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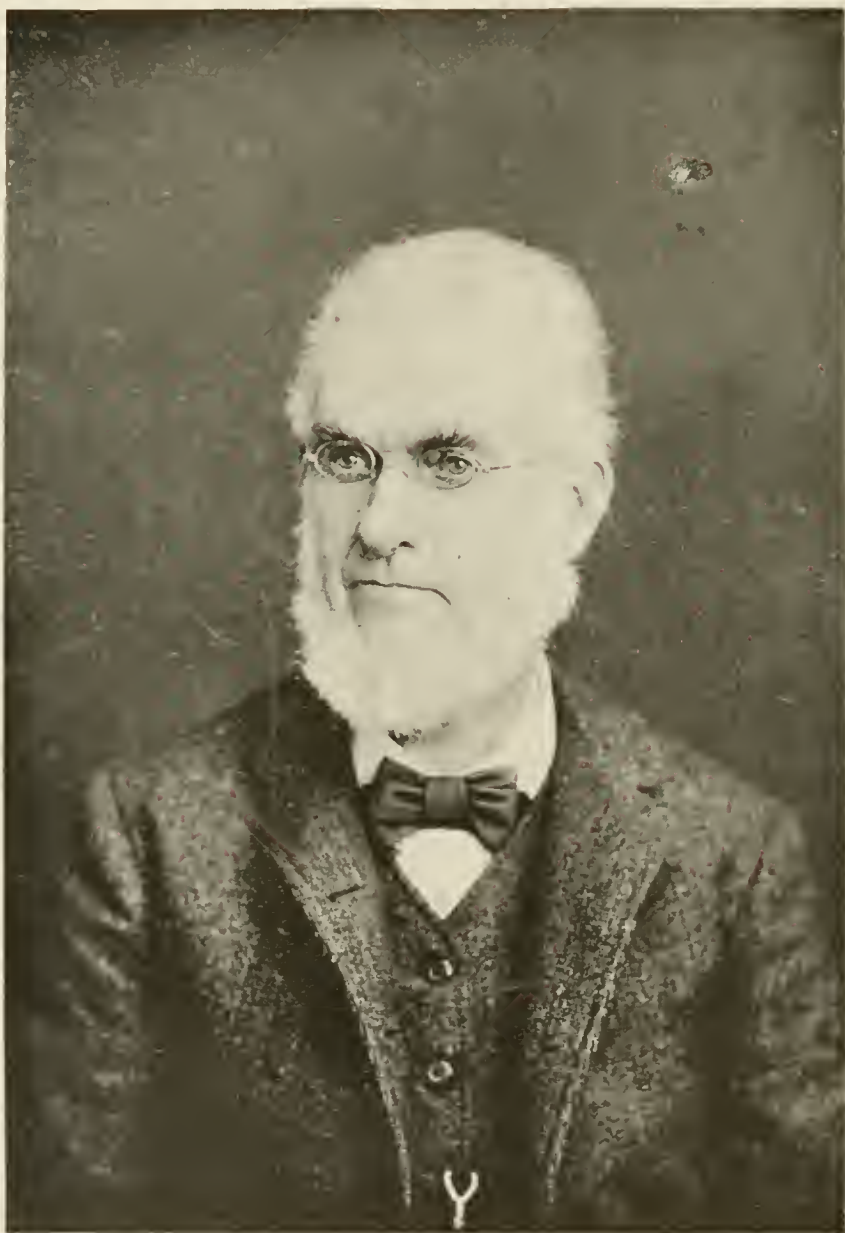
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NEBRASKA STATE HISTORICAL  
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T. W. TIPTON.



Publication

# FORTY YEARS OF NEBRASKA

AT HOME AND IN CONGRESS

BY

THOMAS WESTON TIPTON

UNITED STATES SENATOR FOR NEBRASKA, 1867-1875

A SPECIAL PUBLICATION

OF

THE NEBRASKA STATE HISTORICAL SOCIETY

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1902

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Meetings of Executive Board, first Tuesday after second Monday in January, April, July, October.

# 1237389

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### Dedication.

Dedicated to Hon. J. Sterling Morton —  
a Pioneer of 1854 — orator of the first State  
Agricultural Society of Nebraska —  
and National Secretary of Agriculture —  
carrying the business man's acumen, and  
scholar's taste into every avenue of active  
life — while as author of Arbor Day,  
he merits, as a final epitaph: "If you seek  
my monument, look around you."

J. W. Dixon.



## PREFACE.

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After a continuous residence of thirty-three years in Nemaha County, four of which were with the celebrated First Nebraska Regiment, and eight in the United States Senate, having suffered a sudden loss of health, I found a very pleasant pastime and most genial employment in recalling the early days of Nebraska pioneering.

My first impulse was to utter opinions of men and measures. But remembering how liable we all are to make mistakes, and being fearful of doing injustice, by omission or prejudice, to some of my associates, I determined, as far as possible, to become only the recorder of their public works and compiler of their sentiments and oratorical gems.

My theme, *Forty Years of Nebraska at Home and in Congress*, brought into review fifty officials,—eight territorial governors, six delegates in congress, ten state governors, eight United States senators, and eighteen members of the house of representatives. The number required brevity. The one million new-comers and young generation were to be instructed, and the considerate and merciful criticism invoked of the remaining fifty-eight thousand old settlers.

I acknowledge my indebtedness to ex-governor Furnas for the use of his invaluable library, to the *Illustrated History of Nebraska*, and to the *Congressional Globe and Record*.

THE AUTHOR.

607 Florida Avenue, N. W., Washington, D. C.

May 30, 1894.

## ERRATA.

Page 21, Note. For *Joseph D. Morton* read *Julius Dewey Morton*.

Page 55, Note. For *III.* read *I.*

Page 57, line 18. For *Nebr., Territory* read *Nebraska Territory*.



## CHAPTER I.

### THE TERRITORIAL GOVERNORS.

#### GOVERNOR FRANCIS BURT.

Aug. 2 to Oct. 18, 1854.

The sad history of Governor Burt<sup>1</sup> of South Carolina, the first governor of Nebraska, is soon written. He was appointed by President Pierce and reached the Territory at the Mission House at Bellevue, now of Sarpy county, on the 7th day of October, 1854, just four months and seven days subsequent to the passage of the act organizing the Territory. Coming there much indisposed, he died on the 18th of the same month of his arrival, having taken the oath of office on the 16th of October, 1854, and closing a two days' term of official life. He has been spoken of as "a man of stern integrity and unblemished character, greatly beloved by those who knew him." and in the peculiar terms of that day, as "an accomplished southern gentleman."

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<sup>1</sup> Governor Francis Burt: Nebr. State Hist. Soc. Pub., sec. series, I., 25-38; first series, I., 93 (biog. from *N. Y. Times*, Nov. 9, 1854); II., 19. Savage and Bell, *Hist. of Omaha*, 50. The following genealogy of the Burt family is furnished by Miss Katharine Burt, daughter of Gov. Francis Burt:

MATTHEW BURT [b. before 1732, Mecklinburg, Va.: m., ——— Harwood; after Revolution, moved to Edgefield, S. C.; d., ———] had 14 children: Harwood, Matthew, Philip, Edward, John, Francis, William, Robert, Garland, Moody, Susan, Martha, Mary, Ann. FRANCIS BURT [b. about 1774; m. Katharine Miles (dau. of Aquila Miles, and Harriet Giroud who was dau. of ——— Jourdan, dau. of French Huguenot, and who had 8 children: Susan, Rebecca, Katharine, Pamilia, Amelia, Jack, Lois, Aquila); d., ———] had 10 children: Louis, Matthew, Oswald, Armistead, Francis, Erasmus, Harriet, Eliza, Katharine, Pamilia. FRANCIS BURT [b. Jan. 13, 1807; m., 1831, Georgiana Hall, dau. George Abbott Hall of Charleston (son of Geo. A. Hall and Lois Matthews, sister of Mrs. Thomas Hayward whose husband was signer of Declaration of Independence) and Anne Dawson (b. Oct. 9, 1774; dau. John Dawson and Joanna Mouck; descendant Dr. Henry Woodward; m., 1806)] had six children: Frank (d. 1850), Georgiana (m. William H. Dawson, 1854; d. 1882), Harriet (m. D. M. Young, 1868), Armistead (m. Laura Rippe-ton, 1887), Joanna (m. George Robert, now deceased, 1879), Katharine (b. 1842, lives Macon, Ga.), Mary (m. William A. Johnston, 1871; d. 1879), George Abbott ("Frank"; m. Minnie Nutting, 1881).

The Secretary of the Territory, T. B. Cuming, of Iowa, immediately assumed the duties of acting-governor, and his proclamation, announcing the sorrowful death, draping the national flags, and appointing an escort, was the first executive utterance.

**ACTING-GOVERNOR THOMAS B. CUMING.**

Oct. 18, 1854 to Feb. 20, 1855, and Oct. 25, 1857 to Jan. 12, 1858.

The first Territorial Legislature of Nebraska convened January 16, 1855, Acting-Governor Thomas B. Cuming delivering the message. In that document he said:

The first official act within our Territory has been indeed a mournful one, the transmission to a bereaved wife and orphaned children in South Carolina of all that was mortal of your late lamented governor, Francis Burt. In his death you have suffered a severe loss—the loss of a man peculiarly qualified by his public experience and capacity, his private virtues, and his energy and firmness, for the satisfactory and courageous discharge of his official duties. He spent but a few weeks of suffering among us, and his grave in a far off State is only another tie of union between communities widely severed, who will revert to his memory with fraternal pride, and to his untimely decease with sympathetic sorrow.

There were no unpleasant discriminations to subtract from the universal esteem in which his manly and amiable traits were held by an enlightened people; and the fact that South Carolina has given us one of her distinguished sons, is accompanied upon your record by the expression of your undivided respect and affection.<sup>1</sup>

The Territory being without a system of civil or criminal law, or corporations, financial institutions, or public works, as railroads, bridges or highways, the foundations were to be laid, and superstructures erected. In the absence of financial resources, appeals were made for congressional aid, in behalf of the Pacific railroad, telegraph and mail facilities, a chain of military posts for emigrant protection, and land donations for all conceivable purposes.

Having hoped for the arrival of Governor Burt's successor up to the meeting of the legislature, and not wishing to pledge

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<sup>1</sup> Council Journal, 1st session, pp. 8-9.

him to any specific policy, the acting-governor dealt in brief and general allusions and closed as follows:

I could not forbear, gentlemen, in transferring to another the trust reposed in me, from expressing a pride that, our Territory being thus speedily built up as another arch in the national fabric, your public acts and counsels will contribute to defend and perpetuate the Union and the Constitution of the United States as the only sure foundation of our civil liberties. I trust that your deliberations, by the blessing of Divine Providence, may be conducted with efficiency and prudence, and that the most ardent hopes of each one of you who have confronted the hardships and trials of pioneer life, may be realized in the promotion of the lasting good of our vast and promising young Territory.<sup>1</sup>

When the 4th Legislative Assembly convened December 8th, 1857, Secretary Cuming, being again acting-governor, delivered a message congratulatory and instructive:

We are assembled today under the most favorable auspices. The Territory of Nebraska has, thus far, achieved all that her friends could ask. Her early organization and rapid progress have signally illustrated the safety and expansive force of the principles of the Federal compact, from which naturally sprang her organic act.

On account of Nebraska's close proximity to the Anti-Slavery strife in Kansas, where the slave power was determined to enthrone the "peculiar institution," and the resident citizens were equally devoted to the free soil and free men, the governor made the following allusions:

Although lamentable dissensions have given to our sister territory a wider notoriety, we may well congratulate each other upon the verification of the political truth, "Happy is that people whose annals are tranquil." Safe, thus far, from the interference of reckless agitators and the mad efforts of intolerant fanatics, we can furnish to the world an enviable proof of the legitimate effect of the genius and spirit of our republican institutions.

Among his recommendations he mentioned the fact that the

<sup>1</sup> Council Journal, 1st session, 12.

citizens of Omaha had contributed \$50,000 to aid in completing the Capitol building for which Congress should reimburse them; and that the government should give the territory a surveyor general; distribute troops along the emigrant line of travel; make appropriations for railroad construction and for bridging the rivers and streams on the United States mail routes. He drew a very true picture of the evils of unrestricted and negligent banking and demanded all the safeguards that prudence could dictate.

The few days allowed for a session of the legislature had demonstrated the fact that legal enactments were limited, confused and contradictory, and needed constant amendments and comparisons with the legislation of older communities.

The thoughtful reader will understand that the laws, regulations and customs of a new and formative society will be constantly superseded by the progress of intellectual and physical development.

This final message of Governor Cuming closed as follows:

I have thus presented to you, gentlemen, plainly and hurriedly, such considerations as have occurred to me, uncertain, until the eve of your assembling, whether in my incidental position, such a communication would be required. Once before we have met under similar circumstances. Since that initial period, the bitterness of sectional strife has been measurably allayed. Strange faces and new interests have taken their places upon the stage and many of the actors in our early history have passed away, or been lost in the throng of events. Men, out of repair politically and morally, will continue to be prostrated, one by one, and their names expire with the forgotten influences of the past; but our powerful young Territory will move on with augmented and prevailing force and realize, in its future fortunes, all that human hope or ambition can anticipate or wish. Acting for that Territory in a coordinate capacity, and in view of the mutations of public affairs, and in the vicissitudes of life, permit me to assure you, each and all, that I cherish a sincere desire for your success, individually, as well as in your endeavors to promote the public good. May no personal resentment or local alienations hereafter mar the harmony which should inspire the intercourse of the representatives of the government and of our people. May no

boundary—natural or artificial—prevent the union of all our energies, in building up an eminent, honored and thriving State. May you be prospered in all your laudable aims, and after performing the high duty of legislating for a patriotic and confiding people, return in health to the comforts and friendships of your respective homes.

