccinea tinctoria* of De Candolle (1864), which name it still bears in Gray's Manual.
61. *Quercus marilandica* Muenchhausen, Der Hausvater, V:253 (1770). By a mistake in determination Wangenheim described this tree (1781) under the name *Q. nigra*, which Linne had applied to another tree, an error which has been continued to the present, still occurring in the latest edition of Gray's Manual.
62. *Quercus imbricaria* Michaux, Histoire des Chenes de l'Amerique, 9 (1801).
63. *Ostrya virginiana* (Miller) Willdenow, Species Plantarum, 4:469 (1805).
64. *Carpinus caroliniana* Walter, Flora Caroliniana, 236 (1788). This is the *C. americana* of the fifth edition of Gray's Manual, and the *C. virginiana* of some previous lists.
65. *Betula papyrifera* Marshall, Arbustum Americanum, 19 (1785).
66. *Betula occidentalis* Hooker, Flora Boreali-Americana, 2:155 (1839).
67. *Betula nigra* L. Sp. Pl. 982 (1753).

A COMPARISON OF FOSSIL DIATOMS FROM NEBRASKA
WITH SIMILAR DEPOSITS AT ST. JOSEPH, MO., AND
AT DENVER, COLO.

C. J. ELMORE.

About a year ago Professor Barbour furnished me some diatomaceous earth from various deposits in Nebraska, and the results of my study on them were brought before this Academy at its last meeting. These deposits were located in Wheeler county, Greeley county, at Thedford, and at Mullen. From the same source I recently obtained material from a deposit at St. Joseph, Mo., and one at Denver, Colo.

The diatoms from the two latter deposits show a striking similarity to each other, and all of the species in both are represented in Nebraska deposits.

The deposit at St. Joseph differs from any Nebraska deposit in being made up of comparatively few species. In all of the material examined only fifteen species were found; and of these, three composed the bulk of the deposit, the others being of infrequent occurrence. These three species are *Cymbella cymbiformis* (Kuetz.) Breb., *Cystopleura turgida* (Ehr.) Kuntze, and *Cymbella gastroides* Kuetz.

The following is a list of the species found:

Cocconeis placentula Ehr. Rather common, but not forming any considerable part of the deposit. Occurs about as frequently as in Nebraska deposits.

Cymatopleura elliptica (Breb.) W. Sm. Rare; only one specimen found. Also very rare in Nebraska deposits, being found only at Mullen, and only a single fragment there.

Cymbella cymbiformis (Kuetz.) Breb. Forms a considerable por-

tion of the deposit, though not so abundant as *Cymbella gastroides* Kuetz., or *Cystopleura turgida* (Ehr.) Kuntze. Also common in Nebraska deposits.

Cymbella gastroides Kuetz. Very common, and next to *Cystopleura turgida* (Ehr.) Kuntze, the most important species in the deposit. Common in the Nebraska deposits at Mullen, Thedford, and Greeley county.

Cymbella levis Naeg. Very rare. Occurs only rarely in the deposit at Mullen.

Cystopleura occellata (Ehr.) Kuntze. Rare. Rather common in the top layer of the Mullen deposit.

Cystopleura turgida (Ehr.) Kuntze. The most abundant species in the deposit. Varies greatly. A very common species in the Nebraska deposits.

Cystopleura zebra (Ehr.) Kuntze. Rather common. About as common in Nebraska deposits.

Encyonema caespitosum Kuetz. Rare. Found in Nebraska only in the Mullen deposit.

Gomphonema intricatum Kuetz. Rare. Common in the Greeley county deposit.

Gomphonema montanum Schum. The form called var. *subclavatum* Grun. is rather common. Found in Nebraska only in the Wheeler county deposit.

Navicula cuspidata Kuetz. Rare. Not very common in Nebraska deposits.

Navicula oblonga Kuetz. Rare. Rather common in deposits at Thedford and in Wheeler county.

Stauroneis phoenicenteron Kuetz. Only one specimen was found. Rather common in Nebraska deposits.

Synedra sp. Only a fragment was found, and this was too small to identify.

The material from the Denver deposit was taken from a railroad cut. The leading species in this deposit are the same as

those in the St. Joseph deposit, but there are differences in the less frequent species.

The following species were found in it:

- Cocconeis placentula* Ehr. Common, but forming a very small portion of the deposit. About equally common in Nebraska deposits.
- Cymbella cuspidata* Kuetz. Rare. Rather common in Nebraska deposits.
- Cymbella gastroides* Kuetz. Common.
- Cystopleura gibba* (Ehr.) Kuntze. Rather common, as is also the form called var. *ventricosa* (Ehr.) Grun.
- Cystopleura turgida* (Ehr.) Kuntze. Very common.
- Cystopleura zebra* (Ehr.) Kuntze. Rather more common than in Nebraska deposits.
- Encyonema caespitosum* Kuetz. More common than in Nebraska deposits.
- Fragilaria construens* (Ehr.) Grun. The form called var. *venter* Grun. is more common than the type forming a considerable portion of the deposit.
- Fragilaria elliptica* Schum. Common, but less abundant than in some Nebraska deposits.
- Gomphonema acuminatum* Ehr. Rare.
- Gomphonema constrictum* Ehr. Less common than in Nebraska deposits.
- Gomphonema herculeanum* Ehr. Rare. Also rare in Nebraska deposits.
- Melosira distans* (Ehr.) Kuetz. Common, but not so abundant as in Nebraska deposits.
- Navicula radiosa* Kuetz. Rare. Not very common in Nebraska deposits.
- Synedra capitata* Ehr. Not very common. About equally common in Nebraska deposits.
- Synedra ulna* (Nitz.) Ehr. Not very common.

Besides the diatoms, both of these deposits contain a large number of sponge spicules of at least two distinct forms. Although all of the region in which these deposits occur was at one time covered by salt water, none of them were made at that time, for all of the diatoms found belong to fresh-water species. So it is evident that these deposits were made after the land of this region had risen out of the ocean, but when there were still fresh-water lakes covering part of the region. These deposits must have been made in lakes rather than in rivers, for river conditions are too changeable to allow the forming of a large deposit. Diatoms live in rivers as well as in lakes and ponds, but the formation of a large deposit requires quiet water and practically constant conditions. So these diatom deposits tell us that during Tertiary times there were lakes in Missouri, Nebraska, and Colorado. They also tell us that the conditions were practically alike in all of these places, for the species in all of the deposits show a great similarity, a large number of them being identical. The most abundant genus is *Cystopleura*, and this grows attached to some filamentous algae. So we also have evidence that other algae than diatoms lived in these Tertiary lakes.

The number of diatoms in these deposits is enormous. Ehrenberg calculated that there were 41,000,000,000 individuals in a cubic inch of diatomaceous earth. Taking the largest specimen of *Stauroneis phoenicenteron* that I ever found, and which is larger than any of the fossils in these deposits, we would have only about 230,000,000 individuals per cubic inch. As this number is based on the largest diatoms, it is farther from the truth than Ehrenberg's. But Ehrenberg's estimate allows a cube of only about 7 micromillimeters for each specimen, and this is probably too small for our deposits. But even taking the number obtained in using the largest diatoms, a cubic inch contains enough to give three to every person in the United States.

The time required for making these deposits is impossible to determine. If the diatoms multiplied at their most rapid rate, it would take an incredibly short time; but practically, such deposits are made rather slowly. If we started with a single dia-

AN OBSERVATION ON ANNUAL RINGS.

FRED W. CARD.

The question often arises as to whether the rings of growth observed in trees are strictly annual rings. The opinion appears to be generally prevalent that they represent rather periods of growth. Even if that be true they will still be in most cases annual, as that is the normal period of growth in temperate climates. It may then be asked whether depredations of insects which defoliate the tree, or periods of drought which check its growth, will cause the formation of another ring for that year.

In order to throw some possible light on this subject a simple experiment was made in the summer of 1894. On May 19 a piece of bark about one and one-half inch square was removed from the north side of an ash tree about four inches in diameter and from a maple about three inches in diameter. Both trees were in full growth at the time and the bark lifted readily.

July 10 the leaves were stripped from both these trees, with the exception of a very few which were purposely left. By the end of the month both trees were leaving out again.

On the 10th of November both trees were cut down. A cross section cut through the points from which the bark was removed showed no evidence of the treatment which the trees had received. The ring of growth for that year was apparently as uniform as for other years.

This experiment, it should be noted, does not contradict the general opinion that there may be more than one ring formed in one year, but it does seem to indicate that a greater interference with the normal conditions of growth is needed to produce that effect than has often been supposed. It is quite possible, to be sure, that at some other part of the season the effect might have

been different. It may also be that if the leaves had been kept from forming for a short time the result would have been different. In general it seems fair to presume that the number of rings found represent with a fair degree of certainty the age of that part of the tree. To get the full age of the tree it should be remembered that the count should be made at a point low enough to get the sapling produced from the seed in the first year of growth.

ON THE INTERNAL TEMPERATURE OF TREE-TRUNKS.

R. A. EMERSON.

Observations on the internal temperature of trees were begun by the writer in the summer of 1894. The object of the work was to determine if possible whether the temperature of trunks and limbs exposed to the direct rays of the sun does not at times become injuriously high. Observations were made on several apple trees, a maple, and a cottonwood. Some of the apple limbs were shaded by their foliage, some by boards, and some were in direct sunlight. Half inch holes were bored in the limbs, some on the north side, some on the south, and some on the west. Each hole was bored so that a radius of the circle formed by a cross section of the limb was cut at right angles near its peripheral end. Each hole extended a little over half-way through the tree and left approximately one-half inch of new wood between it and the bark. For taking internal temperatures an accurate thermometer was used. Its stem was fitted in a cork which fitted snugly the hole in the limb, so that, when the thermometer was in place the hole was closed tightly. At each reading the thermometer was left in the hole two or three minutes and so indicated fairly accurately the temperature of the wood. Between readings the hole was kept closed with a cork. Readings were taken at the same times every day. In some cases they were taken in the morning, in some at noon, in others at night, in some both morning and noon, in others both morning and night. The temperature of the air was taken at the same times. For this cheap thermometers were used. They were first compared with the better thermometer and their scales corrected. They were hung on the limbs, one on the side in which the hole was bored, the other on the opposite side. Readings were taken continuously from July 4 to September 5, with but few interruptions.

Now as to results. In the first place the real object of the work, to determine whether the temperature of exposed trunks and limbs does not at times rise injuriously high, can hardly be said to have been accomplished. The highest temperature recorded was 119° F. Though this is probably above the optimum temperature for growth, it would be difficult to say whether it is particularly injurious or not. Of course the maximum temperature of the wood one-half inch in from the cambium layer may have been much less than that of the cambium itself. A few interesting points came out, however, that lead to a further study of tree temperatures. Some of the things shown by this first summer's work are: (1.) The temperature of the tree trunks follows closely that of the outside air. (2.) One side of a small limb may have a temperature much higher than that of the other side. (3.) The maximum daily temperature of a limb exposed to direct sunlight is often much higher than that of the outside air. (4.) The maximum daily temperature of the shaded limbs is below that of the air. (5.) Limbs exposed to direct sunlight show a greater daily variation in temperature than shaded limbs. As one illustration of the above points, a part of the readings taken from four apple trees on July 26, 1894, are given in the table below. Hole No. 3 was in a limb shaded by a board, No. 4 in a limb shaded by foliage, and Nos. 1, 2, and 5 in limbs exposed to the sun.

Hole No.	Side of limb.	Time of observation.	Temperature of tree.	Temperature of air.	
				Near hole.	Opposite hole.
1.....	South.....	7 a. m.....	79.2° F.	85.5° F.	83.2° F.
1.....	South.....	12 m.....	114.4	113.3	108.8
2.....	North.....	12 m.....	105.8	108.8	113.3
3.....	South.....	12 m.....	105.8	107.3	106.8
4.....	South.....	12 m.....	103.5	108.3	107.8
5.....	West.....	7 a. m.....	79.3	82.7	82.2
5.....	West.....	6 p. m.....	119.1	111.3	102.8

From this summer's work it became apparent that very little could be learned of tree-temperatures by making observations only once or twice daily. Therefore during a number of days in

the spring and summer of 1895, hourly observations were taken. This time a box-elder tree was used. Holes were bored about as before. A number of good thermometers were placed in the holes and remained there throughout the test, the holes being sealed by putting wax about the thermometer stems. The thermometers were arranged to study the following points: (1.) The temperature of the air, as indicated by a thermometer in the shade. (2.) The same, as shown by a thermometer in direct sunlight. (3.) The temperature of the northeast side of a live limb. (4.) That of the southwest side of the same limb exposed to direct sunlight. (5.) That of the southwest side of the same limb shaded from the sun. (6.) That of the southwest side of a dead limb exposed to direct sunlight.

In addition to the points brought out before, the following were noted: (1.) The temperature of tree-limbs rises and falls more slowly than that of the air. (2.) The temperature of a dead limb rises and falls more quickly than that of a live limb. (3.) The extreme daily variations of temperature are greater in a dead limb than in a live one.

In July the same thermometers were placed in limbs of an apple tree and the same points compared. The results were identical to those obtained in the box-elder tree.

In September the thermometers were moved to another apple tree. Results were the same again with one exception. The temperature of the live limb followed that of the air more rapidly than did the temperature of the dead limb, just the opposite of what had occurred in both the previous cases. The dead limbs used before had been alive the previous summer and their wood was sound, while the limb used in the last case had been dead longer and its wood was soft and slightly decayed. It would be difficult, however, to account for the difference observed in the two cases on this ground alone.

It was this difference in behavior that led to a continuation of the work another year. Up to this time no accurate measurements of the thickness of wood between the hole and the bark had been made. The limbs, having been left in their original

positions on the trees, received the sun's rays at somewhat different angles. This might have had something to do with the difference between the temperatures of the live and dead limbs.