Within three months from the date of this official document, its author had passed from earth, and at the meeting of the next legislature, Governor Richardson said: "The Territory has lost one of her brightest intellects, one whose genius and attainments had inspired his many friends with high hopes and marked out for him a brilliant and useful future. T. B. Cuming, Secretary of the Territory, has been called away forever."<sup>1</sup>

The legislature having referred this message to a committee, the following report<sup>2</sup> was made by its chairman, Hon. R. W. Furnas, subsequently governor:

Thomas B. Cuming was appointed secretary of the Territory of Nebraska by Franklin Pierce, President of the United States, upon the organization of the Territory, and entering at once upon the discharge of the duties of his office, he arrived here in the month of September, 1854. By the untimely decease of Governor Burt, he succeeded to the supreme executive and became ex-officio Governor of Nebraska. How ably he filled that office, those living can testify. In the organization of the first legislature, surrounded as he was by conflicting elements, threatened by fierce contending factions, standing in imminent danger of personal violence, he wavered not once in his fealty to the general government, nor in his fidelity to the trust reposed in him. Throughout the whole duration of those troublesome times he pursued a policy, the sagacity of which was proved by its success, and the wisdom of which is evidenced by the present prosperous position of the Territory which he governed. Upon the resignation of Governor Izard, he again assumed the executive office and from that time till near his death maintained it. He has been identified with the Territory ever since its organization, as one of its highest officers. He died with the mantle of authority still about him, in the land which he had chosen for his own; in the country which he had ruled so well. He was buried with his honors fresh upon him; from the halls where he was

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<sup>1</sup> Council Journal, 5th session, 15.

<sup>2</sup> Council Journal, 5th session, 30-31.

went to tread among a people that delighted to do him reverence. He was followed to his grave by those who were his friends, and the soil for which he had lived and labored received his remains. His requiem was tolled by the silence of those who knew what they had lost, and 'if you seek his monument look around you.' Besides being for a long time the first executive officer of the Territory, he was in many respects the first man of Nebraska. And hereafter when the roll of the great men of the Territory is called, and the name of Thomas B. Cuming is pronounced the first upon the list, let the answer be as it was with the surviving comrades of La Tour, D'Auverne, first grenadier of the army of France, "Died on the field of honor." The closing moments of an existence, checkered as his has been by worldly contests, cannot but attract attention. His life was no holiday; but almost every moment of it had been passed in the busy thoroughfares of the world, and when finally prostrated by disease, the closing acts of his public life were characterized with the same energy and decision which made his character what it was. Your committee have in this hurried manner discharged the duty imposed upon them. They are conscious of their inability to present a report for your consideration commensurate with their estimation of the man, and their appreciation of Thomas B. Cuming as an executive officer. Your committee would close their report by expressing their earnest hope that here in the shadow of the Capitol, about whose arches the spirit of the deceased may linger; that here the memory of those sectional disputes among which the latter part of his life was unavoidably passed, will cause this legislature to avoid them, and unite for the furtherance of such measures as shall be for the good of the whole country.

Never was the pathway of a young politician beset with greater perplexities and temptations than those surrounding the first temporary executive of the Territory of Nebraska. To be unexpectedly called upon to assume the duties of another, and expected to evolve a government from a state of elementary chaos, in the absence of precedents, would have required all that age, experience and human sagacity could have furnished. While it became his duty to designate the place for the assembling of the first session of the legislature, the final question of Capitol location was left to the representatives of the people; but inasmuch as the place of the first meeting would have the

prestige of an incipient Capitol, his decision was sought in the spirit of desperation. What there was of settlement, was divided by the Platte River into North and South, while in the two antagonistic sections, three rival towns in each were ready to destroy their local competitors to gain a permanent advantage. These were Bellevue, Omaha and Florence to the north, and Plattsmouth, Nebraska City and Brownville to the south.

Bellevue, having been the place where the first governor landed and died, and whence his acting successor issued the first official proclamation, and possessing the most beautiful location, had many reasons to anticipate becoming the permanent seat of government.

When, therefore, Mr. Cuming, having ordered the taking of a census, in 1854, and the election of members of a legislature and of a delegate to Congress, appointed the assembling of the first session for Omaha, the clans were mustered for war. In the absence of courts to issue the *quo warranto* or *mandamus*, appeal was occasionally made to the knife and revolver, and under mental conditions affected by the use of money or whiskey. Accordingly, in 1858, when the location question was again revived, and Secretary Cuming was once more acting-governor, after Governor Izard's resignation, a majority of the legislature removed to Florence, eight miles up the river, and called upon him for the records in possession of the minority at Omaha.

Before a solution of this complication was secured Gov. Richardson of Illinois arrived and, assuming control, released the young official once more to his original duty of secretary of the Territory, which place he filled until early in the spring of 1858, when he was stricken by death, in his 28th year.



## GOVERNOR MARK W. IZARD.

Feb. 20, 1855 to Oct. 25, 1857.

In the illustrated history of Nebraska, a writer quoting from the Omaha *Herald*, proceeds as follows: "Mark W. Izard, who came into the Territory as United States marshal, was appointed successor to Governor Burt, and the ball was given in honor of his excellency." It might be here parenthetically stated that when the governor was to read his inaugural message he arranged it so that a negro was to announce his approach to the legislative chamber, by saying, "Mr. Speaker, the Governor is now approaching"; but forgetting his text he electrified the assembled wisdom with, "Mr. Speaker, de Gub'ner hab done come." The following is from the *Herald*:

Izard was a stately character physically; mentally, rather weak, and felt a lively sense of the dignity with which the appointment clothed him. He had never known such an honor before, and it bore upon him heavily. To the few persons who then constituted the population of the city, the governor was careful to intimate a desire to have his gubernatorial advent suitably celebrated. The factious and wary Cuming suggested the idea of giving Izard an executive ball. The larger of the two rooms, which then constituted the building, was the theatre of a scene perhaps the most ludicrous that was ever witnessed in the history of public receptions. The room had a single coat of what was called plastering, composed of a frozen mixture of mud and ice, and a very thin coating at that. The floor was rough and unplanned, and not altogether safe for those who preferred the upright position. It had been energetically scrubbed for the occasion. The night being dreadfully cold and the heating apparatus failing to warm the room, the water froze upon the floor and could not be melted by any then known process. Rough cottonwood boards on either side of the room were substituted for chairs. The hour of seven having arrived, the grand company began to assemble. Long before the appointed hour his Arkansas excellency appeared in the dancing hall. He and Jim Orton and "the band" of Council Bluffs reached the scene about the same moment.

The governor was very polite to Jim, and Jim was just "tight" enough to be correspondingly polite to the governor, while Izard was the guest of nine ladies, who were all that could be mustered, even for a state occasion in Omaha. They were Mrs. G. L. Miller, Mrs. T. B. Cuming, Mrs. Fenner Ferguson, Mrs. J. Sterling Morton, Mrs. C. B. Smith, Mrs. Fleming Davidson, Mrs. A. J. Hanscom, Mrs. A. D. Jones, and Mrs. S. E. Rogers. Two of the ladies could not dance, and their places were supplied by the same number of gentlemen. The governor had a son by the name of James. He was his excellency's private secretary, and wishing to present a high example of style, he came in at a late hour escorting Mrs. Davidson. His bearing was fearfully stately and dignified. He wore a white vest and white kids, as any gentleman would do, but these were in rather discordant contrast with the surroundings. Paddock, Poppleton, Cuming, Smith, Morton, Ferguson, Goodwill, Clancy, Folsom, and Dr. Miller, besides a large assembly of legislators, attended. Jim Orton was the solitary fiddler, occupying a corner of the room. The dance was opened and it was a gay and festive occasion. During the dance several accidents happened. One lady, now well known in Omaha, fell flat; others did likewise. The supper came off about midnight, and consisted of coffee with brown sugar, but no milk, sandwiches of a peculiar size, very thick, and made up of a singular mixture of bread of radical complexion, and bacon. The menu was supplemented with dried apple pie, and there being no tables in those days, was passed around. The governor having long lived in a hot climate, stood around shivering with the cold, but bore himself with amiable fortitude, buoyed up with the honors thus showered upon him, and at the proper time, under a deep sense of his own consequence, made a speech returning thanks for the high honor done him.

On the 20th day of February, 1855, the successor of Governor Burt having arrived, Secretary Cuming introduced him to the legislature in a most complimentary speech, which was replied to in a manner indicating that "honors were easy," and eulogiums at par.

MR. CUMING: We congratulate you and ourselves, Sir, that the blessing of prosperity and harmony, and the glory of great hopes for the future are lighting up your path, which the vigorous arm of popular sovereignty has carved out and upon which we have entered. \* \* \* We feel assured, Sir, that a glorious destiny will result from that manifesta-

tion of the popular will which has already fixed the westward "march of empire"; and we rejoice in the assurance that you will hereafter occupy a prominent place among the benefactors of commerce, the promoters of patriotism and the friends of mankind.<sup>1</sup>

To which the governor replied:

I return my sincere thanks to you for the kind and complimentary manner in which you have received me. In the difficulties through which you have passed, and the embarrassments which you have unavoidably encountered in the organization of this now prosperous and growing Territory, I am conscious you had at heart the welfare of the whole Territory. I return to you my sincere thanks for the cordial welcome and friendly feeling with which you have received me. \* \* \* I feel that there is wisdom and integrity enough here to lay the foundation for a government, the blessings of which are soon to be enjoyed by a population unparalleled in the settlement of any country, a population which will vie in point of morals and intelligence with any country, new or old.<sup>2</sup>

These few complimentary extracts may suffice as introductory to an official acquaintance and a prelude to the governor's first message<sup>3</sup> of February 27, 1855, which ran as follows:

The circumstances under which I make this, my first official communication to your honorable body, are somewhat peculiar, my arrival in the Territory having been delayed by causes entirely beyond my control, until a late day of the session. I cannot flatter myself that I am officially familiar with the progress already made, to indicate a course of policy for the government of your future actions, with as much clearness and precision as I could desire, but finding the session fast drawing to a close, and the more important matters of legislation which are of vital interest to the people of the Territory, yet in their incipient state, or wholly untouched, I feel it my duty to call your attention to the subject, and recommend to your favorable consideration such measures as I deem important for the speedy organization of the Territory, and future peace and harmony of our young and growing community.

<sup>1</sup> Council Journal, 1st session, 78.

<sup>2</sup> Council Journal, 1st session, 78, 79.

<sup>3</sup> Council Journal, 1st session, 97-99.

The length of the session being limited to forty days by the organic act, he recommended that the code of Iowa for civil and criminal practice be adopted, and that a general election law be framed, and a system of territorial revenue be established, and rules and regulations prescribed for defining the rights of settlers under the act of Congress. There was a most pressing necessity for the admonition against special legislation, instead of general laws, for all manner of persons were under a frenzy of excitement in order to acquire charters for banks, ferries and endless corporations, the erection of counties and location of towns, and for the permanent establishment of the capital, whereby a fictitious value should at once be attached to real estate, and vast fortunes amassed. The legislature then in session was not responsible to any settled and well defined constituencies; and many members were citizens of other states, mere adventurers, who, being on prospecting tours, found time to take part in the first organization. On the eighth day of the session, charges were made against six members of the council for want of citizenship, and one for being a minor, leaving six to assume valid citizenship; and inasmuch as a large immigration was expected before another election, a preamble and resolutions were introduced in the council suggesting a general resignation of the members and a new election.

Closing his message, the governor said:

Having the fullest confidence in your wisdom, integrity and patriotism, I invoke the blessing of the Divine Being upon your deliberations and look forward with lively anticipations for the result of this, the first legislative assembly of the Territory of Nebraska, to bring honor and prosperity upon her people, and invite our friends from abroad to come in and share with us the blessings of a government founded upon the eternal principles of popular sovereignty, and I trust that you will always find in me a faithful co-worker in seeking to effect these desirable objects.

During this first session a report was made on the subject of prohibiting the sale of intoxicating liquors, of which two paragraphs will show the drift:

That in their opinion, where the people are prepared and public sentiment sufficiently in favor of a prohibitory law to fully sustain and enforce it, such a law would be productive of the best results to the community. \* \* \* As much, however, as we may be in favor of a prohibitory law, until the community by petition or otherwise, may fully manifest their determination to sustain such a law, it would be idle to enact it.

The house of representatives having passed a bill excluding free negroes from obtaining a settlement in the territory, it was finally indefinitely postponed in the council by a vote of 7 against 4. On the 19th day of December, 1855, Governor Izard delivered his second message<sup>1</sup> to the legislature, and as the facts of history were few, and the realms of fiction unbounded, he dealt in the imaginary creations of the present and the gorgeous realizations of the future. The infant territory was prosperous, the early organization was of bold and energetic measures, the principles of "popular sovereignty" vindicated, the people happy in a degree heretofore unexampled, while towns and cities were springing up as if by magic. The capitol, for which he had projected the plans, and which were worked out in detail by the accomplished architect of St. Louis, William Rumbold, would be the most imposing of buildings, and would be copied by Kansas, and admired by all master builders visiting the Territory. The territorial road westward to Kearney would be the forerunner of the Pacific railway; and the completion of the surveys of government lands would supercede the term "squatter" and we become sovereigns of the soil. Special attention being given to the ordinary wants of the new community, and a highly colored portrait drawn of our enterprising and intelligent and patriotic neighbors of the Pacific slope, he promised hearty co-operation with the new legislature, and invoked upon them the guidance of Divine Providence.

One of the most notable acts of the body was the adoption of the report of the committee on codification of laws, and an effort to arrest the ocean tide of divorce applicants and to refer them

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<sup>1</sup> Council Journal, 2nd session, 5-15.

exclusively to the courts, became a pressing necessity. The end of the second legislative year found a network of corporations, and the town site plats in universal existence. On the 6th of January, 1857, Governor Izard came to the front with his last message,<sup>1</sup> but he came up smiling, and his voice attuned to strains of congratulations. While Kansas had been desolated by pillage and her people murdered, Nebraska had been at peace:

When we reflect that but two short years have passed since Nebraska was a vast uncultivated and unsettled region, with scarcely a mark to indicate that civilization had reached its borders, its present condition almost startles us with a conviction that the hand of magic, rather than enterprise of the pioneer, has wrought the change. We can boast of a population of more than 15,000 intelligent, orderly and energetic citizens, who may challenge comparison with those of any State or Territory in the Union, of flourishing towns and prosperous cities, with their broad and beautiful prairies, being thickly dotted with comfortable farm houses and well cultivated fields, yielding their rich treasures to the hand of peaceful industry, and with handsome church edifices, well regulated schools and busy streets. The appreciation of property has far exceeded the expectations of the most sanguine. Business lots upon streets where the wild grass still flourishes are readily commanding from \$500 to \$3,000 each, and land adjacent to our most prosperous towns commanding from \$50 to \$400 per acre.

In the election of James Buchanan to the presidency (which preceded the great internal war), he saw an evidence that the slavery agitation was settled forever, and exclaimed:

Preparatory to the reception of the immense tide of immigration and wealth that is destined to flow into our Territory at the opening of spring, from all sections of the country, it is our duty that you will adopt, at an early day, a wise and judicious system of legislation for the security of persons and property.

The value of education, common and collegiate, received marked and extended attention, and the duty of memorializing

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<sup>1</sup> Council Journal, 3rd session, 12-20.

Congress for grants of land for those purposes was vigorously pressed.

Reiterating many former recommendations, he closed his official communication:

In conclusion I cannot too earnestly exhort you to cultivate a spirit of harmony and conciliation in your councils, and I trust that under the wise direction of an overruling Providence, the result of your deliberation may be such as will best promote the future growth and prosperity of our young and rising community.

Following the message in hot haste came a resolution for a committee on removal of the capitol, which in two days thereafter, reported in favor of the measure, which passed the legislature and in due time was vetoed by the governor. The insinuations of undue influences in the original location at Omaha were offset by the following language of the veto measure:<sup>1</sup>

It is not pretended that a single house, or even sod shanty has been erected on the site of the proposed capital, or in the vicinity. It appears to be a floating town, not only without a location, but without inhabitants.

In regard to banks and banking a committee used the following:

We have now six banks; add six more and we have twelve, a bank for every thousand inhabitants. Who are the men who are asking for these charters? Are they sovereign squatters of Nebraska? Not at all. Most, if not all of the leading men are from other states, who would be very much obliged to us now to legislate to them the opportunity of filling our pockets with their bills, but who would laugh us to scorn when they had our gold and our property in their possession.

The bill to incorporate the extra six met with the executive veto and failed to become a law. The committee to whom was referred so much of the governor's message as related to the election of President Buchanan, reported:

That while we have no objection to the election of James Buchanan, yet they cannot see that the rights of the South

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<sup>1</sup> Council Journal, 3rd session, 46-48.

are more secure than if John C. Fremont had been the fortunate candidate, neither do we think that it will be for the interests of the South that her peculiar institution should be secured to her. Seeing that with them, and all her superior natural advantages, a blight hangs over and eventually cripples and enervates all her energies.

His last veto<sup>1</sup> arrested a bill entitled, "An act to repeal all criminal laws passed at the first session of the legislative assembly," which was finally passed over the veto, and before the convening of the legislature, December 9th, 1857, Thomas B. Cuming was again acting-governor, due notice of which has already been taken in the section concerning him.<sup>2</sup>

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<sup>1</sup> Council Journal, 3rd session, 158-159.

<sup>2</sup> See page 3.



## GOVERNOR WILLIAM A. RICHARDSON.

Jan. 10 to Dec. 5, 1858.

In the Directory of Congress the following appears:

William A. Richardson was born in Fayette County, Kentucky; graduated at the Transylvania University; studied law and came to the bar before attaining his twentieth year. He soon settled in Illinois, and in 1835, he was elected state attorney; in 1836 he was elected a member of the legislature; in 1838 he was elected to the state senate, and again in 1844 he was elected to the legislature and made speaker of the House. He was chosen a presidential elector in 1844. In 1846 he served as captain in the Mexican war, and on the battlefield of Buena Vista was promoted by the unanimous vote of his regiment; in 1847 was elected a representative to Congress from Illinois where he continued to serve by re-election until 1856, when he resigned. In 1857 he was appointed by President Buchanan, governor of Nebraska, which position he resigned in 1858; in 1860, he was, against his consent, re-elected to the house of representatives, but before the expiration of his term in 1861, was chosen a senator in Congress from Illinois, for the unexpired term of his friend, S. A. Douglas, serving on the committee on territories and the committee on District of Columbia.

From the legislative records it appears that Gov. W. A. Richardson assumed the duties of his office on or about the 12th day of January, 1858, at which time he was called upon to recognize the action of the majority of the legislature then in session at Florence, to which place they had seceded from Omaha. On the ground that Omaha was the seat of government for the territory, their request was promptly refused,<sup>1</sup> while the minority adjourned the legislature, on January 16, 1858, four days after his accession to power. Inasmuch as all criminal laws had been repealed, and a great legal confusion existed, an extra session convened on the 23d of September, 1858, and a regular one or-

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<sup>1</sup> Council Journal, 4th session, 146-148.

dered by law to follow it beginning October 4th, 1858. One brief message<sup>1</sup> sufficed for both sessions and also announced the fact of the governor's resignation of his office. As a justification for a special session he said:

The only law under which crime can be punished in this Territory is the common law of England. All other criminal laws have been abolished by a previous legislature. The common law of England is so uncertain and doubtful in reference to every proceeding and offense and its punishment, that every point will have to be adjudicated before the courts can tell what the law is.

As reported the territorial indebtedness was \$15,774, and it was said that only five counties had paid a part of their taxes, also that banks had failed to redeem their notes and should be dealt with accordingly, and that Congress should be memorialized in aid of roads and bridges and general improvements. In a burst of enthusiasm never yet justified, he fancied a new Eldorado of gold at Cherry Creek and Laramie Peak, that "should give an impetus to every branch of industry, and eventually make the great valley of the Missouri not only the garden but the central money power of the Union." In imagination his ears caught the thundering Union Pacific trains, and his eyes were gladdened by the world's commerce gliding from ocean to ocean. But he is entitled to utter in glowing rhetoric impressions of the future:

Nebraska occupies a position in the very heart of this great republic, and as she is now the geographical center of the Union, so shall she soon become the commercial. Standing as we do midway between the Atlantic and Pacific, where the wealth and commerce of both oceans shall pay tribute to our people, their wealth, their advancement, and their power is inevitable. With a soil unsurpassed in fertility, and a climate whose healthful influences are admitted by all, settled by a class of people whose industry, enterprise, and intelligence is fast converting the wilderness into a garden, who shall dare portray the fullness and prosperity of that splendid destiny which is reserved for the future State of Nebraska. \* \* \*

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<sup>1</sup> Council Journal, 5th session (containing also journal of special session), 12-15.

Having resigned the place I now occupy, my official connection with you will soon cease; I can therefore have no interest, no wish and no inclination to enter into any local agitation. But upon the other hand, I wish in some degree to contribute to the advancement and improvement of the Territory. I shall recur with pleasure to the many kindnesses of the people of the Territory towards me, and carry with me the recollection that I have endeavored faithfully to promote the public welfare. In conclusion permit me, to urge you, gentlemen, to discard all local feelings, all jealousies, and unite where interests are the same and where opinions cannot be divided, in passing laws so necessary for the interests of those you represent. I hope peace, concord, and harmony may characterize your deliberations; and that you may so discharge your duties as to merit and receive the approval of your constituents after your labors shall have been completed.

The following report<sup>1</sup> is a flattering testimonial of appreciation and esteem:

Your committee to whom was referred so much of the governor's message as relates to the resignation of his office, beg leave to respectfully report: Governor Richardson arrived in Nebraska on the 10th day of January last, in the midst of the most violent contest this Territory ever witnessed. He came here under an appointment of the general government, most fit to be made. He had stood up in the Congress of the United States, one of the foremost champions of that principle which asserts and vindicates the ability of the American citizen, whether a resident of the older or newer settlement of the country, to govern himself. The champion, the eloquent, powerful champion of natural rights of the people of Nebraska, most fit was it that he should be set over them as their governor. He came welcomed by the warmest enthusiasm of the people of the Territory. They felt, as they had abundant reason to feel, most grateful that a man of his reputation, which was national; of his abilities, which, in the then present exigencies of public affairs, were needed for the public good; of his connection, so intimate and so honorable, with their first history, should be sent among them. Open arms, warm hearts, welcomed him to this Territory. He has served us for nearly a year; all his wisdom, all his best efforts, have been ours; no personal feeling, ambition or pride, have ever swayed him. Patriotism, a

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<sup>1</sup> Council Journal, 5th session, 214; made by W. E. Moore, Nov. 1, 1858.

generous regard for the highest public good, have characterized his administration. The Territory of Nebraska stands today on a moral and legal position far higher, more honorable, than ever before. We have now a complete, wise, and well regulated system of laws; individual and public rights can, and henceforth will be vindicated and wrongs punished. For all this, how largely are we indebted to Governor Richardson, to his wholesome and timely advice and direction. He goes from our midst carrying the sincere regrets of every class of our citizens, that the pleasant and useful public and private relations which he has in so short a time so firmly established, are to be severed amid all the shifting scenes of life. He will carry with him the gratitude of this whole people for the great good he has done us and our posterity, and our hearty wishes for his prosperity and welfare, will attend him in all time to come.

The governor's exposé of the territorial banks was amply sustained by a minority report of a committee, recommending the repeal of four of their charters, while the majority suggested the repeal of all, unless their cases were to receive the attention of the courts.

## ACTING-GOVERNOR HON. J. STERLING MORTON.

Dec. 5, 1858 to May 2, 1859, and Feb. 24 to May 15, 1861.

Hon. J. Sterling Morton<sup>1</sup> came to Bellevue, Nebraska Territory, November 10, 1854, and on April 12, 1855, removed to Nebraska City, where he established his permanent home.

By the appointment of President Buchanan he became secretary of the Territory July 12, 1858; which office he held until succeeded by A. S. Paddock, under the administration of Abraham Lincoln. At the date of his arrival, he was only twenty-two years of age, having been born in 1832. No young man ever came to the territory better prepared for a useful and honorable career. Having enjoyed the advantages of Michigan University, and having received his final diploma from Union College, New York, and being endowed with a fine command of language, with the fancy of a picturesque writer, and the aggressive style of the ready debater and orator, journalism and politics offered inducements in the line of his capabilities and taste.

But these acquisitions and natural endowments were fortified, directed, and restrained by sound morals, high sense of honor and that chivalric bearing that charms society and makes home happy. As a writer on the *Detroit Free Press* and *Chicago Times*, his contributions were highly prized, while before his appointment as Secretary, he was editor of the *Nebraska City News*, and in 1855 elected to the legislature. During the session he attempted to stem the tide of wild-cat banking, which resulted in his defeat in the election of 1856. This was a source of regret on the part of many new made friends; but the Board of Regents, members of the faculty, and many students of the Michigan University, could have said, "I told you so"; for I re-

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<sup>1</sup>Abner Morton emigrated from St. Albans, Vt., to Jefferson County, N. Y., about 1816. His son, Joseph D. Morton, emigrated from N. Y. to Michigan in 1834. Julius Sterling Morton, son of Joseph D., was born in Jefferson County, N. Y., April 22, 1832.

member how the boy stood by an excommunicated professor in the college, denounced all in authority, and chose expulsion rather than sacrifice a single conviction. In 1857 he was again elected to the legislature and saw at once in exploded banks and a defrauded people, evidence of the wisdom of his unrelenting opposition to the issue of an inflated, irredeemable paper currency of 1855.

In 1860 he was democratic candidate for delegate to Congress against Samuel G. Daily, republican, and inasmuch as the Buchanan administration with which he was connected, stood charged with being the hot bed of treason, and his party the home of traitors, in the hour of national peril no explanation or protestation could prevail. Even Douglas democrats who approved Mr. Lincoln's war policy, could not receive absolution, unless the name of democrat was discarded for that of republican. But after the storm passed over, Mr. Blaine, a republican historian, declared no man would have lamented over a destroyed Union more than President Buchanan. In this campaign, joint discussions were held by the rival candidates, thousands of miles traveled, a few voters addressed and cabins and dug-outs transformed into opera houses and hotels, with the open prairies as an annex. No railroads or turnpikes or canals aided in travel, but private vehicles struggled through the grass, marshes and quicksands, furnishing opportunities for walking, wading and swimming. Patriotism was retailed at a premium, eloquence lavished in profusion. Yet only 5,900 votes were returned, of which a majority of fourteen were awarded Mr. Morton, but afterwards lost by a contest in Congress.<sup>1</sup>

Six years thereafter, in 1866, we find him a candidate for first governor of the new state, against David Butler, republican. Public arguments, for speedy admission as a state, were used by republicans, to the effect that the best government lands were being taken by settlement, and in a few years a new state would have to receive an inferior grade as her donation for education and internal improvement purposes; that the Territory could

<sup>1</sup> Pages 90-99.

not draw capital to it as readily as a state could; and that the salaries named in the constitution to be voted upon, were so small the people could meet them without oppressive taxation, on account of the enhanced value of property.

To which it was replied that the national domain was inexhaustible, the salaries delusively low, and increased prosperity would demand corresponding expense. Republicans were influenced privately by the consideration that they were now in a majority, and state and national patronage would be dispensed in their behalf. But democrats hoped that enough conservative republicans, sustaining the policy of Andrew Johnson, could by union with them capture the state and national offices, with a few years' delay. Accordingly, when they voted for Mr. Morton, many also voted against state admission, but the returns finally gave Butler a majority of 145, and state admission a majority of 100.