In August of this year, 1896, the thermometers were again placed in limbs of an apple tree. The thermometers were the same ones used before. They were compared with a thermometer loaned for that purpose by the meteorological department of the university and were found to be sufficiently accurate. A live limb about 10 centimeters in diameter and with fairly smooth bark was chosen. It leaned slightly to the north. All limbs to the south of it were removed, so that the sun's rays might fall directly upon it through the greater part of the day. A dead limb about the size of the live one, with sound wood and fairly smooth bark, was then obtained and a section of it about a meter and a half long was hung up parallel to the live limb and about a half meter from it. The sawed ends of this limb were covered with wax to prevent, as far as possible, a loss or gain of water. Holes sixteen millimeters in diameter, just large enough to admit the thermometer bulbs, were bored in these limbs about two and one-half meters from the ground. They were so bored that the thermometer tubes placed in them were perpendicular to the sun's rays at about 1:30 P. M. One hole in the live limb and one in the dead one were bored as in all cases before. In both cases the wood between the hole and the bark was 10 m.m. thick. The bark on the live limb was 3.5 m.m. thick, on the dead limb 4 m.m. thick. In addition to these tangentially bored holes, another was bored radially in each limb about 30 c.m. below the first. These were bored as near the center of the limb as possible. Each was 40 m.m. from the outside of the bark on the south side of the limb. All the holes were carefully sealed with wax. A heavy cloth screen was made to shade the limbs or protect them from the wind as might be desired.

With these arrangements for accurate comparison between the dead and live limb, the results of the first two trials made in 1895 were confirmed. The temperature of the dead limb changed more rapidly than that of the live one. It was also noticed that,

(1) the temperature of the center of the limbs changed much more slowly than that of the surface, and (2) the extreme daily variations were less. These points and also those brought out before are shown in the diagram of observations made September 9, 1896. (Fig. 1.) The limbs were shaded until 1:15 P. M., when the screen was removed. Just before 2 P. M. the sky became cloudy.

The difference in temperature between the center and the surface of a limb can be explained by the fact that wood is a poor conductor of heat. The difference between the dead and live limbs can be accounted for almost entirely by the fact that the live limb contains much more water than the dead one. Water, having a high specific heat, varies in temperature much less rapidly than wood.

Thus far nothing has been said of the behavior of dead and live limbs when their temperatures approach the freezing point of water. Many observations were made on this point and all indicate the following conclusions: (1) The temperature of the air and of both the center and surface of a dead limb passes the freezing point of water without appreciable acceleration or retardation in its rise or fall. (2.) The temperature of the surface and center of a live limb remains near the freezing point for some time, but, having once got above this point, it rises nearly as fast as that of a dead limb. These points are shown in the diagram of readings for December 12, 1896. (Fig. 2.) The limbs were shaded all day.

This behavior is also to be explained, probably, by the presence of considerable water in a live limb and the comparative absence of it in a dead one. The "latent" heat of fusion must play an important part in retarding the melting of ice.

(Added since the above was read.)

Since the reading of the above paper a further study was made of the effect of water in controlling temperature changes in live and dead limbs. The dead limb and a section of the live one, containing the thermometers and corresponding in length to the dead one, were removed from the tree to the university green-

house. The temperature changes in the two limbs, on their being moved in and out of the greenhouse, were noted for several days. The behavior was practically the same as when the limbs were attached to the tree. The dead limb was then soaked in water for some time and the temperature changes of the two limbs again observed during both rising and falling temperatures.

These observations show that the rise and fall of temperature of a dead limb is very appreciably checked on approaching the freezing point. In short, a soaked dead limb behaves like a live one, as far as temperature changes are concerned. There seemed also to be some indication that the temperature of the soaked dead limb, after having once passed below the freezing point, falls faster than that of the live limb below the same point. The later comparisons of the temperature changes of a live limb and a dead one not soaked are illustrated by the diagram for January 26, 1897. (Fig. 3.) A like comparison of a live limb and a soaked dead one is given by the diagram for February 26, 1897. (Fig 4.) In both these cases the limbs were placed out doors at 9 A. M., after having first acquired a uniform temperature in the greenhouse.

EXPLANATION OF PLATE I.

(FIG. 1.) Sept. 9, 1896.

Curve No. 1 shows the changes in the temperature of a thermometer in air.

No. 2.—Temperature near surface of dead limb.

No. 3.—Same at center of dead limb.

No. 4.—Temperature near surface of live limb.

No. 5.—Same at center of live limb.

Limbs shaded till 1:15 P. M., in sunshine till 2 P. M. Sky cloudy remainder of day.

(FIG. 2.) Dec. 12, 1896.

No. 1 shows the temperature of air.

No. 2 shows the temperature of surface of dead limb.

No. 3 shows the temperature of center of dead limb.

No. 4 shows the temperature of surface of live limb.

No. 5 shows the temperature of center of live limb.

Limbs shaded by a screen.

(FIG. 3.) Jan. 26, 1897.

No. 1 shows the temperature of air.

No. 2 shows the temperature of surface of dead limb.

No. 3 shows the temperature of center of dead limb.

No. 4 shows the temperature of surface of live limb.
No. 5 shows the temperature of center of live limb.
Limbs placed outdoors at 9 A. M.

(FIG. 4.) Feb. 26, 1897.

No. 1 shows the temperature of air.
No. 2 shows the temperature of surface of soaked dead limb.
No. 3 shows the temperature of center of soaked dead limb.
No. 4 shows the temperature of surface of live limb.
No. 5 shows the temperature of center of live limb.
Limbs placed outdoors at 9 A. M.

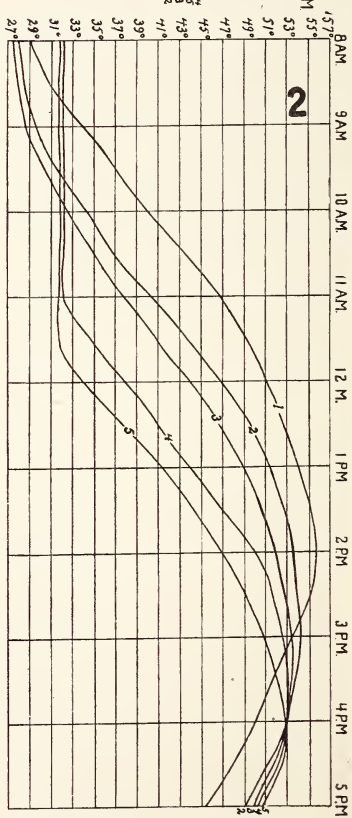
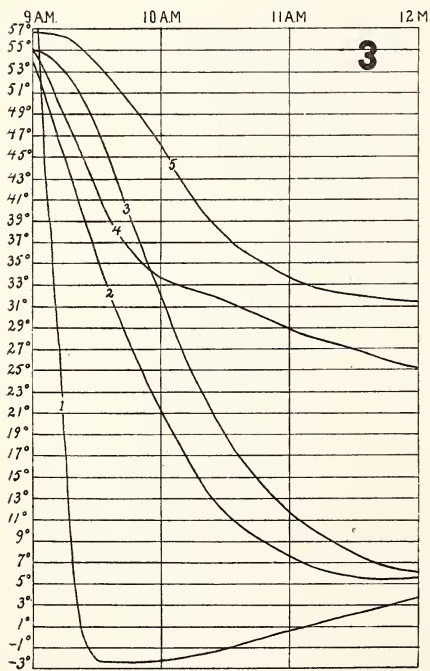
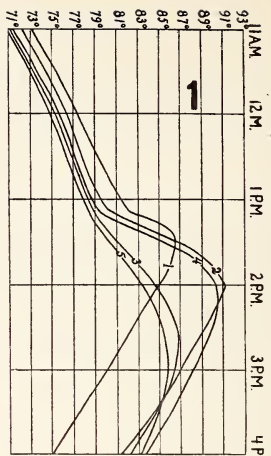
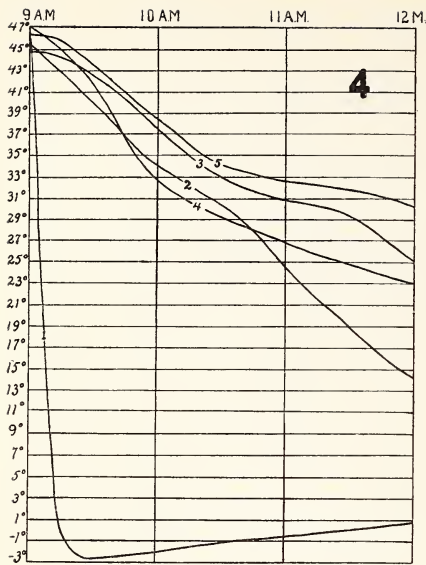


PLATE 1.

DATA AS TO WIND-DISTRIBUTION OF SEEDS.

EDWARD M. HUSSONG.

Few matters are of greater economic importance than that of how and to what extent the seeds of *flowering plants* are distributed by winds. To the ecologist and phyto-geographer it is one of no moderate interest, as geographical distribution, though local, is in each of these lines of modern research no inconspicuous part; to the student of local floræ it accounts partially for the unexpected appearance of species whose natural habitat has been assigned remote from his district of special work; while to the agriculturist it affects vitally his success or failure on the farm.

No available data touching directly upon the subject have been tabulated; perhaps none have been collected. Under my direction the students of the Franklin High School have carried forward for the past three years a series of field collections and laboratory cultures that have opened the problem at least to wider investigation. Our work briefly is thus:

We have made exposures of collecting traps in the various situations afforded us on the high school campus, around the homes of the students, and in the open prairies and fields. Leeward and windward positions were selected when previous indications foretold the direction of the wind; the value of these different positions is apparent from the widely different results obtained thus from the same period of observation. The different situations, as campus, barnyard, prairie, ravine, field, etc., give lawful variations which the observer can easily account for.

The traps used were deep tin cans, anchored fast by means of stout stakes to which the cans were securely wired in a manner allowing of easy detachment to remove the contents. Winds were grossly classified into four groups: breezes, local winds,

high winds, and continued gales; such grouping being based upon the force and continuance of atmospheric movement. The trash and dust were carefully removed from the cans and labeled as to location, date, length and strength of wind. A specimen label is as follows:

“Harry Davis; open pasture south of Franklin, one-half mile from tilled soil; continued gale, two days; Oct. 10-11, 1894.”

In many instances dates were not recorded, but the general season-period is known. These omissions have so affected the calculations that no definite dates can be given in the tabulation; the early or late season-period, however, is fairly accurate.

Vegetable mould, calorized to prevent extraneous growths, was added to the collections and under fair conditions the seeds contained therein were germinated. Many of the plants grew to maturity, others developed sufficiently to reveal their identity, a few were classed “unknown.” The tabulation of results is not as satisfactory as could be wished, but it suffices to show the general trend of the investigation.

The following table shows calculations obtained from forty-eight collections, 1893-4-5-6, taken during

Late Summer, September.

Orders.	Breezes.	Local winds.	High winds.	Continued gales.	Per cent.
1. Portulacaceæ.....		13	60	58	14.6
2. Composite.....	84	27	3	.....	12.7
3. Amarantaceæ.....		3	55	43	12.3
4. Chenopodiaceæ.....		11	49	26	9.8
5. Plantaginaceæ.....		7	38	22	7.5
6. Asclepidaceæ.....	31	29	5	.....	7.2
7. Gramineæ.....	13	21	20	6	6.7
8. Solanaceæ.....		.....	9	31	4.5
9. Cyperaceæ.....	3	11	13	11	4.2
10. Onagraceæ.....	12	17	5	3	4.1
11. Crucifere.....		2	23	8	3.8
12. Leguminosæ.....		6	19	7	3.7
13. Polygonaceæ.....		5	9	8	2.5
14. Convolvulaceæ.....		.....	6	7	1.5
Unknown.....	2	7	13	9	4.1
Totals.....	145	159	327	239	99.2
Per cents, by winds.....	16.1	17.8	36.3	26.6	

A single series of experiments can give no well-founded results, and may vary widely from the truth; however, in general it is noticed that *breezes* and *local winds* do not distribute ordinary plant seeds over very great areas, while oppositely, *high winds* and *continued gales* scatter the seeds widely over pasture and meadow, hill, ravine, field, and prairie alike.

It is at once noticed in the above table that the comose seeds and the pappose and chaffy seed-bearing fruits are dislodged and scattered by the early fall *breezes*, the seeds of the *Compositæ* and the *Asclepidaceæ* predominating in numbers. The *local winds* bear, besides comose and pappose seeds, those of the *Cheopodiaceæ* and *Amarantaceæ*, whose presence is very undesirable economically. *High winds* do not, as many may suppose, bear the lighter comose, pappose, and membranaceous seeds in greater numbers than does it of those of denser structure. Though the *high winds* are, far more than any others, the seed carriers, they are also the atmospheric agents that loosen and drift forward many seeds that are too heavy to be borne within itself above the soil surface. The cultures of material collected during *continued gales* gave very disappointing results. Our adventive, newly introduced, and "out-of-range" species have come within our boundaries by the steady monsonic gales so prevalent from the north and south, over the plain district of Nebraska, Kansas, and the Dakotas. The alarming invasion of the "Russian thistle," *Salsola tragus* L., in 1894-5, the appearance of carpet weed, *Mollugo verticillata* L., throughout the entire county (Franklin) in 1892, and the occasional growths of wild carrot, *Daucus carota* L., are to be attributed to these continued gales.

A reference to each of the other tables in the series may not be amiss:

1. The October collections gave 20% more of *Compositæ*, 8% more of *Asclepidaceæ*, and a considerable gain generally in the lighter seeds, especially those adapted to aerial carriage; arousing a strong suspicion, which other conditions tend to verify, that October is predominantly the month of local distribution.