At the first election of United States senators, Mr. Morton was a democratic candidate, receiving the full party vote, as against T. W. Tipton, republican. Sixteen years thereafter, in 1882, when the vote had increased from 8,041 in 1860, to 87,345 in 1880, Mr. Morton was again put forward by his party as a candidate for governor against James W. Dawes. In this contest a majority of the votes were given to Mr. Morton and Mr. Ingersol; but Mr. Dawes, having more than either of the others, was elected. Again in 1884, Mr. Morton and Mr. Dawes were opposing candidates, while Mr. Morton increased his vote over that of two years previous from 28,562 to 57,634, and Mr. Dawes raised his from 43,495 to 72,835 and was again elected. In 1892, he once more carried the minority party's banner, in a contest for governor, and returning it unsullied, re-entered the democratic ranks.

Often called upon to act in the capacity of governor, during the absence of that official, and at one time for six months continuously, following the resignation of Richardson, he met the emergencies with promptness and efficiency. In 1859, on account of the attack of the Pawnee Indians upon the persons and property of citizens of Dodge and Cuming counties, he called

upon Colonel Charles May, commander at Ft. Kearney, for aid in the shape of cavalry.<sup>1</sup> As a result of this appeal Lieutenant Robertson, U. S. Army, Comd'g 2nd Dragoons, joined the command under Gen'l Thayer, which was accompanied by Gov. Black and staff, and overtaking the Indians in camp, received their surrender, the delivery up of seven of their young men, and pledges of future good conduct.

In September of the same year, 1859, Secretary Morton delivered the address at the Agricultural Fair, Nebraska City, which was incorporated with the first annual report of the state society and entered upon the legislative records. No other citizen could have given such a sketch of the first five years of territorial life; and at no other place and time could the intellectual photograph have been pictured. Without agricultural data on which to draw, the task of "brick without straw" was re-enacted; and the address comes forth to-day, from the tomb of official documents as history embalmed in sparkling garniture. We claim it as a Nebraska classic, and have only one fear of our proprietary right being disputed. This arises from the fact that the young orator emigrated from the state of Michigan, whose Professor, Moses Coit Tyler, in his history of "American Literature," declared that England had a claim to our early Pilgrim literature, inasmuch as "an Englishman undergoes no literary evolution by sitting down to write in America instead of England." We set forth in our demurrer, that the Pilgrim eloquence was couched in ancient forms, while ours revelled in the freedom and independence of impulses unchained, thoughts exuberant, and fancies born of a future of incomprehensible splendor.

In introducing him, Robert W. Furnas, president of the territorial board of agriculture, said:

Ladies and Gentlemen: I congratulate the Nebraska Territorial Board of Agriculture, and others who honor us with their presence and aid on this first effort made to hold an

<sup>1</sup> Nebr. State Hist. Soc. Pub., first series, II., 194-196, 181-185; III., 279-286. At II., 194-196, may be found copies of a petition to Secretary Morton, the letter of Secretary Morton to Col. May, a reply by Lieut. William G. Gill, and a list of the officers in the expedition.





J. STERLING MORTON, 1858.



Agricultural Fair west of the Missouri River. While it may be said of those who have ventured into this "western wild," we are a feeble folk in most respects: we are, nevertheless, enthused with "western pluck" and have "declared intentions" to carve out of this "New West" homes for ourselves as well as for those who are to come after us. This first effort to present "products and resources" is a striking evidence of this. That there is a promised future for agriculture in Nebraska, and that not in the "far distance" we have abiding faith.

It affords me pleasure to introduce as an orator of the day one of the earliest of pioneers; a young man who has given much thought to the future possibilities of a region known until a recent date only as the Great American Desert. He will address you from the improvised rostrum-platform, a farm wagon, placed in the shade of this native oak tree. I ask for him your careful and considerate attention.

The address of Mr. Morton was as follows:

Mr. President and Gentlemen: Called upon to address you, the farmers of Nebraska, you, whose calling I so much honor and love, I was flattered, and in a moment of self-reliant enthusiasm, I accepted the call and have undertaken the duty which it imposes.

It had been my intention at first thought to gather together accurate and reliable statistics concerning the agricultural interests and capacities of the Territory; but having made a trial at collecting data of that description, I have given it up as impracticable from the fact that no regular accounts or correct statements relative to the products and exports have been kept in any county in the Territory. Even the returns of the assessors of taxes in the various counties as sent up to the auditor of the Territory are very inaccurate and convey no well defined idea of the amount of land in cultivation, nor any information upon which a reliable estimate of the capital employed in agriculture can be based. I have, then, only my own observation, dating from November, 1854, together with a somewhat limited experience, to draw upon and can assure you that such information is far less satisfactory to me (and probably will be to you) than statistical facts and figures. But such knowledge as I have concerning the beginning and the success of farming in this territory, I give to you with pleasure.

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The Indian title to the Omaha and Otoe lands, which comprised respectively the land lying along the Missouri River, north of the Great Platte, and that similarly situated south of the last mentioned stream, was not extinguished until late in the spring of 1854, and the Kansas-Nebraska bill did not pass the House of Representatives until the 24th of May of the same year, so that the season was too far advanced for the emigrants of that summer to put in crops, except in a very few instances, and I think it safe to say that not more than a single section of land was tilled in the whole Territory of Nebraska in 1854; in fact, the only considerable patches of corn that I remember seeing that fall were raised by the Mission of Bellevue, and by the town proprietors of Nebraska City on the town site. I remember that we commenced the winter of 1854-'55, a little colony of hopeful boarders, purchasing everything that we ate, and even feed for our horses and cattle in the neighboring states of Iowa and Missouri, and they, even, had very little to spare.

The winter was exceedingly mild and with the early spring-time came the farmers with their breaking teams and the big plows, and the sturdy hand of industry was for the first time browsing in the sunlight that gladdened the beautiful prairies of our new found homes. Yet what did they know of the rich soil of this untried land? Its productiveness was to them an unsealed book. No human test had ever demonstrated their worth, and yet the farmer turned the heavy sod and planted his corn for the first time, with an abiding faith that his labors would be rewarded, that his all that he had invested in the experiment, would be returned to him ten fold, and that his wife and little ones whose very lives were staked upon the soil and its capacities, would be fed, clothed and cared for by the generous returns of the earth. The man who builds the first house, gathers his family around the first home fire-side, and plants the first seed, and risks his all upon the first crop, in a country whose lands have been forever untried, and upon which the slumbers of barrenness have rested down unnumbered centuries, must needs be and is braver and grander in his heart than he who leads an army into a battle, and moves unawed amid the emissaries of death himself.

The spring and summer of 1856 were seasons of intense anxiety to the first tillers of the soil, but the harvest sun shone propitiously and the benignant rains and the growth-giving dews were plenteous, and when the autumn came with its sere and yellow leaves the great experiment had

been successful; and to the questions: "Can Nebraska ever be settled up? Can she ever sustain any considerable population?" the joyous fields of golden grain nodded an indisputable affirmative, and gracefully beckoned the weary emigrant to a home of healthfulness and abundance. The glad tidings of our success in agriculture were heralded far and near through the medium of our pioneer press, and a new impetus was thus given the emigration of that fall and the following spring. But here came also a spirit of evil among us, a spirit of reckless speculation, and a seeking for some new method to acquire wealth, some method which required neither mental nor manual labor.

The legislative assembly in January, 1856, deeming it necessary to have more money in the country, had, very unwisely, concluded that the creation of banks of issue, by special charter, would accomplish that much desired object. And so six banks were created, or one bank for every 500 men in the Territory, and each bank had power to issue as many dollars of indebtedness as the circumstances of its individual stock-holders demanded for their own pecuniary necessities or ambitions. And what were the consequences? Rag money was plenty, everybody had credit, and it was no heavy undertaking to secure discounts. Town property, though very plenty, as many, very many thousands of acres of land had been planted with small oak stakes, were not so amazingly abundant as Fontenelle, Nemaha Valley & Western Exchange bank bills, and, as is always the case in commercial matters, the scarcer article went up in price, and the plentier went down; that is to say, money was plentier than town lots, and consequently cheaper. And now indeed did the unsophisticated and enthusiastic believe that the method of making without either mental or manual labor had most certainly been invented and patented in and for the Territory of Nebraska. So far did this idea diffuse itself throughout the community, that it reached and took entire possession of the executive head of the Territory, insomuch, that in a message to the Legislative Assembly of the Territory, Governor Izard mentioned, as an evidence of our flush prosperity, the fact that town lots had advanced in price, in a few months, from \$300 to \$3,000, apiece.

Unfortunately for the wise constructors of those patent mills for money making, there was no reality or soundness in the prosperity of that day. It did not arise, as all wealth and true capital must arise, from that great substratum of prosperity which underlies and supports the whole civilized world, and is called agricultural development.

Yet the popular mind was apparently satisfied, and lulled itself into the belief that the honest art of industry and economy belonged to a former generation, and that here indeed they were certainly useless and obsolete. Who would bend the back, nerve the arm to labor, and sweat the brow in cultivating the soil, when by the aid of a lithographer and the flatulent adulation of some ephemeral newspaper, a half section of land could be made to yield three thousand town lots, at an average value, prospectively, of one hundred dollars each? Whom could we expect to desert the elegant and accomplished avocation of city founder and dealer in real estate, for the arduous and homely duties of the farmer? We acquired great velocity and speed, in fact became a surpassingly "fast" people. We aspired at once to all the luxuries and refinements of older and better regulated communities in the East. We emerged suddenly from a few rough hewn squatters, arrayed in buck-skin and red flannel, to a young nation of exquisite land sharks and fancy speculators dressed in broad cloths.

The greater portion of the summer of 1856 was consumed in talking and meditating upon the prospective value of city property.

Young Chicagos, inerescent New Yorks, precocious Philadelphias, and infant Londons, were duly staked out, lithographed, divided into shares and puffed with becoming uncton and complaisance. The mere mention of using such valuable lands for the purpose of agriculture, was considered an evidence of verdancy wholly unpardonable, and entirely sufficient to convict a person of old fogysim in the first degree.

Farms were sadly neglected in the summer of 1856, and there were not as many acres planted that season, in proportion to the population, as there were the year before, but the crop of town plats, town shares, town lots, and Nebraska bank notes, was most astonishingly abundant. We were then very gay people; we carried a great number of very large gold watches and ponderous fob chains; sported more fancy turn-outs, in the way of elegant carriages and buggies; could point to more lucky and shrewd fellow citizens who had made a hundred thousand dollars in a very short time; could afford to drink more champagne, and talk and feel larger, more of consequence, and by all odds richer than any yearling settlement that ever flourished in this vast and fast country of ours. We all felt as they used to print in large letters on every new town plat, that we were "located adjaent to the very finest groves of timber, surrounded by a very rich agricultural

country, in prospective, abundantly supplied with building rock of the finest description, beautifully watered, and possessing very fine indications of lead, iron, coal, and salt in great abundance." In my opinion we felt richer, better, more millionairish than any poor deluded mortals ever did before, on the same amount of moonshine and pluck.

But the seasons were prompt in their returns, and the autumn winds came then as they are coming now, and the ripening sunbeams descended upon the earth as they do today; but the fields of grain that they wandered and glistened among were neither as many nor as well tilled as they should have been.

The fall of 1856 came and passed, and not enough had been raised to half supply our home wants. Town lots we could neither eat nor export; they were at once too expensive for food and too delicate for a foreign market. All that we had in the world to forward to the Eastern marts was a general assortment of town shares, ferry charters, and propositions for receiving money and land warrants to invest or locate on time. The balance of trade was largely against us.

We were now, more than ever, a nation of boarders, eating everything eatable, buying everything consumable, but producing absolutely nothing.

The winter of 1856 and '57 came, and the first and second days of December were most admonitory and fearful harbingers of suffering; they came like messengers of wrath to rebuke the people for the folly, the thriftlessness, and extravagance of the summer that had passed unheeded and unimproved. The storm that lashed those two days through and ushered in the terrible life-taking winter of that year, will never be forgotten by those of us who were here and experienced it.

The legislative assembly commenced in January, 1857, and again were the wisdom and sagacity of Solon and Lycurgus called into active service. A grand rally was had for the purpose of raising more means and more money by legislative legerdemain. New towns were incorporated and new shares issued; insurance companies were chartered with nothing to insure and nothing to insure with; and, finally, another nest of wild cat banks was set for hatching, it having been deliberately decided that the easiest way to make money was through the agency of paper mills, engravers, and the autographs of fancy financiers. Not less than fifteen new banks were contemplated and projected. Preparations were thus coolly and deliberately made for issuing evidence of debt, amounting, in the aggregate,

to millions of dollars, and a confiding and generous public were expected to receive them as money. Fortunately for you, for the Territory, for your reputation for sanity, the great infliction was escaped, and out of the entire number, De Soto, and the never to be forgotten Tekama, were all that ever saw the light; thus this second attempt to legislate prosperity into the country by the manufacture of an irresponsible and worthless currency failed most signally. Its only fruits have been seen in the thousands of worthless pictures which have the impress of the Tekama bank, and have finally exploded in the pockets of the merchants, mechanics, and farmers of this territory, and thereby defrauded them of some hundred thousands of dollars worth of capital and labor.

In the mid-summer of 1857, while credulous men were buying town lots at enormous prices, and sapient speculators were anxiously looking up enough unoccupied prairie land to uphold a few more unnamed cities, while the very shrewd and crafty operators in real estate were counting themselves worth as many thousand dollars as they owned town lots—while enthusiastic seers observed with prophetic eye city upon city arise, and peopled with teeming thousands, while the public pulse was at fever heat—when the old fogies themselves were beginning to believe in the new way of making money without labor, the financial horizon began to darken. At once hope whispered that it was only a passing cloud, but judgment predicted a full grown storm. And one pleasant day, when lots were high and town shares numerous and marketable, the news came that one Thompson, John Thompson, had failed, and also that the hitherto invulnerable Ohio Life & Trust Company had departed its pecunious and opulent existence.

The streets in cities thereabout were occupied by knots and groups of wise and anxious men; the matter was fully and thoroughly discussed and it was generally conceded that, though it did sprinkle some, it probably would rain very little, if any. But again and again came the thunderbolts, and the crash of banks, and the wreck of merchants, and the fall of insurance companies, the decline of railroad stocks, the depreciation of even state stocks, and finally the depletion of the National Treasury. The quaking of the credit of all the monied institutions, in fact, of the governments themselves, of both the old and the new world, demonstrated beyond a doubt, that the storm had indeed begun, and furthermore, that it was a searching and testing storm.

Just as in your own farm yards, when a sudden storm of



rain, lightning and tempest has broken out from a sky almost all sunshine, you have seen the denizens of the pig-sty, the stables and the poultry coops, run, jump, squeal, cackle, neigh, and bellow in their stampede for shelter; so ramosed the city builders, speculators, bank directors and patent cash makers of Nebraska, while the terrible financial tornado of 1857 swept over the world of commerce.

The last day of the summer of 1857 had died out and was numbered upon the dial plate of the irrevocable past. The September sun had come, glittered, warmed and ripened and the time of harvest had gone by. November, cold, cheerless and stormy, came on apace and whispered in chilling accents of the approach of winter.

It became the duty of every man to look to his pecuniary condition and to prepare well for the season of cold; and the examinations then made by you and all of us, proved this: they proved that the season of planting in 1857, like that of the year previous, had slipped by almost unnoticed, and unimproved by a great many of the people of Nebraska. We had not raised enough even to eat; and as for clothing, it looked as though nakedness itself would stalk abroad in the land.

If the great states of Illinois and Wisconsin found themselves, that fall, in an almost hopeless bankruptcy, what then must have been our condition?

The irrepealable law of commerce which declares that, "whenever the supply of any article is greater than the demand, that article must decline in market value," was most clearly proven in Nebraska. The supply of town lots, after the monstrous monetary panic of 1857, was as large as ever. There was at least one million of town lots, in towns along the Missouri River, between the Kansas line and the L'Eau-qui-Court; but where was the demand? It had ceased! It had blown away in the great storm, or been crushed out in the great pressure. We had nothing else to offer for sale, except real estate, and even that of very doubtful character. We were yet a colony of consumers; we were worse off than ever; we were a nation of boarders, and had nothing to pay board with, and very little valuable baggage to pawn for the same. The greater number of our banks had exploded, and the individual liability of stockholders, as marked on each bill, proved to mean that the bill holders themselves were individually responsible for whatever amount they might find on hand after the crisis.

I think we were the poorest community the sun ever looked down upon; that the history of new countries can

furnish no parallel for utter and abject poverty. I believe on the first day of January, 1858, there was not, upon an average, two dollars and fifty cents in cash to each inhabitant of the Territory. Hard times were the theme of each and every class of society, and all departments of industry. Merchants, mechanics, speculators and bankers were continually lamenting their departed fortunes, and their many failures and losses.

There was one class of individuals who, although they may have been sadly pinched by the pressure of times, noted no failures in their ranks, and who, when winter set in, were comparatively well off, in fact, relatively opulent and luxurious in their circumstances. They were the very few farmers who had passed through the era of speculation untempted by the allurements thereof, they who had followed the plow steadily, and planted their crops carefully. They, and they alone, of all the people of Nebraska could board themselves. There is no doubt but that poverty induces thought. It may paralyze the physical energies for a time, but it will induce reason and reflection in the thoughtless and judgment and discretion in the reckless, after all other arguments have failed. I believe that owing to our extreme poverty, we were led to more thinking and reasoning during the winter of 1857 and 1858, than up to that time had ever been accomplished in the Territory. As you have seen your grandfathers, during the long winter evenings, sit down by the large fire place when the huge back log and big blaze burned so brightly, away back east, somewhere, at your old homesteads, as when the old man, after reading his newspaper, would wipe his spectacles, put them up by the clock on the mantle piece, and seating himself there in the genial fire light, place his head between his hands, and his elbows on his knees, and have a good "long think": just so with us all in Nebraska that winter. We had a "think," a long, solemn, gloomy think, and among us all, we thought out these facts: that the new way of making money by chartering wild cat banks, had proved a most unprofitable delusion and an unmitigated humbug. We thought that building large cities without any inhabitants therefor, was a singularly crack-brained specimen of enterprise; and furthermore, that everybody could not live in town who lived in the Territory unless the towns were laid off in 80 acre or quarter section lots. We thought, to sum up all hurriedly, that it was useless to attempt to legislate prosperity into that country; that it was impossible to decoy wealth into our laps by legal enactment; that we had, in fact, been a very fast, very reckless, very hopeful,

enthusiastic, and self-deceived people; that while we had assumed to play the part of Dives, we were really better fitted for the performance of the character of Lazarus. The scheme for obtaining wealth without labor, prosperity without industry, and growing into a community of opulence and ease without effort had been a complete failure.

The spring of 1858 dawned upon us, and the icy hand of winter relaxed its hold upon the earth, and the prairies were once more clothed in sunshine and emerald. The result of our thinking during the long dreary winter, was now about to be embodied in active efforts to enhance our real prosperity and substantial wealth. It had been fully and justly determined that the true grandeur and prosperity of the people was concealed in their capacity for industry, honesty and patient endurance. If there were fortunes to be made in Nebraska, they were to be acquired by frugality and persevering exertion alone. The soil was to be tilled and taxed for the support of the dwellers thereon; and out of it and it alone was all true and substantial independence to be derived. For the first time during our political existence, we realized our true condition, and comprehended the proper method of ameliorating and improving it. The numerous signs marked "banker, broker, real estate dealer," etc., began one by one to disappear, and the shrewd and hopeful gentlemen who had adopted them were seen either departing for their old homes in the east, or buckling on the panoply of industry, and following quietly the more honorable and certainly paying pursuit of prairie-breaking and corn-planting. The gloom of the long night of poverty was about passing away forever. The clouds were breaking, the effulgence of a better and brighter day sent its first glad beams to reanimate and rejoice the dispirited and encourage the strong and hopeful. Labor at once began and its hundred voices made the air resonant with its homely music. All about us, on every side, the prairie plow was at work, turning over, as it were, the first page in the great volumes of our prosperity. Everywhere were brawny arms lifted up to strike the earth, that a stream of plenty and contentment might flow forth and bless the country, even as the rock itself sent up sweet waters to quench the thirst of Israel's children when smote by the strength of Aaron. Everywhere these rich and rolling prairies which had lain for unnumbered centuries as blank leaves in the history of the world's progress were being written upon by the hand of toil, snatched from the obscurity of uselessness, and forever dedicated to the support of the Anglo-Saxon race. The sunshine seemed

brighter, and the rain and the dews more plentiful and refreshing, because they descended upon the earth and found it not all a wild and desolate waste. Seed had been sown, farms opened and every energy had been taxed to make the Territory of Nebraska self sustaining. It was the first genuine effort in the right direction. The people were aroused to the fact, that agriculture, and that alone, was to be for many years the sole support, the sheet anchor and the salvation of the Territory. Emulation was excited; each endeavored to outwork the other in the good cause. In many of the counties, fairs were held last fall, and agriculture had at last, after three years of neglect, assumed its true position in Nebraska. As you well remember the season was favorable, the crops were heavy. We had enough, aye, more than enough, and the last spring witnessed the first shipment of our surplus production of grain to the foreign market. The first steamers that came up the Missouri in 1857, brought us corn to keep us and our stock from perishing by hunger and starvation. We paid for it at the rate of two dollars a bushel. But now by the energy of our farmers, Nebraska in less than two years had been transformed from a consumer to a producer. And the steamboats of the old Missouri bore away from our shores in the spring of 1859, hundreds of thousands of bushels of corn to the southern and eastern markets, which we did not need for our home use, and for which, at the rate of 40 cents per bushel, we have taken more money than for town lots in the last eighteen months, or will in the next twenty-four. Thus imperfectly and hurriedly I have narrated the history of agriculture in Nebraska, down to the planting of last spring's crop; what that was and how much greater the breadth of land cultivated than ever before, the new farms that met the eye on every side, and the vast fields of ripening grain that magically unsurpassed the place of the rank prairie grass, eloquently proclaimed.

If our brief and only half-improved past has been thus encouraging and thus indicative of prosperity; if notwithstanding the mercilessness of the panic and scarcity of money, the present time, today, finds Nebraska richer in the true elements of prosperity, stronger in the golden capital of skillful industry and contented labor than she ever was before, who shall predict her future? Who shall attempt to portray the fulness and glory of her destiny?

The Anglo-Saxon race are being driven by the hand of God across the continent of America, and are to inhabit and have dominion over it all. These prairies which have been cleared and made ready for the plow by the hand of God

himself, are intended for the abiding place of the pioneers in the progress of the world. The American Indian, in whom there are none of the elements of thrift, held a tenancy upon these fertile plains for centuries; but there was neither labor in his arm nor progression in his spirit. He was an unworthy occupant of so goodly a land and he has been supplanted. He has gone, and his race is fast becoming extinct; the world is too old for its aborigines. Their destiny is completed; they are journeying to their fate; they must die, and a few years hence only be known through their history, as it was recorded by the Anglo-Saxon, while he pushed them before him in his onward tread.

We stand today upon the very verge of civilization, riding upon the head wave of American enterprise, but our descendants, living here a century hence, will be in the center of American commerce—the mid-ocean of our national greatness and prosperity. Upon this very soil, the depth and richness of which is unsurpassed in the whole world, in a country whose mineral resources—as yet wholly undeveloped—are certainly magnificent and exhaustless; whose coal beds are as extensive as its prairies; whose rivers and springs are as healthful as they are numerous, in such a country agriculture must and will carve out, for an industrious people, a wealth and happiness, the like of which the world has never dreamed of before. Manufacture and skill in the various arts may, and will undoubtedly aid us in our pursuit of a glorious and independent opulence, but our great trust and strong hope is still hidden in the fertility of our soil and its adaptation to general cultivation. The agriculturist may be proud of his calling for in it he is independent; in it there is no possibility of guile or fraud, and for his partners in labor God has sent him the genial sunshine, gentle rains and the softly descending dews. The very elements are made his assistants and co-workers; the thunderbolt that purifies the atmosphere and furnishes electric life to the growing crops, is his friend and his helper. It may be urged, and often is, that the calling of the farmer is an arduous and homely one,—that it is arduous no one can deny, but it is honorable. The idea that a man cannot be a true gentleman and labor with his hands, is an obsolete, a dead and dishonored dogma. All labor is honorable. The scholar in his study, the chemist in his laboratory, the artist in his studio, the lawyer at his brief, and the preacher at his sermon, are all of them nothing more, nothing less, than day laborers in the world's workshop—workers with the

head. And the smith at his forge, the carpenter at his bench, mechanics and artisans of every grade and kind, and the farmer, are the same laborers—workers with the hand.

The two classes represent the two divisions of labor, and they are mutually dependent upon each other. But if among them all there is one art more health-giving, one art more filled with quiet and honest contentment, than another it is that of agriculture. And yet agriculture, although it is the art supportive of all arts, although it is the basis and foundation upon which the superstructure of all the commerce of the world is reared, is less studied, less thought of, and more remote from its perfection than all others.

During the last ten years it has, however, begun to attract a greater degree of attention and has taken a few steps towards that high place in the world's business which awaits it. The county, state, and national fairs, which are now proven so useful, are the protracted meetings of husbandmen, where agricultural revivals are initiated and thousands annually converted to the faith of the great church of human industry. And this is the first revival of the kind ever instituted in a territory. To Nebraska belongs the honor and the good name of having placed a bright and worthy example before the sisterhood of children States which bound her on the south and west. Let us continue in the good work; let every heart's aspiration, every thought and effort be to make each succeeding fair give better and stronger testimony in favor of the resources and wealth of our vast and beautiful domain.

And while in the east the youth are being prepared for the so-called learned professions, law, divinity, and medicine, let us be content to rear up a nation of enlightened agriculturists. Men sturdy in mind and thought even as they are robust in body and active in all that pertains to the full development and perfection of the physical system of mankind, let it be our high aim, by our enlightened and well-directed training of both the body and the mind, to elevate and improve our race and make the western man the model, both physical and intellectual, from which all the world may be happy to make copies.

With such an ambition in the minds of the people, and an energy to gratify it, the future of this commonwealth is such a one as thrills the patriot's heart with grateful pride, and makes one sad to think that death may close the eye before it shall have rested upon the beauties of the Garden State that will have been builded up on these shores within the next ten years. When the valley of L'Eau-

qui-Court, the great Platte, the Weeping Water, and the two Nemahas, shall be shorn of their native wildness and be resonant with the song of the husbandman, the rumble of mills, the splash of the paddle wheel and the puff of the steam engine; when away out upon those undulating plains, whose primeval stillness is now unbroken, save by the howl of the wolf, or the wind sighing through the rank prairie grass, the American citizen shall have builded up homes, hamlets and villages; when the steam plow, with its lungs of fire and breath of vapor, shall have sailed over the great land-ocean that stretches its luxuriant waves of soil from the western bank of the Missouri to the base of the Rocky Mountains, leaving in its wake thrifty settlements and thriving villages, as naturally as a ship riding upon a sea leaves the eddy and the foam sparkling in the sunlight that gilds its path through the waste of waters.

When, only fifty miles westward from the Missouri River, the strong saline waters of Nebraska shall have arrested the attention of the capitalist, and attracted the skill of the manufacturer and shall have become, as it must and will, the salt producer of the whole northwest; when the rock-ribbed mountains that form our western boundary shall have been compelled to give up to mankind their long-hidden and golden treasures; when afar off up the winding channel of the great Platte, the antelope, the buffalo and the Indian shall have been startled by the scream of the locomotive car, as it roars and rumbles over the prairies and the mountains, hastening to unite the states of the Atlantic and Pacific into a unity and fraternity of interests, a future greater and brighter than words can picture is to be achieved, and you, the farmers of Nebraska, are its prime architects and its master workmen.