Gramineæ, *Amarantaceæ*, and *Chenopodiaceæ* each gain from 1 to 3% when dynamic data are unchanged.

2. The November collections were notable for a great increase in the Chenopods and Amaranths. These grow mainly in fields and ripen early and late. The increase of distribution of seeds is probably accounted for by this being the month of corn-gathering and stalk-pasturing on the farms. Ofttimes steady winds prevail during the entire month. These two conditions uniting, the tendency is toward a wider and easier dispersion and dissemination than during any other month of the year.

3. December and January show very light movements of seeds, these being buried beneath snow and frozen fast to the surface. Hence these months are periods of little importance in the matter under discussion. Lower latitudes would give data of interest.

4. February and March are also inactive periods. Collections were abundant in debris, but careful cultures showed that very few seeds likely to germinate were contained therein. The reasons are too obvious to necessitate mention.

5. April is the month of active spring work and coupled with it are our spring monsoons. Operating together, no light effect in distribution is noticed. In fact, all things loose tend to fly to the uttermost parts of the earth. Among the commoner ones, seeds of Garden Purslane, *Portulaca oleracea* L., Tansy Mustard, *Sisymbrium canescens* Nutt., Black Mustard, *Brassica nigra* (L.) Koch., Wild Pea, *Astragalus gracilis* Nutt., and Winged Dock, *Rumex venosus* Pursh., were unexpectedly present and their prominence in the culture growths showed them to be in prime condition. A few early cottonwoods and willows appeared also.

It will be noticed that these data and compilations are in reference to *horizontal variations* only. Though it may prove an error, still it is the popular belief that the wind distribution of seeds takes place within that stratum of air that lies about thirty or forty feet from the earth's surface. Let us hope that investigations may soon give us data as to *vertical variation*, that we may know more fully the importance and service of fences, wind-

breaks, weather-growths, and hedges toward hindrance and possible barriers of seed dispersion and dissemination. The old adage: "An ounce of prevention is better than a pound of cure" is pertinent to this matter.

[NOTE.—The term "seed" in this paper applies to the general non-technical use of the word rather than in a strictly botanical sense. It often implies those organs technically called fruit-cluster and fruit. E. M. H.]

SOME METHODS OF COLLECTING, PREPARING, AND
MOUNTING FOSSILS.

CARRIE ADELINE BARBOUR.

Since 1891 our University has sent out annual geological expeditions—the Morrill Geological Expeditions. Three have gone to the Corkscrew beds of Sioux county, two to the Big Bad Lands of Dakota, and one to the rich fossil fields of Long Island, Kan. As Nebraskans, the Corkscrew beds and their contents have a particular interest for us, for this state alone seems to furnish these new and strange fossils. They are embedded in soft sandstone, but it does not seem so soft to the student who works them out with pick and spade, digging through yards of this sandstone. However, after these spirals are secured and carefully packed, and finally reach the tables of our workroom, the sandstone is very dry and readily gives way before the toothed chisel and the whisk broom. Though it may seem funny, the whisk broom is one of our most efficient tools in cleaning *Daemonelix*. Where breaks and fractures occur in these sandy specimens, it is impossible to glue them together. Accordingly, it is necessary to dig out large cavities and dowel them together, as it were, with plaster of Paris.

The Bad Lands, which are old lake deposits, consist of clays alternating occasionally with beds of sand. Now if these clays were not so plastic and so easily affected by frost-cracks, sun-cracks, and all oscillatory movements, the work of collecting, cleaning, and mounting afterwards would be much easier. As it is, fossil bones are often badly faulted. Sandstone packs solidly, preserving the bones in a much better condition, making, however, anything but play for the collector, and the task of digging them out of the sand matrix is accomplished only by careful and patient work.

In the field, the geologist scrutinizes every inch of these sands and clays, and upon finding so much as a tooth exposed to view it is carefully examined and if there are signs of a skull or mandible, either in whole or in part, or any other good bone, the picks, spades, and drills are set to work digging out a large block of the matrix in which the specimen is embedded, the matrix being the best packing material in which to ship a specimen. If much of the fossil is exposed, paper, or sometimes cloth, is pasted over it, and if it is a very heavy bone, and unusually choice, paper, cloth, and burlap are successively pasted upon it. Care is used not to cook the paste, but to make a very thick batter of flour and water. The whole, when dry, is stiff as a board, and the fossil is ready for a journey of any distance. Sometimes a thin coating of plaster of Paris may be added over all to advantage.

When beginning work on these specimens in the laboratory, the paper or cloth is soaked and pulled off, then the task of removing the matrix begins. This matrix or sandstone is of all degrees of coherence, varying from the friable to that of flinty hardness. As the matrix varies from soft to hard, so the fossils incased will vary in hardness.

The chisel and mallet are among the most useful tools in this work, with awls of different kinds for the more delicate bones; trowels, chisels, scrapers, and penknife for the larger bones. The sand bag, upon which the matrix rests while we dig out the specimen, and the sand box, in which one part of the specimen can be firmly supported while the other parts are attached, are indispensable to the workroom.

We will suppose the matrix removed and all ready for joining the parts cracked by frost, or broken while removing the hard sandstone. The very small bones can be safely united with glue. The next larger sized bones can be satisfactorily fastened together with plaster of Paris, using gum-water instead of water for making the plaster. The plaster made with gum acacia, dissolved in water, has many advantages over the ordinary plaster, as it does not harden so soon, and more time and care can be used in joining the breaks; and when this plaster is once set it is much

harder and more lasting than the ordinary kind. True, the gum acacia is expensive, but if used with care, a little will last a long time, and it has many useful qualities. Glue water has much the same effect, but is not quite so satisfactory, and, if used freely, causes the plaster to crack.

And now come the large bones of the large animals. These are much more difficult to join than the small and medium-sized bones which we have just been considering. In the hollow limb bones, the outer portions are often hard and durable, while the cavities are filled with calcareous material which can easily be bored. Taking care that the holes in the pieces to be joined correspond, insert long screws or wire and fill in with plaster of Paris, thus making a strong joint. Again, the cavities may be filled with material so hard that hydrochloric acid is used to eat out the holes.

The Loup Fork Tertiary, which extends through the western part of this state and down into Kansas, is a more recent deposit than the Bad Lands, so the bones found at Long Island, Kan., where the Morrill Geological Expedition collected one summer, are very brittle, as the organic matter has been removed and the cavities have not been filled. Hence exposure to the air often causes such bones to crumble. At best they are very delicate specimens to handle, but they can be hardened by soaking in gum water or glue water and drying.

In the loess, which is our most extensive deposit and a very recent one, many fossils are found, which must be treated in a similar manner.

Although western Nebraska is in the distinctly sub-arid and "arid" regions, yet there is no part of the state so arid that tuft grass instead of prairie grass grows. This tuft grass is a distinct characteristic of the extreme arid region. In such regions it is rather a simple matter to find exposed on the surface between the tufts of grass such bones as may be washed out by storms and freshets; however, in Nebraska it is a much more complex matter to find such remains, because of the covering of grass which practically grows over the whole state, save in the very bad lands

themselves. However, if such fragile bones as those of the mastodon and mammoth—which have been so recently buried that they are rendered brittle by the loss of their organic matter, without replacement by calcium carbonate or silica—were exposed on the surface they would perish immediately. Accordingly those preserved have generally been brought to light by the plow and scraper in preparing some cut or fill for the railroad or public highway or for an irrigating ditch. In other cases the farmers notice around the prairie dog holes stray bits of bones, which, from their very texture, show that they are of organic origin, and so arouse attention. By following the holes a sufficient distance, the bones through which they burrowed can be rescued. In this way, by following the windings of a prairie dog burrow for nearly forty feet through the loess formation in Buffalo county, one of the tusks in the State Museum was recovered, together with fragments of other bones. The particularly fine pair of tusks, which are scarcely rivalled by any better representatives in any museum, were found in a railroad cut along the Burlington and Missouri River railroad in Gosper county.

At this particular spot the loess is very thick, and being subject to considerable surface erosion, it is cut in all directions by various drainage lines, so that the whole region is crossed by rather sharp draws, bordered by hills of yellow bluff soil. The railroad made a cut through one of these hills amounting to several hundred yards in length, and from fifty to sixty feet in depth. The material excavated in the cut was shipped forward a distance of a mile or two to make an extensive fill. The workmen said that "they had never plowed and scraped through such remarkable bones." The scraper and plow cut through thigh bones, vertebrae, ribs, scapula, and skull, bringing them to the surface where they were much admired for their size and beauty, but for all that they were carried to the dump and forever destroyed. The plow and scraper went mercilessly and merrily on, until it had entirely destroyed the skeleton, the skull, and two to three feet of the great tusks. But the work of destruction was not to end there, for the workmen after that amused themselves

by reaching in at the side of the bank and pulling out handful of the friable bony matter of the tusk. This being incompletely fossilized, and having been subject to the action of frost and the force of growing rootlets, was shattered into innumerable small bits, so that the once hard ivory could now be picked away by the handful. Every scrap of tusk was entirely picked away as far in as the arm could reach. The work of destruction would have gone still farther if it had not involved some labor. The railroad men reported this specimen to a local doctor, who immediately decided to rescue the tusks for his private collection; accordingly he dug quite a ditch in such a way that it would cross about the middle of the left tusk. It may be explained here that the two tusks laid quite as they did in life. At this point he cut out as much as he could without broadening his ditch; finding it was simply so many fragments in his hands, it occurred to him that very likely the tusk was more solid at the tip. Accordingly he dug a second trench near the tip, and there destroyed nearly three feet more of this excellent specimen. Fortunately, while he dug away everything else, he did leave the hole where the tusk laid; accordingly it was not a very difficult matter to fill in these places with plaster of Paris, and so preserve with actual fidelity the shape, size, sweep, and length of the tusk. The holes in the bank where they had reached in and dragged out handful of the ivory had suffered very little from several months of the weathering; these were likewise filled with the plaster of Paris and then the work of excavation began. They were overlaid by about five or six feet of the loess, which is soft and extremely easy to dig with the spade or shovel. However, during the entire time of excavation a fierce gale of wind was blowing, which carried so much fine sand that it was with extreme difficulty that the work could be carried on. As soon as a surface was laid bare on the tusk the wind immediately carried away pieces of the ivory—which was arranged in concentric layers; accordingly it was necessary not to expose more than two to three square inches at a time and to promptly paste over this a layer of paper, then expose a few inches more and paste that with

paper. In this way both tusks were dug out and laid bare to the action of the sun and wind. This done, it was found necessary to paste cloth over the tusks and around them in all directions, so as to give it sufficient "body" to hold the fragile parts in place until it could be shipped. Both tusks were allowed to stand on stilts of the original clay in which they were imbedded, but these had to be replaced by wooden stilts, in order that all of the surface might be pasted with paper, cloth, and burlap. The next thing was to pull up large masses of stiff grass, which grew in a marshy spot near by. These tufts of grass were arranged longitudinally along the tusks and wrapped and tied very securely in place by means of binding twine. On top of all was bound a heavy layer of stout willow sprouts in order to give it additional stiffness and strength. However, in spite of all these precautions, it was found to be entirely impracticable to lift or move these tusks in any way. The only possible means of rescuing them was to build a large crate about them as they lay in position and to suspend each tusk by means of rope and twine. In this position, when sufficiently roped, it was an easy matter to pick up crates and specimens and carry them down the hill and deliver them at the nearest station, some nine or ten miles distant. The boxes when done were so large that it was found impossible to get them inside of an ordinary wagon and considerable embarrassment was experienced for a time. Finally, however, they were roped on top of the wagon, extending across it, and in this way were transported safely to their destination. The tusks were driven across a very rough prairie, part of it without roads or trails, a distance of nine or ten miles, then shipped by railroad from Gosper county to Lincoln, and delivered at the museum still swinging by cords and ropes and without breakage or injury. Then began the work of unpacking and preparing the specimen in some permanent way. The burlap, cloth, and paper were removed, a few inches at a time, and a mixture of paraffine, beeswax, and resin was melted and poured over the exposed part. This melted mixture sank into every crack and upon cooling hardened and united the parts completely. Finally, holes were bored

along the sides, about four inches apart and as deep as the center of the tusks. In these hot wax was poured. This strengthened the tusks to such an extent that they could be handled with safety preparatory to mounting them upon permanent bases of plaster of Paris, such as they now stand upon.



EXPLANATION OF FIGURE 1.

Two tusks of the mammoth or primitive elephant partly uncovered. Found in the loess of Gosper county, Nebraska, on the face of an extensive cut on the Burlington & Missouri River railroad. Length of tusk along the curve, 11 feet; diameter at base, 7 inches. From a photograph by Erwin H. Barbour, Morrill Geological Expedition, 1893.

THE BARITES OF NEBRASKA AND THE BAD LANDS.

ERWIN HINCKLEY BARBOUR.

During the past two years there have been several additions to the list of Nebraska minerals. Chief among them are the closely related minerals Barite and Celestite. Because of the larger collections and the better knowledge of the barites they will be made the subject of this paper.

Our barites occur in three rather distinct forms, the flat or tabular crystals of southeastern Nebraska; the superb prismatic crystals of the "Bad Lands," and the fibrous dike barite found in the Hat Creek basin of the Little Bad Lands in Sioux county. In southeastern Nebraska, in the Permian of Gage county, near Odell, Wymore, and Beatrice, barites are found quite abundantly in the clays. Because of their shape and frequent occurrence these beds have become known locally as the "Diamond Fields."