Be inspired then to hasten the earving out of that destiny of indisputable superiority which God has assigned the American people; and, so inspired and so laboring in the great field of the world's advancement, when death, that harvester whom no seasons control and no laws restrain, gathers you to his dark and noiseless garner, may you go, like the grain that has thrived and ripened in the brightest sunshine, pure and untainted by the mildews of the world, back to Him who planted mortality on the earth, that immortality might be reaped and garnered and loved in heaven.

This agricultural address was no sporadic effort, but the commencement of a devotion to the tillage of the soil, to the cultivation of flowers, shrubs and trees, a devotion which culmi-

nated in the rural decoration of Arbor Lodge, the presentation of a beautiful park to Nebraska City, and to the association of his name with Arbor Day triumphs and its beneficent results.

#### ARBOR DAY.

In the preface to a book entitled "Arbor Day," which Gov. R. W. Furnas dedicated to the Hon. J. Sterling Morton, we have the following:

Perhaps no observance ever sprung so suddenly and almost universally into use in the higher ranks of life as that of Arbor Day. The name itself attracts, and at once secures fast hold on refined, intelligent people. The thought originated with one who worships at the shrine of home and its endearing relations. A resolution providing that "Wednesday, the 10th of April, 1872, be and the same is hereby set apart and consecrated for tree planting in the state of Nebraska, and the State Board of Agriculture hereby name it Arbor Day, and to urge upon the people of the State the vital importance of tree planting, hereby offer a special premium of one hundred dollars to the agricultural society of that county of Nebraska which shall, upon that day, plant properly the largest number of trees; and a farm library of twenty-five dollars' worth of books to that person who, on that day, shall plant properly in Nebraska the greatest number of trees," was unanimously adopted by the State Board of Agriculture on motion of Hon. J. Sterling Morton, January 4, 1872.

On the day specified in the resolution, the people responded by planting 1,000,000 trees and repeated the same in 1873. Supplementing the State Board, Gov. Furnas issued a proclamation March 31, 1874, and in 1885 the legislature made the 22nd of April, Mr. Morton's birthday, a holiday, to be known as Arbor Day. In aid of the object a provision was incorporated in the state constitution and numerous legal enactments.

Within two months of the public observance of the first Arbor Day the Hon. P. W. Hitchcock was instrumental in passing through the United States senate a bill "To encourage the growth of timber on the western prairies," the beneficent operation of which continued for twenty-two years. Within the space of sixteen years Arbor Day was observed in twenty-



seven of the States and three of the Territories. Editor H. L. Wood, of the Nebraska City *Daily Press*, having conceived the happy idea of issuing an Arbor Day edition of his paper, received congratulatory responses from many distinguished citizens. From James Russell Lowell, poet and diplomatist: "I am glad to join in this tribute of friendly gratitude to the inventor of Arbor Day." From George H. Broker, of Philadelphia: "I beg to join with you all in the congratulations that may be offered to this friend of humanity on his birthday, which was a happy day for the world into which he was born." From the brilliant author, T. J. Headly: "All honor to the founder of Arbor Day." From George William Curtis, editor: "I am very glad to join in grateful congratulations to the author of the suggestion which has resulted in so beautiful and serviceable an observance as Arbor Day." From Gov. Martin of Kansas: "Mr. Morton's thought has brought forth good fruit, and has been of vast pecuniary value to Kansas and Nebraska, and to all the states of the West." From ex-Senator T. F. Bayard: "I count it my good fortune to have long known J. Sterling Morton, and appreciate his many delightful qualities of head and heart." From John C. Fremont, the explorer and pathfinder of empire: "I am glad to have the opportunity to enroll myself among the friends and well-wishers of Mr. Morton, and to congratulate him upon the success of his unselfish and broadly useful work."

In the House, the irrepressible and genial Hon. Church Howe introduced the following resolution, which was passed:

*Whereas*, The President-elect of the United States has seen fit to select one of the most distinguished citizens of this State for Secretary of Agriculture; and

*Whereas*, J. Sterling Morton, one of the pioneers of Nebraska and the creator of Arbor Day, is particularly well equipped for the position, which we firmly believe he will fill with credit to Nebraska and honor to the Nation; be it

RESOLVED, That the house, irrespective of party politics, tender its thanks to the Hon. Grover Cleveland for the honor conferred upon the State of Nebraska.

The fact that the measure was introduced by a republican and

was passed without a dissenting vote was especially gratifying to the friends of Mr. Morton.

Within two months Mr. Morton became Secretary of Agriculture. When the people of New Jersey, in compliance with the governor's proclamation, met to celebrate Arbor Day, their program spread before them an elaborate, philosophic, and statistical essay, by the Secretary, upon the Forestry of Civilized Nations.

Of the "relentless, never-ending war between the animal and vegetable kingdom," he said:

Like great wheels the cycles revolve and reappear, now in the animal and then in the vegetable world, as mere mites in the stupendous machinery of the universe. The glow of beauty on the cheek of youth to-day, may tomorrow tint a rose growing upon that youth's grave.

We die, we are buried, and down into our very graves the kingdom of the forest and field sends its fibrous root-spies, its pioneers, and sappers and miners. The grand oak, the majestic elm, throw out their arms and foliage to wave and shimmer in the sunlight, and deploy their roots and rootlets to invade graves, and bring them food and strength from the tired forms that sleep therein.

The almost infinite possibilities of a tree germ came to my mind, one summer when traveling in a railway carriage amid beautiful cultivated fields in Belgium. A cottonwood seed on its wings of down drifted into my compartment. It came like a materialized whisper from home. Catching it in my hand I forgot the present and wandered into the past, to a mote like that which had, years and years before, been planted by the winds and currents on the banks of the Missouri. That mote had taken life and root, growing to splendid proportions, until in 1854 the ax of the pioneer had vanquished it, and the saw seizing it with relentless, whirling teeth reduced it to lumber. From its treehood evolved a human habitation, a home—my home—wherein a mother's love had blossomed and fruited with a sweetness surpassing the loveliness of the rose and the honeysuckle. Thus from the former feathery floater in mid-air grew a home, and all the endearing contentment and infinite satisfaction which that blessed Anglo-Saxon word conveys, that one word which means all that is worth living for, and for which alone all good men and women are living.

Never did the Secretary of Agriculture seem a more fitting part of his surroundings than when on Arbor Day, 1894, he stood uncovered under the towering trees and among the aspiring shrubs, upon the flower-clad lawn of his great department; and there, with firm hand, steadied in place the Morton Oak of the future.

And equally true to nature and the occasion did inspired intellect entwine the moral and epitaph:

It seems to me that a tree and a truth are the two longest lived things of which mankind has any knowledge. Therefore it behooves all men in rural life besides planting truths to plant trees; it behooves all men in public life to plant economic and political truths, and as the tree grows from a small twig to a grand overspreading oak, so the smallest economic truth, as we have seen in the United States, even in the last year, can so grow as to revolutionize the government of the great Republic. I say, then, that we should all plant trees and plant truths, and let every man struggle so that when we shall all have passed away we shall have earned a great epitaph which we find in St. Paul's Cathedral in London. You remember Sir Christopher Wren was the architect of that wondrous consummation of beauty in building, and there among the heroic dead of England's greatest heroes upon land or sea repose his remains. On other tombs are marked words of eulogy, fulsome sometimes, always intense, but upon the sarcophagus where Sir Christopher Wren's remains repose is inscribed only these simple words: "*Si quæris monumentum circumspice*"—If you seek my monument look around you. So every man, woman and child who plants trees shall be able to say, on coming as I have come, toward the evening of life, in all sincerity and truth: "If you seek my monument, look around you."

This occasion was a surprise arranged by the officials of his department; but one year afterward it was more than duplicated on Congress Heights, D. C., April 22, 1895, being Arbor Day and his sixty-third birthday, when sixty-three trees were planted in his honor and named for distinguished persons. One of these he planted and named "Sound Money."

Mr. Morton's ability as a platform speaker made him a favorite in many states long before his introduction to a president's

cabinet, not only on the stump but in the lecture hall as well; and whether his efforts were reported from cosmopolitan Chicago or primitive Boston, prairie garlands twined gracefully with conservative chaplets.

Had his fortune been cast in a democratic state, he would, in national politics, have at once wielded the rudder as well as the oar. In 1890, Prof. Perry of Williams College, being ready to dedicate the crowning effort of his life, "Principles of Political Economy," inscribed that supreme analysis:

TO MY PERSONAL FRIEND OF LONG STANDING  
J. STERLING MORTON  
OF NEBRASKA  
A FRIEND OF THE PEOPLE, ALSO  
FOUNDER OF ARBOR DAY.

For forty years Mr. Morton has illustrated the "survival of the fittest," and the Roman motto, "*Semper paratis*"—always prepared.

Mr. Morton unintentionally and unexpectedly evoked a storm of denunciation as the result of clear conceptions, bold utterances and intellectual aggressiveness, from a speech delivered in the "Congress of Agriculture," at Chicago, Ill., Oct. 16, 1893.

The American farmer has foes to contend with. They are not merely the natural foes—not the weevil in wheat, nor the murrain in cattle, nor the cholera in swine, nor the drouth, nor the chinch-bug. The most insidious and destructive foe to the farmer is the "professional" farmer who, as a "promoter" of granges and alliances, for political purposes, farms the farmer.

He thought "individual investigation of economic questions" of more value to farmers than granges or alliances attempting "to run railroads and banks, and even to establish new systems of coinage." He affirmed that "no man should give a power of attorney to any society or organization or person, to think for him." Immediately upon the delivery of the address, he was denounced as an enemy of agriculture, and the president was importuned by granges and editors for his summary removal as Secretary of Agriculture.

In reply to these violent accusations Mr. Morton published the address without note or comment and incorporated with it the most violent criticisms of his traducers, in order that the public might discover the grounds on which they planted their enginery. A copy of this most valuable address, falling under the attention of a distinguished economist, received the compliment, "clear as a bell, sound as a nut, and lively as a play."

When the Hansborough bill was before Congress, offering a government appropriation for the destruction of the Russian thistle, and an applicant was seeking appointment as chief of exterminators, the Secretary ironically suggested including "cockle-burs and fan-tail grass," and further said:

The Hansborough bill will never be perfect until paternalism has so amended it as to have the government not only weed, but plow, cultivate, and garner all crops for the people of the United States. The circulation of pint, quart and gallon packages of the Kentucky antidote for snake bites, gratuitously, under government franks through the mails, ought to begin as soon as the serpents open up for summer business. There is no crop so dangerous to mankind (as Adam's experience in the Garden of Eden shows) as a snake crop.

When Mr. Morton took charge of the Department of Agriculture, March 4th, 1893, he found 2,497 employees on its pay rolls, of whom 305 were discharged within nine months. He was able to submit an estimate for the fiscal year, to end June 30, 1894, of \$369,658 less than was appropriated for the previous year. He found the Department in its fifth year taking on all the extravagant vices of the older ones, as indicated by a few items from an interview.

The conversation here turned to the Department of Agriculture and I asked the Secretary whether he was making any changes in the methods of running it. He replied:

I am making a great many, and I am trying to bring the department down to a practical business basis. I believe in spending money where it should be spent, but I don't believe in wasting it. I have already found a number of big leaks which I am stopping. One is in these experimental

stations which have been established by the department over the country. Some of them are no good whatever. Why, I have found one at Garden City, Kan., the business of which was to evolve a grass which would grow on the arid plains of the west. Twenty-two thousand dollars have been spent on it in five years, and a Professor Veasy is trying there to produce a sort of grass that will grow without rain, water or soil, a sort of grass orchid, I presume. From what inquiries I made I found that this Professor Veasy had a home address at Denver, Colo., and he seemed to be only heard from at times when his salary was due. I have stopped the appropriation and I suppose he will now materialize in some shape or other.

I got a request the other day for \$50 for a United States flag, which was to be put up over the sugar beet farm at Schuyler, Neb. I couldn't see the reason for the appropriation and I investigated the station. I found that it was costing us over \$5,000 a year and that all we could get out of it was some beet seed, which the regular sugar beet factories would send to us if we would only pay the freight. We pay on these experimental stations about \$360,000 a year, and I think the most of them should be abolished. My idea is that experimenting should be done through the agricultural experiment stations of the states. There are forty-four of these scattered all over the Union. They get an appropriation from Congress of \$750,000 a year. This goes directly to them, and over it we have no control. I think that the seeds could be distributed through these experiment stations and not by the congressmen. It costs \$135,000 a year to send out seeds from here. I am going to recommend Congress to abolish this part of our business. As the seeds are now sent out they do not reach the parties they should nor do the proper kind of seeds get to the proper localities.

“What are you going to do as to the meat inspection, Mr. Secretary?” I asked. He replied:

I am going to abolish a good part of it. Our meat exports to Germany last year amounted to only \$2,000,000 and I find that the Germans reinspected all the meat that came in. We sent \$34,000,000 worth to England, where there was no inspection. The inspection costs a vast deal more than it comes to, and in eleven months it has footed up a total of about \$200,000. Why, during that time we paid out \$4,000 to inspect the meat at the Indianapolis abattoirs, and how much meat do you think was exported from there?

Just \$351.50. For every dollar's worth of pork sent to Germany from Indianapolis we paid more than \$10 for inspection. It isn't good business.

“How about American Corn in Europe? Is Cornmeal Murphy going to revolutionize the continent?”

I think not, though he is still in Europe. More of our corn should be used in Europe, but I believe we can create a greater market for it by getting the Germans to use it in the making of beer rather than the making of bread. Most of the beer in the United States is made largely of corn. The Milwaukee brewers will tell you they don't use it, but they use glucose, which is the same thing, and the greatest per cent of our beer comes from corn. Milwaukee turns out a hundred car loads of beer every day the year round, and our breweries have a great deal to do with the price of corn. The Germans use vast quantities of beer. Bavaria alone turns out 9,000,000 barrels a year, and the other German provinces have vast brewing establishments in all of their large cities. Corn makes a very good beer, and I think we can gradually get them to using it. I have selected a bright, well educated brewer to go to Germany to look into the matter.