The barite group belongs crystallographically to the orthorhombic system, that is, the three axes are all at right angles, but are each of different length, accordingly the prism may be developed along different axes, making ever varying forms of crystals. The common form of crystal is flat and tabular, sometimes, however, they are long and needle like, at other times thick, strong prisms. The form found in Gage county is a flat, diamond-shaped crystal from one to three millimeters in thickness. The largest of these will scarcely measure more than ten to fifteen millimeters (three-eighths to one-half inch) in length. It is a common feature of these crystals to show alternating bands of white, brown, or yellow color, parallel to the edges of the crystal; also a dark cross imitating axes is often present. The yellow portion, according to Dana, is the less pure barite, being, in fact, a pretty nearly equal mixture of barium sulphate and calcium

carbonate. In addition to these it is not uncommon for barite to contain impurities in the way of silica, clay, and bituminous or carbonaceous substances. The more transparent crystals show phantom figures to perfection.

These are all the more interesting to the Nebraska mineralogist from the fact that they are undescribed for the state.

In the Bad Lands there are thin dikes running in all directions, over the hills. These are generally dikes of chalcedony, and stand but little above the bare clays of the region. In other cases there is a filling of calcite with selvagès of chalcedony. There are besides, occasionally dikes of sandstone a half meter thick, and even dikes of clay.

On the last expedition sent out by the State University,—the Morrill Geological Expedition of 1895,—the students found uncommon and altogether unexpected dikes of fibrous barite of a bluish color. The dike was scarcely more than fifteen to twenty millimeters (a half to three-quarters of an inch) thick, yet it could be traced for some distance across the Bad Land marls. The dike was vertical, the fibers at right angles to its plane. This is the first known occurrence of Barite in any form in this locality.

Further north in the Big Bad Lands a magnificent array of barites is found in the Fort Pierre shale. These are occasionally of striking size and of great superiority of color and crystallization. The prevailing type is a long, tapering, prismatic crystal of a fine amber color. There are occasional crystals found which are almost pure and transparent. Some are less distinctly crystallized and are arranged in conspicuously radiated bunches. The mode of occurrence is an interesting feature. Wherever the country is cut into hills by recent drainage lines, one can trace along the hillsides a band made conspicuous by its nodules or concretions. These vary in size from the diameter of the fist to those exceeding that of the outstretched arms. These are exposed along the Cheyenne river and its many tributaries. The concretions are of that peculiar type known as septaria. There is a well recognized tendency of matter in solution,—hence

free to arrange itself molecularly,—to become segregated, or aggregated together around a center, making more or less spherical masses. Thus it is that we find in the shales of the Fort Pierre Cretaceous great concretions of the same material, though rendered hard and dense. These clay balls when drying from the original plasticity, harden first on the surface. Naturally then, as the interior dried there would be all sorts of shrinkage cracks and irregular cavities left within. Here we

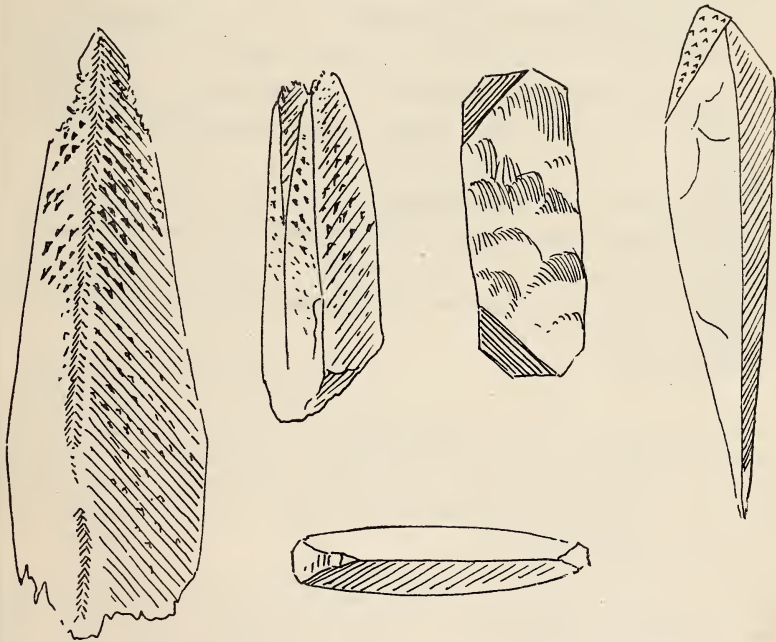


FIGURE 2.—A group of amber-colored barite crystals from the Bad Lands, showing etched and doubly terminated forms. The natural etching of these crystals is often rather remarkable. Doubly terminated crystals are rare. Natural size.

have formed a beautiful receptacle for the magnificent crystals which are to be formed within these drying mud-balls. Soon water with calcium carbonate in solution coats all the surfaces with a layer of impure and discolored calcite. Succeeding layers are of better color and crystallization. Generally the cavities are lined with small crystals of dog-tooth spar of an orange color; upon these rest clear, sharp crystals of nail-head calcite,

and also the fine tapering barite crystals. In breaking open these flinty clay balls it is a difficult matter to avoid jarring and breaking the slender crystals within. There are hundreds of these concretions in sight, although but few contain the barite, and the matter of collecting barites is reduced to faithfulness in opening numerous concretions. Sometimes these septaria are so hollow and bristling with crystals that the whole is very geode-like.

Out of many hundred crystals but few doubly terminated ones were secured. The crystals are often etched in a remarkably clean-cut and beautiful manner, the etchings all pointing in a given direction and with definite and unvarying relation to the axes.

It was the author's good fortune to have visited this region before it became known to collectors, and in this way he secured first choice of these beautiful crystals. A more technical study of our western Barites has been begun and will be ready for publication at another time.

December 18, 1896.

PLATE II, Figs. 1 to 6.—A group of barite crystals from the Bad Lands, sketched natural size. The radiated form shown in Fig. 5 is occasionally met. Fig. 6, the form of crystal found in the white and transparent barite of the region, which is rather rare. The others are of the amber-colored type. The superficial characters are apparent without descriptions.

PLATE III.—A group of barite crystals from the "Diamond Fields" of Gage county, Nebraska, magnified about three diameters. All viewed by reflected light.

PLATE IV.—A group of barite crystals from Gage county, Nebraska, magnified about three diameters. All viewed by transmitted light.

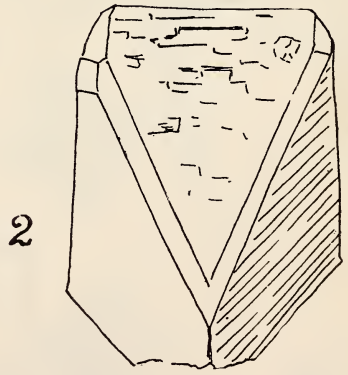
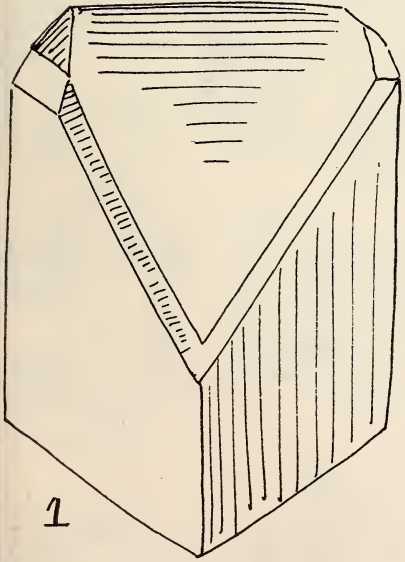
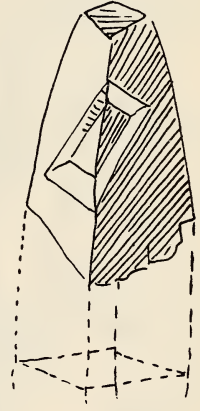
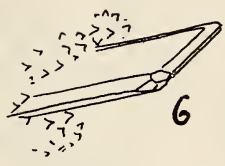
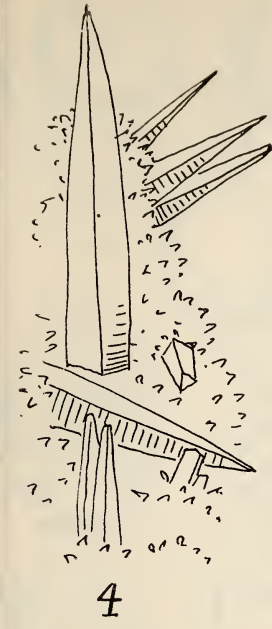


PLATE II.

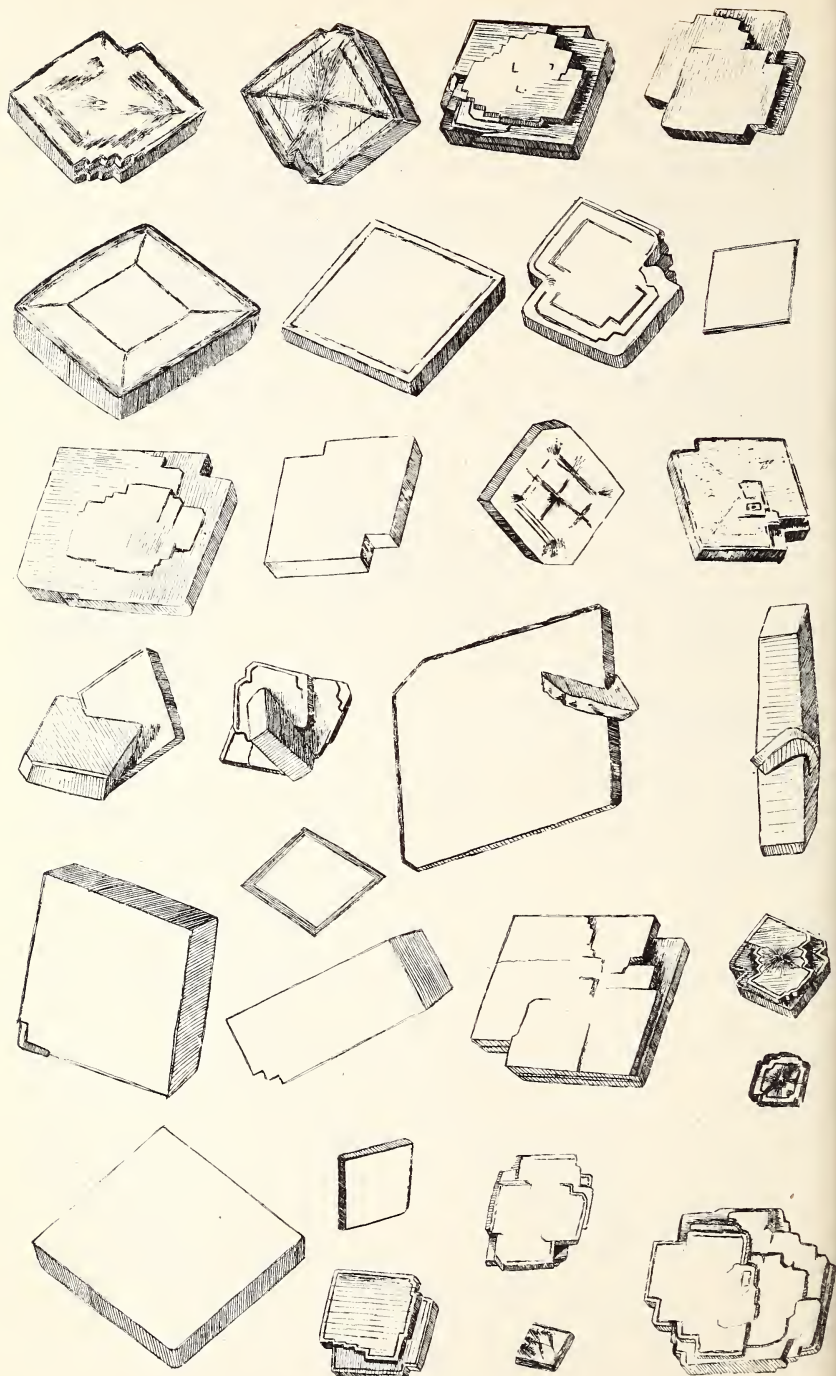


PLATE III.

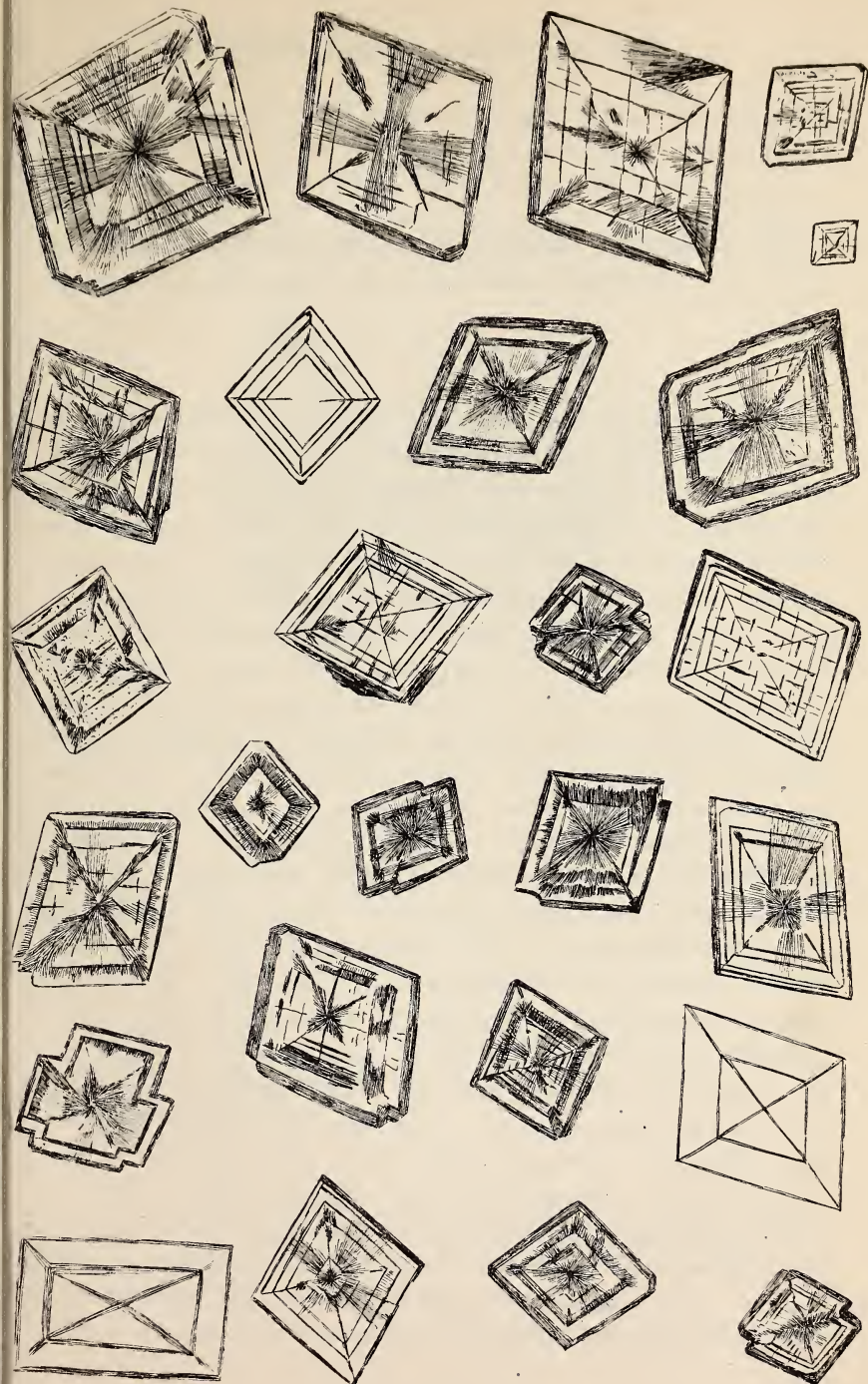


PLATE IV.

CHALCEDONY-LIME NUTS FROM THE BAD LANDS.

Archihicoria siourensis gen. et sp. nov.

ERWIN HINCKLEY BARBOUR.

During the summer of 1895, while in charge of the Morrill Geological Expedition, the author secured a number of the interesting chalcedony lime nuts found frequently in the miocene formation of the Bad Lands of the Hat Creek basin, Sioux county, Nebraska. These are closely related to the genus *Hicoria*. However, an examination of twenty-five to thirty specimens makes it apparent that they have characters sufficiently constant and distinct to constitute a new genus—*Archihicoria*. Although seen on former expeditions, this was the first time that specimens could be procured. Their color is light lavender, and their translucency and semi-transparency make them showy and attractive specimens. Besides, they are admirably preserved, and show half kernels, whole kernels, and even "double" parts. The last were veritable petrified philopenas. The kernels consist of lime and chalcedony so intimately related and associated together as to be indiscernible to the eye. However, by treating with hydrochloric acid the lime is dissolved, leaving a sponge of chalcedony preserving the shape of the kernel. It is probable that when these nuts were dropped in the water of the miocene lake, the kernel rotted away, but the shell, being tough and hard, would last for years under favorable conditions. Throughout the marls and clays of the Bad Lands there is a large amount of potash. This is dissolved by water, and then acts upon quartz, carrying it away in solution. This could find its way by infiltration into the interior of the nut. At the same time with this process the infiltration of water, carrying lime carbonate in solution, was going on, so that

doubtless the stone kernels consisting of pretty nearly equal parts of lime and silica, were deposited within the nuts. These kernels, of course, became hard and flinty in time and capable of resisting almost any amount of weathering. Not so the organic shell; this eventually would rot away, and so leave the filling, or kernel of chalcedony and lime. The author has already se-

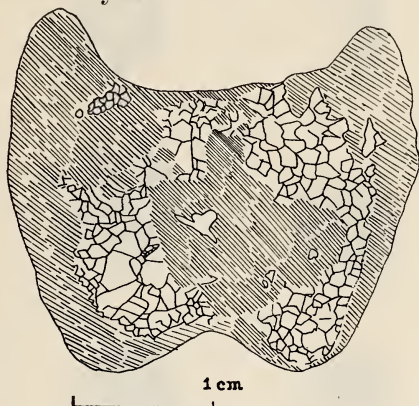


FIGURE 3.—A section of a chalcedony-lime nut, *Archihicoria siouxensis*, magnified three and one-half diameters, showing by the parallel lines chalcedony enclosing calcite.

cured six or eight of these; has examined some twenty-five or thirty in all; and has the promise of a large number besides. The finest specimens of this kind which he has yet seen showed each half of the kernel doubled and crumpled together, somewhat as one sometimes finds a double part in the modern hickory nut. Study will show that the so-called double part is a constant characteristic. Examination of section under the petrographic microscope shows beautifully the arrangement of the lime and chalcedony.

December 26, 1896.

PLATE V.—A group of chalcedony nuts, showing in the four vertical columns, four different aspects of each. Column 1 (to the left), front view of the embryo; 2, side view; 3, top view; 4, bottom view. Apparently the double part is the normal condition of all.

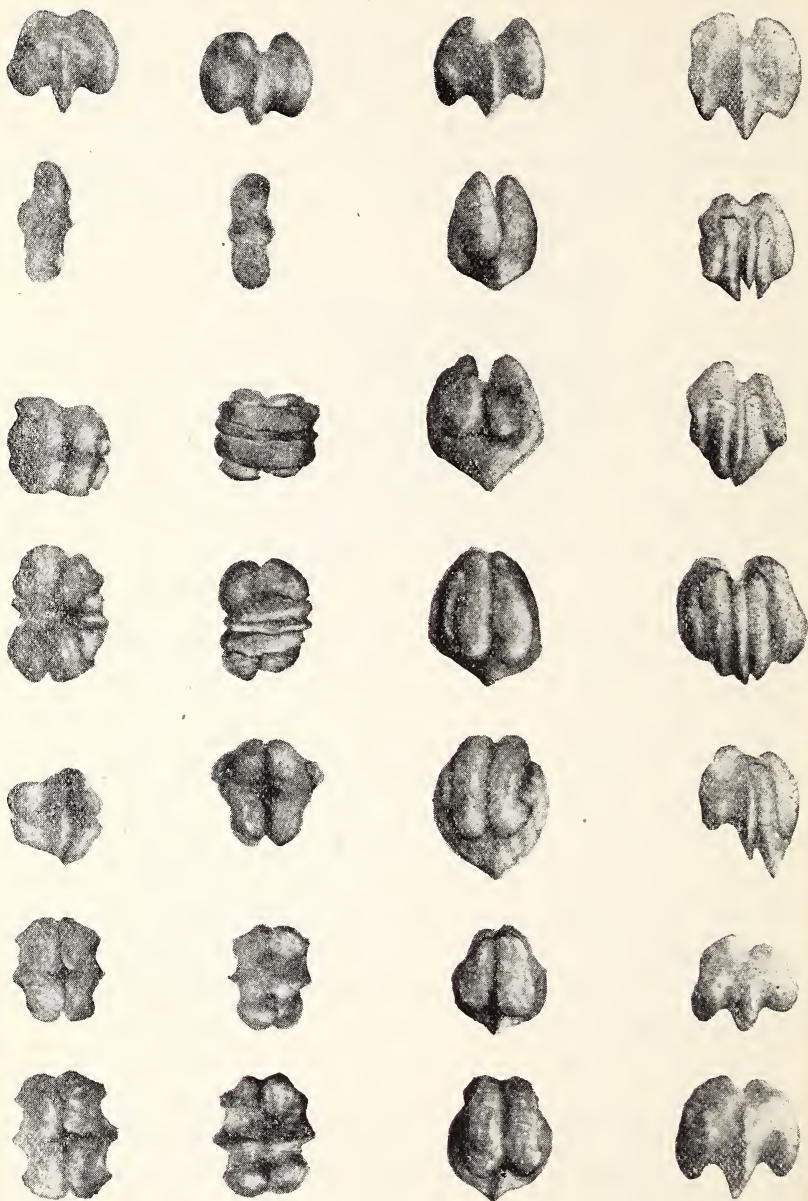


PLATE V.

DISCOVERY OF METEORIC IRON IN NEBRASKA.

ERWIN HINCKLEY BARBOUR.

During the author's residence in Nebraska for the past five years he has been on the alert for any specimens of meteoric origin in Nebraska. Until recently, however, he has entirely failed, although "genuine" meteorites have been repeatedly offered for sale at exorbitant prices. One large stone weighing about sixty pounds was offered at a price exceeding \$1,000, yet it was nothing more or less than a glacial boulder of Sioux quartzite. The compact and glassy texture of the quartzite boulders, coupled with their purplish color, have led many to attribute their origin to every cause but the correct one. These boulders are neither volcanic bombs, semi-fused and reddened by heat, nor are they meteorites. Though insisting that he ought in all justice to receive \$1,000, the owner of the drift boulder in a paroxysm of generosity offered to donate \$500 worth of his meteorite to the State Museum providing the State Museum raise the other \$500 and donate it to him. Not wishing to carry it with him he left it with the curator of the museum, and it is here still.

The commonest form of meteorite which has been brought to the department for determination is that found in burnt hay and straw stacks. It is very common for a sort of glass to be produced by such combustion and the appearance is not unlike what the inexperienced might take for a meteoric stone. Finding such in the ash of a burnt stack, and believing that meteorites are superheated, the popular inference is that the stack was fired by a shooting star and that the solid glassy substance is a real meteorite.

Another fruitful source of meteorites is the concretionary

layer in the Dakota Cretaceous. Our Cretaceous is so charged with iron that in many places it has the appearance of a clay semi-fused, or melted into nearly pure iron. Such, at least, is the popular impression of it. It is very common to find throughout this stratum nodules filled with colored sand; sometimes, however, they are solid and ring under the hammer and break like cast iron. These are a source of constant concern to many who think they have found a bed of meteorites. They are repeatedly brought to the department for determination.

At last, however, a genuine meteorite has been found in Nebraska. This is of the pure iron type known as the siderite and weighs exactly 835.2 grams. This was found in 1878 on the farm of Mr. Robt. M. Lytle, near York, Nebr., having been turned up by the plow.

It was found eight inches below the surface in virgin prairie soil and would naturally attract attention from the fact that as far as the author knows no glacial drift or boulders occur in this region. The ground is practically a fine black loamy soil without boulders or gravel. It also attracted Mr. Lytle's attention from the fact that, though small, it was extremely heavy, and on pounding it with a hammer he immediately discovered it was iron throughout, and at once suspected its extra-terrestrial origin. This was kept in the possession of Mr. Lytle until the past summer, when the author secured it while investigating wells in the region of York, in York County. Every indication showed that it was a pure iron meteorite, the dark oxidized surface, the conchoidal depressions, and the absence of angles and edges led plainly to its real identity. Its final determination was easy. After planing and burnishing one small portion of the meteorite, there appeared upon the burnished surface what may be called natural Widmanstätten figures.

There were two sets of lines, the one set dark, rather irregular, and very distinct, the other running at an angle of 80 degrees, fine, but quite visible to the eye. This alone was sufficient determination. However, upon etching the burnished surface with dilute nitric acid, very pronounced Widmanstätten figures were

brought out, exactly coinciding in direction and nearly in position with the lines which naturally occurred there, making it perfectly certain that the first lines noticed were plainly lines of crystallization visible without the intervention of artificial means. The bold lines represented a particular zone, which passed directly through the regularly formed Widmanstätten



FIG. 4.—Natural Widmanstätten figures brought out by burnishing.

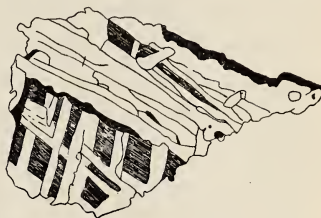


FIG. 5.—The same when etched. York county meteorite.

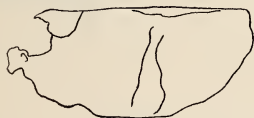


FIG. 6.—A burnished surface of a meteorite found in western Nebraska.



FIG. 7.—The same when etched.

region. In all of this zone the lines were completely parallel or nearly parallel to one another, and without any cross lines looking as though there had been some peculiar fault or re-arrangement of the parts at some previous time. Above this zone and below it the Widmanstätten figures were nearly of the ordinary type. See Figs. 4 and 5.

By the courtesy of Mr. George F. Kunz, the writer is able to publish the following analysis of the above meteorite:

Iron	87.96%
Nickel	7.38%
Cobalt	0.74%

In Huntington's catalogue of the recorded meteorites, brought down to 1887, there is reported from Fort Pierre, in Nebraska, a meteorite which fell in 1856, consisting of two fragments, weighing respectfully thirty-five and twenty-eight grams, which he

numbered in his catalogue 225. This is probably a mistake, for Fort Pierre is in South Dakota, which will leave the Lytle meteorite as the first recorded in the state.

While this notice was going to press a second meteorite, also turned up by the plow, was procured by the author from southwestern Nebraska. This, too, is a pure iron meteorite weighing 2,783.3 grams (6.13 pounds). When etched the Widmanstätten figures appeared but feebly, due possibly to some derangement consequent to the rough handling to which this excellent specimen has been subjected, it having been pounded and battered by a heavy hammer. See Figs. 6 and 7.

*The University of Nebraska,
December 26, 1896.*

PLATE VI. Four views of the York county, Nebr., meteorite.