While the above shows in what spirit of intelligent discrimination he began placing his department upon an honest basis, the general outcome has become his splendid vindication. During the absence of Secretary Morton in Europe, in the fall of 1894, studying their agricultural systems, and economic methods, D. MacCuaig, Esq., Chief Clerk of the Department, in successfully vindicating him against political campaign charges of a republican committee, incidently touched upon the subject of the foregoing interview. If there is one thing which Secretary Morton detests more than paternalism it is nepotism.

Amid the subsidence of premature clamor, the words of the Hon. E. J. Hainer of Nebraska, in the House of Representatives, February 4, 1895, add to the official vindication:

I know that there is no better friend of the real genuine agriculturist, not the fraudulent kind,—not those who masquerade as agriculturists,—there is no better friend of the genuine farmer than the present Secretary of Agriculture, J. Sterling Morton, though he be a Democrat.

In the February number of the *North American Review*, 1895, there appeared an article from the pen of the Secretary, in which he illustrated the proposition, that "to-day analyzed, is only a portrait in miniature of an aggregate yesterday." From the history of early exchanges of property, and the opinions of ancient authors upon a circulating medium, he passed to the object lesson of Nebraska in her infancy, with an inflated paper currency, before her possession of exchangeable commodities, and the crash two years later, when the inferior currency had expelled the superior. In a subsequent interview the salient points of the article were condensed:

I do not believe that an international congress can establish permanently a commercial ratio between gold and silver any more than it can establish a permanent commercial ratio between rye and wheat. But if an international conference can fix the price of gold or of silver, it can also fix the price of wheat or of any other commodity, and thereby avoid all the possible shrinkages in values which tend to cause panics.

I think the word "intrinsic" ought not to be used. The value of gold is always relative. To illustrate: If I sell you a thousand bushels of wheat today for \$570, the transaction has established, for the time being, the wheat value of gold and the gold value of wheat. Tomorrow's cables of utter failure of wheat crop in Argentina, Russia, and Europe entirely change the relation of gold to wheat, and the thousand bushels of wheat purchased at 57 cents yesterday, is worth \$1.14 a bushel today. But in the meantime, there has been no "intrinsic" value of gold, notwithstanding there has been a change in the relation of wheat to gold.

My own judgment is that we must sooner or later declare that the United States of America recognizes gold as the best and least fluctuating measure of value and medium of exchange which the commerce of civilization has thus far utilized.

The time for straddlers has passed. Those who are for sound currency on a gold basis ought to have the courage to say so, and abide by the results of their declaration. It makes no difference to me whether a declaration of truth, either upon the tariff or the money question, temporarily drives votes from or allures them to us.



It is barely possible that the financial fallacies of the populists and other vagaries may temporarily secure a majority of the voters of the United States. Should such a catastrophe overtake the country, the people must learn by experience what they should have learned by diligent study and reason.

I have no hesitation in declaring myself utterly opposed to all free coinage fallacies, all the 16 to 1 lunacies, and all of the cheap money illusions and delusions which populists and other vagarists advocate.

My judgment is that silver cannot be restored to its monetary place in the commerce of the world, because the supply of silver has outgrown the demand for silver in the exchanges of civilization. The relation of supply to demand is the sole regulator of value. This maxim applies alike to salt, silver, sugar, and soap. All the legislation of all the law-making bodies on the face of the globe can neither mitigate nor annul the operation of the inexorable law that "the relation of supply to demand is the sole regulator of value."

The President's critics ask, What is sound money? Any ordinary man of business may answer that question. Sound money is that sort of currency which has the most universal and least fluctuating purchasing power in the markets of all countries. That money is the soundest for which, throughout the commerce of the civilized world, there is the most universal demand. And that universal demand is always based upon the universal and unfluctuating purchasing power of that money. The present epidemic of the silver fever will in due time abate. As the temperature of the 16 to 1 patients declines, mental aberrations will disappear and reason once more resume its sway.

## GOVERNOR SAMUEL W. BLACK.

May 2, 1859 to Feb. 24, 1861.

The appointment of Samuel W. Black,<sup>1</sup> as associate justice of the territory of Nebraska, in 1857, was the date of his introduction to the "Far West." Born in the city of Pittsburg, Pa., in 1818, then on the confines of western civilization, and educated under the severe moral constraints of covenanter influence, he reached man's estate better furnished for the battle of life than a majority of American youths. At twenty-two years of age thousands were charmed by his brilliant oratorical efforts in that incomprehensible campaign of 1840, when speech and song, hurled in passion, drove democracy from the White House and enthroned "Tippecanoe and Tyler too."

Sanguine friends were predicting for him the garlands of success at the bar, when the Mexican war gave an outlet for youthful valor, and a colonelcy commission filled the demands of an enthusiast's ambition. When introduced to Judge Hall, of Nebraska, a Mexican remembrance incited his wit, when he exclaimed, "Judge Hall, are you related to 'The Halls of the Montezumas?'" and received the retort, "Governor Black, are you a relative of the Blacks of South Carolina?"

After the resignation of Governor Richardson in the fall of 1858, the Hon. J. Sterling Morton, territorial secretary, became acting governor until the arrival of Governor Samuel Black on the 2nd of May, 1859.

On the 6th day of December, 1859, Governor Black delivered his first official message to the legislature. Being a man of scholarly attainments and well posted in political history, he devoted half of the space of a long message to dispel the cloud cast over the Territory by the ignorance and hasty decisions of early explorers, as to its being a desert region, and further, to establish its right to speedy admission as a state.

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<sup>1</sup> Biography of Gov. Black, Nebr. Stat. Hist. Soc. Pub., 1st series, I., 94, 95.

But inasmuch as practical agriculture has completely dissipated the illusion, and the question of an admission to the Union been a fixed fact for twenty-four years, both theories may be passed over in silence. At the threshold of discussion we meet the following:

Nebraska has heretofore suffered from inconsiderate and nasty legislation, as well as from sudden and untimely repeal of a large portion of her laws. We have, however, just cause of congratulation that the code, both civil and criminal, adopted by the legislature of last year, is in full force and successful operation.

The recommendations relative to lands bearing the greater share of taxation, homestead exemption from sale for debt, prudent usury laws, the intelligent limitation of official fees, the enactment of laws to protect debtors and secure creditors in the sale of real estate under execution, were worthy of a sound lawyer and impartial judge. The brief allusion to the mistakes and calamities of the past was pungent and graphic:

It is a matter of bitter experience that the people of this Territory have been made to pass through the delusive days of high times and paper prices, and the consequent dark and gloomy night of low times and no prices.

By far the most notable message ever delivered, up to that date, in Nebraska closed, pure in morals and beautiful in style:

We may here turn to our past history as a territory, and find material for pleasant meditation. Individual faults and occasional infractions of the law are of course upon the record, but not a single page is darkened by the registry of a single outbreak among the people. Our growth in population and prosperity has been equal to the most sanguine expectation. Of agricultural supplies we already produce far more than we consume, and we may reasonably hope that but a few years will roll around before Nebraska will be as well known in the markets of the world as the oldest and largest grain growing states in the Republic.

A railroad to the Pacific Ocean is no longer a problem without a solution, and its construction and completion are but a question of time. These prairies will all be peopled from the great rivers to the mountains. The farm

house and the school house will decorate the plains, and temples reared to the living God will resound with praise from living and grateful hearts. This is the mighty and majestic future to which we look almost with the assurance of divine faith. Our fathers saw this and were glad. And when this "goodly frame," without a parallel, this Union, was first conceived, they trusted in Jehovah and were not disappointed. They knew as we know that there is a special providence in the fall of a sparrow, and in the rise and fall of nations. That their fate, who have fallen, may not be ours, and that our country may continue to rise and increase in just power, in excellence and in virtue, should be and will be, in all parts of it and in all times to come, as in the times past, the invocation and prayer of the patriot.

On the occasion of vetoing an act of incorporation, the governor said: "It is time that the spirit of incorporation should be subdued and checked. All special privileges and chartered rights conferred on a few, are so much taken away from the general privileges and unchartered rights of the many." As illustrative of the bungling way in which laws had been enacted, a committee reported: "That there was no law in existence in 1858 which authorized the levy and collection of territorial tax. The legislature of 1857, in attempting to adopt a revenue law, only adopted the enactment clause." As only four counties paid anything into the treasury in 1858, said amounts were recommended to be returned. There seeming to be no doubt that there were six slaves in Nebraska and had been formerly as many as thirteen, a bill was introduced and passed for the abolition of slavery in the territory, which was vetoed on the ground that slavery existed in the Louisiana purchase when we acquired it by the treaty, and could not be disposed of until the adoption of a state constitution. On the 4th day of December, 1860, the governor delivered his second and final annual message to the legislature, and proceeded at once to the vital questions in which the people were specially interested. Referring to the previous session, he said:

I urged then, as I urge now, the necessity of the law against usurious rates of interest. Better have no money

than buy it with the life blood of the needy and hard pressed of the people.

In response to this utterance the rate of interest was placed at 10 per cent in case there was no agreement for another rate not exceeding 15 per cent. Of salaries he said:

It is perfectly well known that the income of several of the officers in the Territory is far greater than it should be, and that the territorial debt would be an easy burden if it were not for the issue of the warrants to satisfy the claims of public officers, whose fees in many cases are four times as much as their services are worth.

To remedy this evil, a most searching and comprehensive law was passed covering the whole range of fees and salaries. The territorial debt was stated at \$52,960, with collectible resources amounting to \$30,259. Contemplating the manner in which the public debt had increased from a small amount in five years to \$50,000 his indignant language was:

Let the days of extravagance and enormous fees be numbered and cut short, and let a system of rigid and severe economy, suited to the times and our condition, be introduced and adopted, and that without delay.

His plea for an indirect bounty by which the growth of timber on the treeless prairies might be encouraged was promptly met by the passage of an act allowing a reduction of \$50 on the valuation of real estate for every acre of cultivated fruit, forest or ornamental trees. On the supposition that "the relation of a Territory to the general government is peculiar, and one in many respects of entire dependence," he urged that Congress be called upon for aid for bridges and roads on the lines of western travel, and for emigrant hospitals, and an arsenal of repairs and supplies. No important interest of the home-seeker seemed to escape his attention. His confidence in the future of the Territory was reiterated:

A soil so rich and prolific, a climate for the most part of the year so pleasant, and at all seasons so full of health, was not meant for a waste place nor a wilderness. God has

written His decrees for her prosperity deep in the earth, and developed His designs in the rejoicing harvests which return in smiling abundance to them who, betimes, have sown in tears.

With his eye upon the storm cloud in the sky of the Union, and his ear sensitive to the strains of discord, he came to his final appeal:

The suggestions of self interest and the loftiest patriotism should combine to make the people of the Territories faithful to the constitution and firm to their attachment to the Union. When one is the subject of open and frequent violation, and the other trembles on a sea of trouble, every good and conscientious citizen will ask himself the question, what can I do that my country may be saved? You cannot shut your eyes, nor can I close mine, to the fearful fact that this confederacy is shaken to the center and vibrates with intense feeling to its farthest borders. If it is not in our power to do something to bring back the days of other years when peace prevailed, let us at least do nothing towards making the present more gloomy and the future, at best, but hopeless. Rather with one accord let us invoke the God of all peace, for "even the wind and the sea obey Him," that He will subdue the storm and quiet every angry element of alienation and discord.

Up to the assembling of the legislature in 1860, the government officials had been members of the Democratic party, and those of them from slave states uniformly brought with them one or more slaves, claiming that slavery was national. During the first four or five years of territorial existence the anti-slavery sentiment of the people had been in restraint by the theory that it was better for the material interests of the new community that they should not antagonize the policy of the party in power. And as the repeal of the Missouri Compromise and the struggle to force slavery upon Kansas had threatened the life of the Union, it seemed nothing short of the Republican cyclone of 1860, which brought Mr. Lincoln into the White House, could consolidate the emigrants and check the domineering assumption of official dictators. But the make-up of this legislature proclaimed the emancipation of sentiment and the

dawn of a new political era. Of course there were at all times a few bold spirits, illustrating the fact that a true reformer must be in advance of his times.

On the 23d day of the session, in reply to the governor's message of censure, a committee of whom T. W. Tipton of Nemaha county was chairman, made the following report:

The select committee to which was referred the special message from the governor, dated December the 16th, 1860, calling the attention of this body to the fact that only seventeen working days of the session remained, and up to that date he had received no bills for his official signature, have had the same under consideration and beg leave to report: First, that from a careful and thorough examination of a standard almanac, his point in regard to the time is well taken; and second, that the journal of the council appears to sustain the second count in the indictment. We are happy to learn from his excellency that "I make this suggestion in no spirit of complaint," for we are certain that he has no cause of complaint, and had he complained we would have handed his complaint over to a people who have been cursed with too hasty, illadvised, and inconsiderate legation. But when he says as a reason for prompting us to action, "Not on my own account alone, but for the sake of the people, I request that you will endeavor to hasten the public business," we desire to remind his excellency that the same people whose will has been stricken down at a previous session, by his veto, has sent us here to own allegiance to no earthly power but themselves, and our oaths of office, and further that we represent thousands of freemen and hold our commissions from them, while he holds his from the President of the United States. The people are well aware that no legislature, a large portion of whom hold for the first time, can in the short space of twenty days, bring legislative order out of chaos, and establish a judicious revenue system, construct an election law that will guard the ballot box, equalize the fees of all public officers, reduce the burdens of taxation by thousands of dollars, and place a future state on a broad and glorious platform of constitutional liberty. But if it is a fact that we have been by day and night laboring in this chamber and committee rooms, in this behalf for 23 days, may we not, when successful, return to our constituents in conscious pride and triumph? In taking leave of this peculiar message we concur in the propriety of the following language of his excellency: "Nor do I assume any right to influence

in any way your movements, or deliberations." From this avowal on his part, your committee recommend that the council continue to transact legislative business in its own way, determining its own movements and controlling its own deliberations.