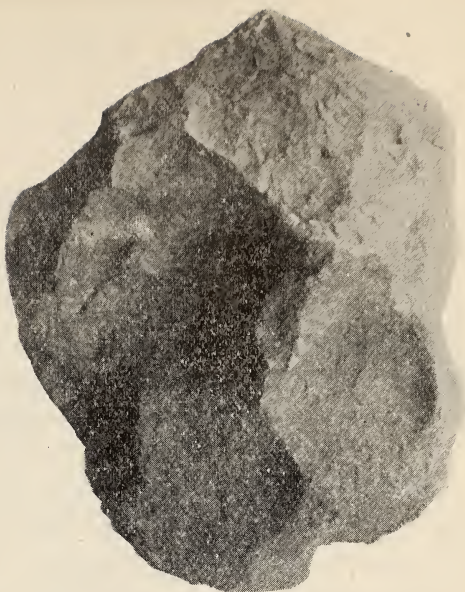


PLATE VI.

WHAT IS MATHEMATICS?

ELLERY W. DAVIS.

The definition, "Mathematics is the science of quantity," will not stand in the light of modern developments. For example:

Let t = teacher, p = pupil.

Then $t:p$ = the relation of teacher to pupil.
 = teacher of.

$t:t$ = colleague of.

$p:t$ = pupil of.

$p:p$ = playmate of.

We have the following multiplication table, where the relations at the left are

	$t:t$	$t:p$	$p:t$	$p:p$
$t:t$	$t:t$	$t:p$	0	0
$t:p$	0	0	$t:t$	$t:p$
$p:t$	$p:t$	$p:p$	0	0
$p:p$	0	0	$p:t$	$p:p$

supposed multiplied into those at the top. We read

$$t:p \times p:t = t:t,$$

teacher of pupil of is colleague of; while

$$p:t \times p:p = 0,$$

is pupil of pupil of does not exist. The rule of combination is that two relations give a new relation, that of antecedent of first to consequent of second, if consequent of first is antecedent of second; otherwise they give zero.

Using the same rule of multiplication consider the expressions, —never mind their meaning,—

$$l = a:a + b:b + c:c + d:d$$

$$i = a:b - b:a + c:d - d:c$$

$$j = c:a - a:c + b:d - d:b$$

$$k = a:d - d:a + b:c - c:b$$

it will be found that the multiplication table is

	1	i	j	k
1	1	i	j	k
i	i	-1	k	$-j$
j	j	$-k$	-1	i
k	k	j	$-i$	-1

precisely that of the quaternion units.

Is all this mathematics? Has the idea of quantity for a moment entered in? The example is from Charles Pierce's *Logic of Relatives*. He has among other algebras expressed all of the two hundred odd of his father's "Linear Associative Algebra" in this notation.

Take another example, this time from the theory of groups.

Let (lh) denote the operation that changes love to hate and hate to love, while (wp) similarly interchanges wealth and penury.

Then $(lh)^2 = 1$, *i. e.*, leaves all as it was.

Likewise $(wp)^2 = 1$.

While (lh) (wp) gives both transformations at once.

Call (lh), (wp), (lh) (wp),

a , b , and c respectively.

The multiplication table is

	1	a	b	c
1	1	a	b	c
a	a	1	c	b
b	b	c	1	a
c	c	b	a	1

The similarity to the quaternion table is manifest. In fact, the quaternion units are identity and three quarter-rotations, while here we could take for units identity and three half-rotations.

Any meanings whatsoever may be given to our symbols that are consistent with the purely formal laws of combination. It is not the subject-matter, but the character of the reasoning and the method of carrying it on, that makes the science *rather ab-*

tract. The reasoning is deductive, rather intricate, and generally carried on by an elaborate symbolism. Wherever this is so, whether in physics, chemistry, or biology, economics, logic, or philosophy, we recognize it as mathematics and we know that only the mathematical mind can successfully grapple with it.

I plead, then, that all who have, in any degree, mathematical power should, no matter what their chosen line of work, develop that power. At any time an occasion demanding the use of that power is liable to arise. I would that a large proportion of scientific men, especially, could have what Darwin has called their "sixth sense" developed. I would, too, that all mathematicians could take at least a master's course in some non-mathematical science. It seems to me that no one science can so well serve to co-ordinate and, as it were, bind together all of the sciences as that queen of them all, mathematics.

A FAMILY OF QUARTIC SURFACES.

ROBERT E. MORITZ.

The principal surface in this family was discovered during an attempt to construct the locus of a point so moving that the sum or difference of its distances from two intersecting straight lines is constant.

Setting up the equation of condition, using rectangular Cartesian co-ordinates, taking the line bisecting the angle between the directrices for the x -axis, a line perpendicular to their plane at their point of intersection for the z -axis, calling $2k$ the sum or difference of the distances of the running point to the directrices, and 2ϕ the angle between the directrices, we obtain, after proper reductions,

$$k^2 x^2 \sin^2 \phi - x^2 y^2 \sin^2 \phi \cos^2 \phi + k^2 y^2 \cos^2 \phi + k^2 z^2 = k^4.$$

If now we put $k^2 / \sin^2 \phi = a^2$, $k^2 / \cos^2 \phi = b^2$, and $\frac{\sin^2 \phi \cos^2 \phi}{k^2} = c^2$,

the equation assumes the symmetrical form

$$z^2 = c^2 [x^2 - a^2] [y^2 - b^2].$$

This quartic surface possesses the following remarkable features:

- (1.) Two of the parallel systems of sections of this surface are coaxial systems of conics.
- (2.) The sections parallel to the third co-ordinate plane are curves of the fourth degree, having in general four infinite branches, and, near the principal section, an oval besides. The principal section consists of two pairs of parallel lines.
- (3.) The locus of the asymptotes to either system of coaxial conics forms a companion surface which is also of the fourth order. These two companion surfaces intersect in two *plane* curves.

(4.) Each of the companion surfaces contains, among all the possible systems of parallel sections, one system of coaxal hyperbolas. The locus of the asymptotes of these hyperbolas form two hyperbolic paraboloids, intersecting each other in two straight lines.

(5.) These two hyperbolic paraboloids have each a pair of asymptotic surfaces, whose equation is

$$xy = 0$$

Features (1), (2), and (3) are represented in Plate VII.

If now we consider a^2 , b^2 , and c^2 as arbitrary constants, capable of assuming all values from $+\infty$ through 0 to $-\infty$ we get seven other surfaces, six of which are real, one imaginary, but all closely related to the principal surface. The remarkable relations existing between corresponding cross-sections of each pair of surfaces is brought out in the following exhibit of results. The following abbreviations are used: E. for ellipses, L. for lines, I. E. for imaginary ellipses, H. for hyperbolas, and C. H. for hyperbolas lying along the z -axis.

Surfaces.	yz-sections.			xz-sections.		
	$x^2 > a^2$	$x^2 = a^2$	$x^2 < a^2$	$y^2 > b^2$	$y^2 = b^2$	$y^2 < b^2$
$z^2 = c^2[x^2 - a^2][y^2 - b^2]$	H.	L.	E.	H.	L.	E.
$z^2 = -c^2[x^2 - a^2][y^2 - b^2]$	E.	L.	H.	E.	L.	H.
$z^2 = c^2[x^2 + a^2][y^2 - b^2]$	H.	H.	H.	C. H.	L.	I. E.
$z^2 = -c^2[x^2 + a^2][y^2 - b^2]$	E.	E.	E.	I. E.	L.	C. H.
$z^2 = c^2[x^2 - a^2][y^2 + b^2]$	C. H.	L.	I. E.	H.	H.	H.
$z^2 = -c^2[x^2 - a^2][y^2 + b^2]$	I. E.	L.	C. H.	E.	E.	E.
$z^2 = c^2[x^2 + a^2][y^2 + b^2]$	C. H.	C. H.	C. H.	C. H.	C. H.	C. H.
$z^2 = -c^2[x^2 + a^2][y^2 + b^2]$	I. E.	I. E.	I. E.	I. E.	I. E.	I. E.

The study of the form and curvatures of these surfaces leads to the following results:

(1.) Surfaces I, II, VII, and VIII have regions of both elliptic

and hyperbolic curvature and these regions are separated by lines of parabolic curvature.

(2.) Surfaces III and V have hyperbolic curvature only.

(3.) Surfaces IV and VI have elliptic curvature only.

The paper, of which this is an abstract, is accompanied by ten figures and eight plates, representing the several surfaces in parallel perspective. The paper will be published in full elsewhere.

*Hastings College, Hastings, Nebr.,
February, 1897.*

A FORM OF WEIR NOTCH.

OSCAR VAN PELT STOUT.

(Printed in full in the Transactions of the Nebraska Engineering Society, Vol. I, No. 1, pp. 13-16.)

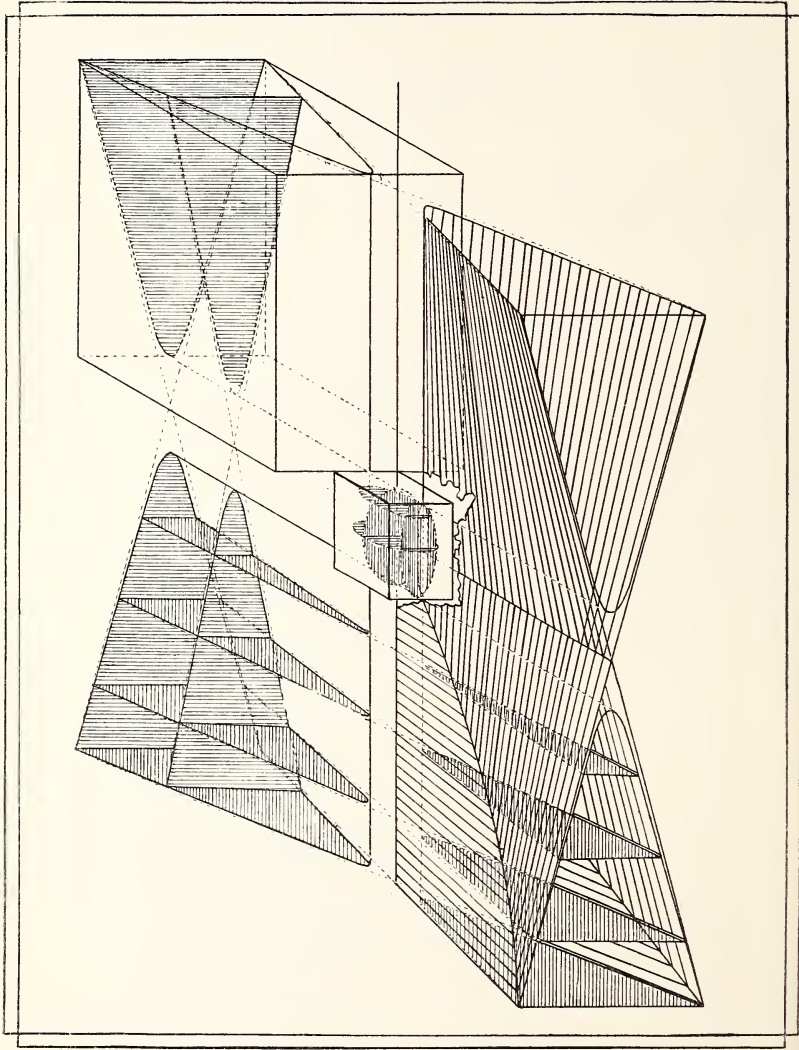


PLATE VII.

NOTES ON PHYLLOPOD CRUSTACEA.

H. ANDERSON LAFLER AND A. S. PEARSE.

It is greatly to be regretted that so interesting a sub-order as the Phyllopoda, a group characteristic of the plains region, one thus being peculiar to it, has been so completely neglected by our western naturalists. These creatures possess very singular means of adaptation to changed environment and the greatest vitality of species, although weak and delicate as individuals. Their method of reproduction is so bizarre as to excite the greatest interest in the student. Their broad, leaf-like feet are the characteristics from which the sub-order derives its name, Phyllopoda. The carapace of the higher genera consists of a broad, thin plate, which covers the anterior portion of the body. In the lower forms it is bent downward, forming two valves similar in appearance to those of some small mollusks. These enclose the entire body.

Our Phyllopods are found in puddles such as are left after rains, in buffalo wallows, in slight hollows made by excavations for railway embankments, in draws which dry up during the summer months, and in places of similar nature. The eggs, after being carried for a time in the egg sacs, are allowed to drop to the bottom of the puddles. The water evaporates during the summer and leaves the eggs in the dry mud exposed to the heat of summer and the cold of winter until the hollows fill again and conditions are favorable to their development. The eggs then hatch out and the cycle of life is again begun.

Apus lucasanus.

At De Witt, Nebr., where most of our specimens were taken, *Apus lucasanus* was one of the most common species. It was first

observed on June 16, 1895, occurring abundantly in pools by the side of railway tracks. It was also abundant in a draw about one mile north of that place. Some specimens were secured and placed in a large jar, but they lived only a few hours. One or two of the more vigorous individuals were observed sucking the blood of their weaker companions. The bodies of the latter were pale and almost devoid of blood, while those of the former were gorged and of a dark red color. The same thing was noted at a later date of two specimens in a pool. This fact is of peculiar interest, as Dr. Merrill, of the Smithsonian Institute, writes us that he finds no mention of such "cannibalistic" tendencies in this species. They decreased steadily in numbers until the 27th of June, when they disappeared. In the latter part of September, however, two specimens believed to be of this species were taken, but we found no others, although the pool was carefully dredged. In May of the present year (1896), the pools being again filled, *Apus lucasanus* was taken again in the same places. Some specimens not yet identified, but probably of this species, were secured near Hudson, Colo., in the latter part of August. Three specimens of a species of *Apus* somewhat larger than *lucasanus* have also been taken, one of them in September, 1895, and the other two in June, 1896.

Estheria morsei.

In September, 1895, we found this species in several pools which were scattered for some distance along the draw mentioned above. So numerous were they that every cow track along the edges of the pools yielded eight or ten specimens. Two pairs were found in copulation. Specimens apparently of this species were taken on May 23 of this year in the same draw. These were probably young forms, for at a subsequent visit they were found to have increased in size. These specimens taken this year were of a bright red color, but faded badly when placed in alcohol. If individuals of this species are touched when swimming they immediately close their shells and drop to the bottom.

Eulimnadia texana.

In June, 1895, when *Apus* was first observed, some of this species were also seen, but none taken. Upon a subsequent visit they were found to have disappeared. In 1896 they occurred literally by millions in the pool north of De Witt, and quite a number were taken. Subsequently they were found in various grassy pools some distance north, but not a single one was taken in the draw previously mentioned. Egg sacs were observed in this and the above named species.

Branchinecta lindahli.

One species of *Branchinecta* was also taken. These have no carapace and are quite different in appearance from the preceding. Out of the hundreds of *Apus* and large numbers of *Eulimnadia* and *Estheria* only five or six individuals of this variety were found, although diligently searched for. These were, in life, of a pale green color with carmine gonopoda, but fade quickly when placed in preservative.

None of the species of Phyllopoda which occur in the west have been exhaustively studied, and those belonging to the *Eulimnadia* it is difficult to get identified with certainty. There is an opportunity, therefore, to find out many things about these short-lived and interesting creatures and discover facts pertaining to their life history, still obscure, which would be of great scientific interest.

The writers will be pleased to receive any information concerning the occurrence of Phyllopoda in other parts of the state.

CONTINUED BIOLOGICAL OBSERVATIONS.

HENRY BALDWIN WARD.

The wonderful advance given to scientific investigation by the work of the first naturalist who brought system and order into animal study was so great that students were long turned in the same direction and many of them were content to go no further. To most of them the mere discovery of some new animal was a matter of great importance, while its life, habits, and environment received little or no attention. The organism required simply a label before it should be laid away on the shelf of some museum as known. Nor was the mere study of anatomical detail much advance upon this standpoint. The information gained was isolated and unconnected with other facts that had been observed, and in the amassing of detail unity was lost sight of.

Within the last few decades, however, there has been growing a desire to do more than to merely label a specimen or describe the details of its structure from some alcoholic material. It has come to have importance as a living thing, standing in close relations to other living things, influencing them and influenced by them; in other words, as a part of a whole which of itself must be studied.

There are two ways in which the student may attack the problem of biological relations just suggested. He may investigate the sum of all the relations which pertain to a specific animal or those which are connected with a specific location with its sum of living things. The first problem is usually beyond the possibilities of the observer who does not possess considerable means for traveling or collecting through the medium of others, and the second, so far as it concerns a larger area, requires equally extensive collecting and an amount of literature which is not accessi-

ble to the majority of students. It is my desire here to call attention to a type of biological study which can be carried on in any locality and by any student with some hopes of being able to attain valuable results.

Some years ago Forbes called attention to the fact that within a small lake we have a microcosm, a world dependent upon itself. Within this area is produced the entire amount of the food which is consumed by the animal life that inhabits the lake. The changes that take place are constant and yet constitute but a narrow circle. No area of land could be found of at all the same size, which would present equal possibilities for life, and at the same time so closely circumscribed that the problem would be confined to the area itself.

The distribution of life within larger bodies of water has been the object of study to numerous investigators in the Old World, and in this country has been successfully prosecuted by Birge and Marsh in Wisconsin, Reighard in Michigan, Forbes in Illinois, and many others. Thanks to their researches we have learned much concerning the distribution of aquatic life from year to year, and from place to place. Into this subject, however, it is not my purpose to go in detail. The information already gained will be of great value in attacking another aspect of the question. In the smaller areas of land and water the conditions are less variable and the problem in so far simpler. From the study of these limited environments, we must hope to attain to a better understanding of the biological laws which govern the change of material from the inorganic to the organic through its long series of steps. Every observer can find within easy reach a small pond which will serve as the object of his study. To it he must devote his undivided attention, and if he would succeed it must be mastered. The mere examination of the life it contains at the single time affords little information of value; hardly more useful are sporadic observations. The student must collect systematically and regularly throughout the entire year, keeping such record of conditions that he may be able to compare time with time. These collections must also be brought together in

such a way that they represent accurately the amount of life contained in a given amount of water under the observed conditions. From these data the student may determine the total quantity of living matter in the water at that time, and the relative amount of each different species. As the observations are extended he will be able to trace the rise and fall of a particular species, noting its first appearance and tracing it to its final disappearance. As thus gradually he records the history of the life in this microcosm it is evident that, continued long enough and carefully enough, he is recording the conditions which modify, which control the life itself.

Evidently, then, from what has been said, such studies have need of special apparatus, which must be at once permanent, portable, and precise. Hitherto in collecting material the investigator has made use of nets drawn vertically, horizontally, or obliquely through the water. They are, however, far from fulfilling any of the conditions satisfactorily, which have been set by investigators for such work. It was some years ago that in connection with more extended biological investigations on the Great Lakes the idea of a pump as a means of obtaining, from a specific point, an accurate quantity of water together with the life it contained, was first suggested to my mind and discussed with others. Since then the same idea has been carried into execution by others and the results obtained have been satisfactory. But of the apparatus thus far devised, it may be fairly said that its excessive weight and considerable cost renders it rather inaccessible to the ordinary investigator.

In view of this fact, when suggesting to one of my more advanced students a topic along this line for investigation, I outlined to him a plan for a smaller pump which would be at once inexpensive and easily portable and which I hoped would give results satisfactory in precision as well. The plan which was submitted to him was carried out with some modification of detail and has proved its value in actual work, as he will explain to you in the next paper.

A NEW PLANKTON PUMP.

CHAS. FORDYCE.

No field of research is more inviting to the student of science than the one offered by the waters teeming with minute animal and plant life. Work in this interesting line of investigation has progressed slowly because of a want of adequate collecting apparatus, which, until quite recently, has been limited to two simple types, the net working vertically through the water and the one working horizontally or obliquely, both of which present serious disadvantages, prominent among which is the liability to damage and loss. These nets are of necessity made of very delicate fabric and must be operated in water where there are many obstacles to tear and destroy them. The finer qualities of bolting cloth, of which the better nets are made, cost from \$6 to \$8 per yard. To spend this amount for material, a day or two in constructing the net, and then in the first haul to catch a huge snag that destroys the net is neither a delightful nor an uncommon experience.

Secondly, it is impossible to determine with any degree of accuracy the volume of organisms actually present in a given quantity of water. This difficulty arises from two causes: First, the manipulation of the net is attended with such disturbance as frightens away many of the organisms; secondly, it is impossible with the net to measure the water filtered. It is evident that if we wish to ascertain the number of crustacea, for instance, that exist in a cubic foot of a certain water, we must first be able to get a cubic foot of the water; with the net we cannot do this, for even though we know the area of the net opening it is so constructed and operated as to push aside some of the water, so that the net does not filter the entire column of water through which

it passes. Thirdly, the plankton is unequally distributed in the various vertical zones or strata of the water; for instance, certain groups are characteristic of the surface stratum, others of the bottom stratum, and still others of the various intermediate strata. The determination of the various groups characteristic of these different strata constitutes one of the most important features of the collector's efforts. It is evident that with the net we cannot collect the plankton of one stratum without mixing it with others. Fourth, ice precludes the use of the net during the winter months, which, in fact, represent the best season for plankton work.

These, together with other difficulties, have led students to seek other means of collecting. Among other forms of apparatus in recent use is the plankton pump, a machine very similar to the force pump. While the pumping method cannot be said to eliminate all the disadvantages mentioned, yet we may say that it reduces these difficulties to a minimum. The writer determined last fall to attempt the construction of a light plankton pump that might be carried about and operated by one person; a simple plan of construction was suggested by Dr. H. B. Ward. This plan, with some modifications, finds embodiment in the pump as it now stands.*

The instrument is practically a force-pump, whose form and mode of operation are indicated in the accompanying plates. The cylinder of the pump is $11 \times 3\frac{1}{2}$ inches and has a capacity of $347\frac{1}{2}$ cubic inches per stroke. The stroke of the piston is definite in length and is regulated by a lock-nut as shown in the plate. The valves used are finely ground check-valves, to which, it is believed, the accuracy of the working of the apparatus is largely due. The pump is connected with the water by a hose $1\frac{1}{2}$ inches in diameter, whose lower end is adjusted to the various vertical zones of water by means of attachment to a floating block.

The net was constructed primarily for collecting crustacea. It consists of a tin cylinder (*g*, Fig. 9) 6×6 inches, to which is

*The writer is greatly indebted to Prof. C. D. Rose for valuable hints in the construction of the apparatus.

soldered a truncated cone; to the lower end of the conical part is attached the filtering apparatus (*h*), which is a cylinder $4 \times 1\frac{1}{2}$ inches, made of fine wire gauze containing eighty-three meshes to the linear inch. The upper portion of the tin cylinder has fitted to it a detachable rim, by means of which a net cover may be attached to the apparatus for the purpose of preventing

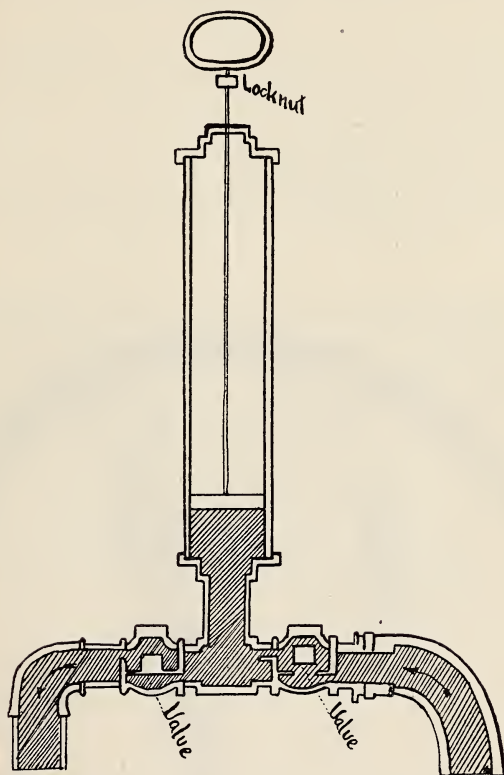
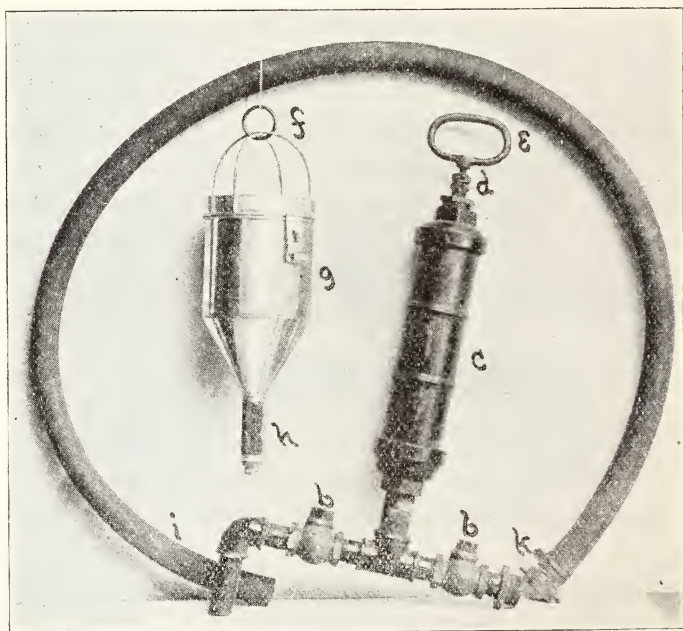


FIGURE 8.—Sectional view of the pump, showing direction of the current as the piston rises.

the entrance of objectionable matter. To the rim mentioned are attached the supports (*f*) as shown in the figure. The filtering apparatus is so constructed that a net of bolting cloth may be attached outside of the gauze filter, thus adapting the instrument (which may be used separately) for the various work

of the ordinary net. Most gratifying results have attended the use of this pumping apparatus during the last few weeks. It is possible with it to measure with almost absolute accuracy the amount of water filtered. The average amount of water thrown at each stroke is $347\frac{1}{2}$ cubic inches. Careful tests show that the greatest variation above this average is 1.9%, and below only 1.3%, thus making the extremes between the least and the greatest amount thrown but 3.2%. The collecting can be carried on without any disturbance to the water, and the water can be drawn from any stratum, thus enabling one to get the vertical distribution of the plankton.

Material has been collected from the midst of debris and also during the winter months when the water was covered by a thick coat of ice.



EXPLANATION OF FIGURE 9.

c, Cylinder of pump; *e*, handle of piston rod; *d*, lock-nut; *b*, check valves; *k*, attachment of hose; *i*, distal end of hose; *g*, cylinder of net; *h*, filtering apparatus; *f*, support.

THE PARASITES OF NEBRASKA DOGS AND CATS.

HENRY BALDWIN WARD.

From a biological standpoint parasites constitute a group of great importance. The forms included under the term are members of widely separated families which have acquired similar habits and by virtue of like conditions in their environment have manifested convergent variation, departing at times so widely from the primitive type that their relationship was long misunderstood and in numerous instances is even yet a matter of doubt.

These forms are, however, of no less economic importance since they are responsible for some of the serious ailments which fall upon man and his closest allies, the domesticated animals. From both standpoints, then, the group of parasites deserves the closest study, and yet, despite its importance, but little has been accurately determined concerning the distribution and frequency of these forms in our own country.

The intimate relations in which the domestic animals stand to man have always made the transfer of parasites from one to the other a matter of much greater probability than exists between man and other forms of animal life. It is but natural that the most common species of human tapeworm come to man from his two chief sources of animal food, beef and pork. The chances of *accidental* infection, however, are evidently much greater in the case of those forms that are intimately associated with man, and hence clearly greatest in those which he holds as household pets,—the dog and the cat. It is also evident that the chances of parasitic infection are greatest in the case of those peoples or individuals who live on terms of closest intimacy with these domesticated forms. Thus, the Icelander, who is known to permit his dog to occupy, not only the same room, but even the same

bed with himself, is most seriously troubled with the parasites common to dogs and man, and the infant or child is more likely to be infected than persons of maturer years. It becomes, then, a matter of great importance to determine in any region or community what is the average percentage of these animals infected with parasites, since, as will be evident later, the percentage of infection varies widely in different regions. It is, however, by no means a matter of indifference what parasites occur in the dogs or cats of a specific locality, for certain of the species are entirely foreign to the human race, not being known to be at home in man at any stage of his existence, and certain species are comparatively harmless, even when present, while certain others are the causes of grave disorders, among them the most serious parasitic disease which is known. In a paper on the prevalence of Entozoa in the dog, and their relation to public health, published in 1867 by Dr. Cobbold, of London, perhaps the most eminent helminthologist that England has ever produced, the author emphasizes again and again the importance of helminthological studies on this animal, and the necessity of extended knowledge concerning the number and kinds of its parasites. It seems, then, of importance to ascertain for Lincoln the extent to which its canine population is infected as well as the species of parasites which occur in dogs here. The cat, although not so closely associated with man and not furnishing him with so many species of parasites, has also been included within the limits of this investigation. During the last three years a large number of animals of both species have been carefully examined for parasites and the results of the examination recorded. For kindly assistance in this work I am indebted to a considerable number of students, who have been connected with the University during this time. The final examination and determination of the parasites, as well as the tabulation and discussion of the same, are the results of my own study. Many other animals of these species have been examined in part, or, owing to circumstances, with less care; they have not been considered in the tabular results given, although no facts have been observed which do not bear out the conclu-

sions reached. All of the animals included in the statistical results came from the city of Lincoln, although it is evidently impossible to say that all of them had long been residents of this place. Among the animals which were examined were representatives of all the varied conditions of life under which these forms are found, from the half-wild strays of city streets and alleys to the pets accustomed to the luxury of a home. I shall consider first the results from the study of the dog, and later those which bear on the parasites of the cat. Table A indicates the degree of infection of the dogs examined, and table B the kind of parasites,

TABLE A.

	Total number examined.	Free from parasites.	With one kind of parasite.	With two kinds of parasites.	With three kinds of parasites.	Slightly infected.	Badly infected.
Actual number	20	5	3	8	4	4	4
Percentage		25	15	40	20	20	20

TABLE B.

DOGS INFECTED WITH SPECIES AT RIGHT.	Taenia marginata.	Taenia serrata.	Taenia serialis.	Dipylidium caninum.	Ascaris mystax.	Uncinaria triconocephala.	Echinorhynchus sp.?
Actual number.	1	9	1	13	4	2	1
Percentage infected. . .	5	45	5	65	20	10	5
Slightly infected . . .	5	20	5	25	20	10	5
Badly infected.		15		15			
Infected with.							
Small number of parasites (1-9) . .	1	4	1	3	4	2	1
With medium number (10-25)		4		2			
With large number (25-100)				5			
With very large number (100-500)		1		3			
Average number of parasites in each animal infected with the species	1	12	1	100	5	4	1

together with the frequency of each. For comparison with this I have records of only two dogs from any other part of the state. These were examined at Table Rock by one of my students. One individual contained a dozen specimens of *Taenia serrata*, and the other harbored one hundred fifty-two of the same species, but no other parasites were found in either. To compare the results of similar examinations that have been made in other parts of the world I have compiled a table, given by Deffke, with the addition of recent investigations made in Washington, D. C., and in Lincoln.

EXAMINER AND LOCALITY.	<i>Hemistoma alatum</i> .	<i>Taenia serrata</i> .	<i>Taenia marginata</i> .	<i>Taenia coenurus</i> .	<i>Taenia serialis</i> .	<i>Taenia echinococcus</i> .	<i>Dipylidium caninum</i> .	<i>Bothriocephalus latus</i> .	<i>Bothriocephalus fuscus</i> .	<i>Cysticercus cellulosae</i> .	<i>Echinococcus polymorphus</i> .	<i>Mesocostoides lineatus</i> .	<i>Ascaris mystax</i> .	<i>Uncinaria trigonoccephala</i> .	<i>Spiroptera sanguinolenta</i> .	<i>Eustrongylus gigas</i> .	<i>Trichocephalus depressusculus</i> .	<i>Echinorhynchus</i> sp.	<i>Pentastoma taenioides</i> .	Fly larvae.	No. of animals examined.	Percentage infected.
Krabbe, Copenhagen.....		17.3	2.16		1.08	47.03							20.54	1.62								65.
Krabbe, Denmark.....	0.2	14.	1.		0.40	48.	0.2						24.	2.							500	72
Krabbe, Iceland.....		75.	18.		28.	57.		5.					21.	2.							100	100.
Thomas, Victoria.....		40.			40.	60.							27.									90.
Thomas, South Australia.....		27.			40.	60.							27.									80.
Schoene, Leipzig or Saxony.....	1.	15.	27.	1.		25.				1.	1.		24.	1.						5.	100	63.
Deffke, Berlin, Germany.....		.5	7.	0.5		1.	40.	0.5					18.5	4.5	2.	1.			6.5	2.	200	62.
Sommer, Washington, D. C.....		12.	2.			44.							28.	56.	2.	2.	70.				50	96.
Ward, Lincoln, Neb.....		45.	5.		5.	65.							20.	10.							20	75.

It is interesting to examine critically the results shown by the table; among the parasites the following groups are represented: Trematodes by one species in adult condition.

Cestodes by nine species in adult condition, and also two species in larval condition.

Nematodes by five species in adult condition.

Acanthocephala by one species in adult condition.

Linguatulida by one species in adult condition.

Insecta by one species in larval condition.

We may dismiss at once the first and last three groups, since the occurrence of the parasite is occasional at most and not productive of serious results to its host and since, furthermore, the species are not transmitted to man or to any important domesticated animal so as to occasion disease or death. The larval Cestodes may also be set aside for similar reasons; their presence in the dog is certainly accidental.

Among the Nematodes, however, are forms of considerable importance. *Ascaris mystax*, the most abundant and most widely distributed species, occurring in about one-quarter of all the dogs examined, is the common "stomach worm" of dogs and cats. It occurs rarely also in man, where its accidental introduction is undoubtedly due to the presence of infected dogs or cats in the house. *Uncinaria trionocephala* is neither so widely distributed nor so abundant as the foregoing species. When present in large numbers it is the cause of a serious disease among hunting dogs, but cannot be transmitted to man. The other nematode parasites listed are of minor importance.

Both in number of species and of individuals the Cestodes far outweigh all other canine parasites. They include also the dangerous forms, and hence deserve particular attention in the present discussion. Of the nine species of adult tapeworm listed as found in the dog it may be said that *Taenia serrata* does not occur either as adult or as larva (*Cystercercus*) in the human system. *Taenia marginata* has been said to occur in man in its larval condition (*Cysticercus tenuicollis*), but the weight of the authority seems to disprove this statement and to demonstrate that these are cases of incorrect determination of the species of parasite found. *Taenia coenurus* is also foreign to man; it is, however, of great hygienic importance, since it is the cause of the so-called "gid" of sheep, a disease which in some parts of the world entails a serious loss to sheep raisers. It will be noticed that the species is not known to exist in America as yet. *Taenia serialis* is a rare form at most; it has been met in Europe and in Washington,

though not included in the lists tabulated. It is not known to be of pathological importance. *Dipylidium caninum* is found in man rarely, and usually only in children of immature years, among whom it seems to be not very uncommon. The intermediate host is the dog-flea and the infection comes through the accidental swallowing of some of these parasites, which have come from a pet dog of the house. This, of itself, is sufficient reason for training children to avoid fondling household pets, at least in such an intimate way as is frequently seen.

There remains to be considered, then, merely the single species *Taenia echinococcus*. The adult form, which lives in the intestine of the dog, is an insignificant tapeworm, consisting of only three or four segments and having a total length of not more than 5 mm. Its larval form, however, the hydatid, known as the *Echinococcus*, which in its various forms has received something like a dozen different specific names, is the most insidious and dangerous parasite which inhabits the human system. It will easily be seen how serious an evil the presence of the adult in the dog must be regarded, since the eggs thus set free from the canine intestine would be scattered here and there with the dust of the dwelling or its immediate surroundings, and would thus easily by chance reach in the intestine of a human host and there be hatched out; the larva would pass to some point in the abdominal cavity, there to attain gradually its enormous development with probable fatal results to the host. It is certainly fortunate that this form is so rare in America as not to have been found in the course of the systematic investigations quoted here. It does, however, occur, since the adult has been found in Washington on at least one occasion. Sumner has also listed 100 cases of the occurrence of the Echinococcus disease, which are recounted in the various medical publications of the country for the last fifty years.

Having thus considered the characteristics of each species of the more important dog parasites, let us review a few facts with reference to the frequency of these forms in our own country. It will be noticed that Iceland and Australia are the only locali-

ties for which investigations have been made, that show a larger percentage of dogs infected than was found in Lincoln, while the number infected in Denmark, Prussia, and Saxony is decidedly less. A closer study of the table also shows, however, that the high percentage of dogs infected in Lincoln is due to the extraordinarily large number of hosts that harbored *Taenia serrata* and *Dipylidium caninum*. With reference to the first of these, Lincoln dogs were three times as frequently infected as those from any other part of the world and very many times more than those from most regions listed. With reference to *Dipylidium* it will also be noticed that it is present in a somewhat larger per cent. than is found anywhere in the world, and in a decidedly greater percentage of dogs than is shown for almost all places. So far as the other species of parasites are concerned, there is, in the first place, at least as small a percentage as in others, and the species which have already been designated as peculiarly dangerous to the health of man, or of some of the domestic animals are entirely lacking, so far as the limits of the investigation go. In other words, though the total percentage of dogs infected is larger than has been found in most places, yet the most dangerous parasites seem to be entirely lacking, and the excessive total percentage is due to an unusual number of two species in particular, which are not to be regarded as dangerous parasites. So far as the Washington dogs are concerned, the total percentage is again very much greater than in most places. This is due, not to the presence of the more dangerous forms, but to large numbers of forms which, in themselves, are comparatively harmless. Regarding only the more recent, and presumably more careful examinations, those listed in the last four lines of the table, it may be said that the number of kinds of the parasites found in the various parts of this country is only about two-thirds as great as the number of varieties reported from Germany. If it be asked, then, what are the causes which give us, on the one hand, a large percentage of harmless parasites, and on the other, excessive rarity or entire lack of the more dangerous forms, I believe that some part of the answer

at least may be given at once. The recent settlement of this part of the country, and the uncontaminated condition of fields and pasture lands is undoubtedly a reason for the existence of a less number of parasites than are found in the longer settled portions of the world. But in addition to this, and—I am inclined to think—of even more importance, is the general prevalence, in this western country at least, of the large slaughter-houses.

According to the primitive method of slaughtering which was in general vogue throughout the country a few years ago, and which is still practiced in many of the more conservative portions of the country, animals were slaughtered on the farm, or in some temporary slaughtering house, and the remains were thrown to dogs or hogs as the easiest way of getting rid of them. In this way the larval forms reached their final host and the number of parasites was unquestionably augmented.

Under present conditions the various parts of the animal are utilized to such an extent that, as the packers say, "The only part of the hog which goes to waste is the squeal." By this means all of the larval stages, particularly of the tapeworms, which are present as bladder-worms in the omentum or in the connective tissue of various parts, are destroyed and never reach their ultimate host.

Thus it is that *T. marginata*, *T. coenurus*, and *T. echinococcus* are so rare here as to be almost lacking. It is evident also that with the more perfect methods of slaughtering and more complete utilization of the fragments, the number of stages of larval tapeworms which reach the final host will be still further diminished, and the danger from such parasites proportionately removed. In Berlin, Germany, it has been shown by Deffke that a reduction in the number of canine parasites has taken place since the introduction of compulsory meat examination, and the destruction of infected portions of all animals slaughtered.

A further support to this opinion seems to be found in the abundance of *Taenia serrata* in dogs obtained in Lincoln. The larva of this parasite is a bladder-worm (*Cysticercus pisiformis*) found abundantly in the rabbit; the latter is not only extremely

common in this region, and frequently hunted by dogs as a matter of mere sport, but also if used as human food, dressed at home or in smaller butcher shops, where the refuse easily falls in the way of dogs of all kinds. Thus not only the natural hunting proclivity of the dog, but the element of chance as well, favors the increase of this particular species of parasite.

It may, then, be properly affirmed that although the dogs in this country are apparently more seriously affected with parasites than their relatives of modern Europe, they are yet not such a menace to public health, since the parasitic species peculiarly dangerous to the human family at least are either wanting or extremely rare. This, however, does not mean that intimate association with the dog tribe is more worthy of encouragement here. If for no other reason than the extreme abundance of *Dipylidium caninum* it would be best to limit the association of dogs and children, since this form is a comparatively frequent parasite of man in his earlier years.

The records which have been kept of parasites of cats, including those that have been subject to a complete examination during the past three years, are also given in the two following tables (C, D). As compared with the dogs it will be seen in the first place that fewer cats are free from infection, and in the second, that a smaller number of species of parasites has been taken from the cat than from the dogs of this region. Again, the total number of parasites present in any one individual falls far short of that found in some of the dogs. Thus the largest total number of parasites taken from any cat was less than sixty, whereas

TABLE C.

CATS EXAMINED.	Total.	Free from parasites.	With one species.	With two species.	With three species.	With four species.	Slightly infected.	Badly infected.
Actual number.....	20	1	12	3	1	3	13	3
Percentage.....	100	5	60	15	5	15	65	15

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