On the 6th day of the term Governor Black served upon the legislature a veto message of "A bill prohibiting slavery in the Territory," which was promptly passed over his veto by a vote of 10 to 3 in the council and 33 to 2 in the house. Of the votes in the council 8 of the 10 were cast by republicans and 2 by Douglas democrats. Of these republicans Dundy became United States district judge, Elbert governor of Colorado, Marquette and Taffe representatives in Congress, Strickland, Douglas democrat, United States district attorney, and Thayer and Tipton United States senators, evidence sufficient that the people were not misrepresented on the slavery question. On a motion of Mr. Tipton the public printer was ordered to accompany the governor's message with the action of the Legislature in passing the bill over the veto, on which subject he delivered the following remarks:

In my humble opinion this veto message is a most remarkable production—remarkable on account of the pertinacity with which his excellency follows up this question of human freedom with ponderous documents, earnest protests, and unavailing entreaties. In its component parts it is equally remarkable, whether you consider it a system of dovetailed fallacies, special pleadings, or sublimated foolishness. If his excellency had a mint of gold with which to bribe this legislature, and we possessed all the logical acumen and captivating eloquence of our racé; were we willing to receive the one and exert the other, we could neither give dignity to this document nor force to its conclusions. The honest hearts of our constituents would consign us for our efforts to everlasting political infamy.

The republicans had declared in their Chicago platform, "that the normal condition of all the territories is that of freedom, and we deny the right of Congress, or of a territorial legislature, or of any individuals, to give legal existence to slavery in any



territory of the United States." National democrats held that slavery was national, and could follow the master at his pleasure. The Douglas democrats, followers of the distinguished Illinois senator, claimed that the people, as an act of "popular sovereignty," could "vote it up or vote it down," according to their preferences. Before the end of the session Gov. Black found numerous occasions to exercise his veto, and in no additional case did the legislature reverse his decision. On the last day of the session he concluded his last veto message with the following sentences:

This is the last day of your session, and this communication is about the last I shall have an opportunity to submit to the legislative assembly. When I had the honor to occupy a seat on the bench, I trust I was persevering and firm in vindicating the great right of protection to life which the law extends to every human being. The position then occupied I am unwilling to change, even by a distant and remote conviction. Wherefore this bill, which seems to excuse, if it does not justify, a felonious homicide, is not approved.

On the 11th of January, 1861, when the hands of the clock indicated final adjournment, as a passenger from the deck of the vessel waves a final adieu to friends on shore, the council, on motion of General Thayer, sent to the house greeting:—

RESOLVED, That we hereby heartily and cordially endorse the official conduct of the executive of this Territory, His Excellency, Hon. Samuel W. Black, for his gentlemanly and courteous treatment of the members of this legislature, and for the prompt, efficient and energetic manner in which he has discharged the duties devolving upon him during the session of this legislature, and during his term of office.

The 24th of the next month marked the departure of the governor to his native Pennsylvania, and on the following June dates the death of Col. Black, shot from his horse at the head of a Union regiment, leading a desperate charge against a Confederate army. A statement of his tragic death was communicated to the Nebraska State Historical Society by his daughter.<sup>1</sup>

<sup>1</sup> Vol. III., 1st series, 94, 95.

## ACTING-GOVERNOR A. S. PADDOCK.

1862, 1867.

Hon. A. S. Paddock came to Nebraska under the most favorable circumstances possible for a young man of ambitious tendencies, being twenty-seven years of age and possessing a good education, free from all public vices, and with a "sound mind in a sound body," possessed of fundamental principles of law, and the experiences of self-support. Pioneer neighbors naturally hailed him as one qualified for counsel and aggressive action, a new man, in a new country, where a new set of political issues were beginning to monopolize public attention. Having inherited anti-slavery sentiments from a New England ancestry, his natural affiliations would be with Fremont as a presidential candidate in 1856, and for Lincoln in 1860. When, therefore, he met New Yorkers in the Chicago convention in 1860, from whom he had parted as an emigrant in 1857, and was with them in voting for William H. Seward for nominee, a mutual co-operation in the future was easy and natural. With Lincoln elected and Seward in the cabinet, and the prestige of a campaign orator associated with the name of Mr. Paddock, the appointment was made and confirmed, and he entered upon the duties of Secretary of Nebraska April 1st, 1861. In 1864 he was candidate for nomination before the republican convention of Nebraska, for delegate in congress, with T. M. Marquette, P. W. Hitchcock and T. W. Tipton as friendly competitors. Each being voted for separately, Mr. Tipton lacked four votes of the nomination while Mr. Marquette was a few short also. On the next ballot the first count gave Mr. Paddock a majority of one, but before the announcement a delegate claimed the parliamentary right of changing his vote, which left it a tie. Up to this point the friends of Mr. Hitchcock had been casting com-

plimentary votes to each candidate, and now that his time of trial had come, all were "returned with interest," and he received the nomination.

In 1866, while Mr. Seward was still in the cabinet of Andrew Johnson and many conservative republicans were sustaining the administration, Mr. Paddock became a candidate for Congress, receiving a conservative republican and democratic vote, but failed of election by a majority of 848 votes, in favor of John Taffe.

In 1867 President Johnson gave him the nomination of Governor of Wyoming territory, which was finally declined. Subsequently he was elected a senator of the United States, in 1875, and re-elected in 1887, while in the interim he served on the Utah commission.

Among the many duties devolving upon him as acting governor, was his preparation for the subjugation of the hostile Indians in the year 1862.

OMAHA, NEBR., TERRITORY, Sept. 9, 1862.

*Hon. E. M. Stanton, Sec'y of War:* Powerful bands of Indians are retiring from Minnesota into the northern counties of this Territory. Settlers by the hundreds are fleeing. Instant action is demanded. I can turn out a militia force, a battery of three pieces of six pounders, and from six to ten companies of cavalry and mounted infantry. The Territory is without credit or a cent of money. Authorize me to act for the general government in providing immediate defense and I can do all that is necessary with our militia, if subsisted and paid by the government.

A. S. PADDOCK,

*Sec'y and Acting-Governor of Nebraska.*

Authority being granted, all preliminary steps were taken, the Second Nebraska cavalry organized and placed under the command of Col. Furnas, and a complete victory obtained over the savages in the battle of Whitestone Hills, with the Brules, Yankton and Blackfeet Sioux.

When the legislature convened in January, 1867, the governor being absent on official business, the duty of presenting the annual message devolved upon the territorial secretary, Hon.

A. S. Paddock. The facts and figures of the accompanying reports of state officers belonged to the administration of Governor Saunders, while the secretary was entitled to full credit for most wise and conservative views upon the national land system, results of the war, impartial suffrage, and kindred themes of vital importance to the embryo state.

The financial statement gave an available surplus of \$61,810, whereas six years before, the date of the governor's first message, the indebtedness was \$37,226. The revision of the laws had been accomplished in an admirable manner. "The wise economy" of the homestead law "had been no more clearly illustrated than in this territory." Said he, "How much wiser than the economy which gives to productive industry the possession of the national domain free of cost, than that which disposes of it in large tracts to speculators, in whose hands it remains unoccupied and unimproved, a veritable obstacle in the way of the rapid settlement and development of the country." Among numerous recommendations made to the legislature was that for a memorial to Congress protesting against any future cash sales of public lands, or withdrawing from market for prospective railroads, or locations by script or warrants unless for new state uses, and also asking that government buy the Union Pacific railroad lands and devote them to free settlement. It was also recommended that a liberal amount be appropriated to secure the active labors of immigrant agents, and to accomplish a geological survey of the Territory. In order to bring in closer relations, commercially and socially, the inhabitants north and south of the Platte, a free bridge was urged as an unavoidable necessity.

A very satisfactory review of the railroad situation was closed as follows:

Such brilliant railroad prospects have very rarely, if ever, presented themselves to the people of a new state or territory. Nature has marked this spot, equi-distant from the two great oceans, as the pivotal center of the railroad system of America. God grant that the Union Pacific railroad, which is the true base of all prosperity, may be

speedily completed to the Pacific. May it form an additional bond of union to the states, a never failing source of pride, of glory and of strength, to the nation, and an equal source of pride and profit to the brave and energetic gentlemen who engaged in its construction.

After commending the admission of the Territory as a state of the Union, and proffering co-operation in behalf of greater efficiency in the common schools, the acting governor concluded his official communication with temperate and patriotic allusions:

I should hail with joy a radical change in the rule of suffrage which would give the franchise to intelligence and patriotism wherever found, regardless of the color of its possessor. He who can read understandingly the constitution of his country, and he who has fought in its defense, of whatever race or color, should have a voice in the choice of the nation's rulers. I should therefore cheerfully concur with you in a memorial to Congress, praying for an amendment of our organic law, in accordance with this view. No change, however, should be made which would take the franchise away from any person who now enjoys it under existing laws.

At the time he delivered his message there was a peculiar significance in the following:

The kind offices of the peacemaker avail not, and the olive branch is cast aside, a withered and useless thing. How can our beloved country be united again in fact as well as in form? How can the Union be firmly re-established in the hearts and in the affections of the people of all sections? For the patriotic love of the people is the soul of the union, its preservation is essential to the very life of the nation itself. I do not believe it can be done by depriving eleven states of loyal representatives in the national congress, when representation is the very germ and essence of union. Only that which will win back the hearts of the southern people will give stability and enduring peace to the Republic.

In conclusion, permit me to assure you that I shall most earnestly co-operate with you in every endeavor to promote the varied interests of our Territory. Whatever measures may commend themselves to your wisdom and judgment, as

best calculated to promote the general welfare will receive my most cordial approval. Permit me to wish you a pleasant sojourn at the territorial capital, and after the labors of the session are terminated, a happy return in safety and in health, to your families and friends.

## GOVERNOR ALVIN SAUNDERS.

May 15, 1861 to Mar. 1, 1867.

Gov. Alvin Saunders<sup>1</sup> claims Kentucky as his birthplace, and was born on the 12th of July, 1817. At twelve years of age he was taken by his parents to the State of Illinois, and in his 19th year united his destiny with the small village of Mt. Pleasant, Iowa. With patience and luck he endured the vicissitudes of pioneer life, and as merchant's clerk and merchant, as postmaster and member of a constitutional convention, as representative of the people in the state senate and in the Chicago National Convention of 1860, which nominated Mr. Lincoln, he secured and held the implicit confidence of an honest, intelligent and patriotic community. Though of Virginia parentage and Kentucky birth, having developed an enthusiasm for "free speech, free soil, and free men," he was fully competent to stand guard on freedom's battlements during the stormy days of the Union.

After discharging the duties of Governor for a term of four years, the circumstances attending the signing of his second commission were so peculiar that they are treasured up as a sacred remembrance.

I saw Mr. Lincoln, who told me to return home, as it was all right and he would attend to the commission. I started for home in the morning, and in the evening of the same day he was killed. I telegraphed back to find out what had become of my commission, and learned that the room had not been opened. When it was opened the commission was found on the table, unfolded, with his signature attached. It was not signed by Mr. Seward. I have the commission in Mr. Lincoln's name, but the appointment was actually made out by Mr. Johnson.

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<sup>1</sup> Gunnell Saunders, father of Alvin Saunders, was a native of Loudoun County, Va., who emigrated to Bourbon County, Ky., when a young man, and thence to Fleming County. His ancestry was English, and his wife, maiden name Mary Mauzy, was a native of Culpepper County, Va., from French family. Alvin was one of five sons. Gunnell went to Springfield, Ill., about 1829.

Before he assumed the duties of Territorial Governor of Nebraska, May 15, 1861, ten states had passed ordinances of secession, Davis and Stephens elected president and vice-president of the Southern Confederacy, a call had been issued for 75,000 men at the north and for 32,000 at the south, Fort Sumter had been bombarded by the rebels and Massachusetts troops mobbed in Baltimore on their way to the city of Washington, and President Lincoln had ordered the blockade of southern ports.

Three days after Gov. Saunders' arrival he issued a proclamation for troops for three years' service, closing with the following emphatic language:

Efforts are being made to trample the stars and stripes, the emblem of our liberty, in the dust. Traitors are in the land busily trying to overthrow the Government of the United States, and information has been received that these same traitors are endeavoring to incite an invasion of our frontier by a savage foe. In view of these facts, I invoke the aid of every lover of his country and his home, to come promptly forward to sustain and protect the same.

His acts and messages reveal the fact that during the four years of devastating war, his thoughts were ever with the men who answered the calls for troops. Whether they were in camp or in council chamber, their wants and domestic anxieties urged him to duty and called out his ready sympathy.

In his first message to the legislature, the Governor said:

Congress, at its last session, in providing means to be used in putting down rebellion in a number of Southern States of the Union, levied a direct tax on the people. The Constitution of the United States provides that direct taxes shall be levied by Congress in proportion to the population. The proportion assigned to Nebraska amounts to nineteen thousand three hundred and twelve dollars. This tax may be assessed and collected by officers to be appointed by the Secretary of the Treasury, or may be assumed by the Territorial Government. In the latter case, a deduction of 15 per cent. from the gross amount will be allowed the Territory. I therefore recommend that you make the necessary provision for its collection by adding the gross amount to the tax levy for the coming year for



territorial purposes, or that you make such other provision for its payment as your wisdom may devise. Although the sum to be raised is comparatively large, we should not hesitate to bear our part of the burden. Each one should be willing to exert himself to the utmost to avert the danger which now threatens the Union. We would be unworthy descendants of the good and great men who pledged their property and their lives to secure our free institutions, if we hesitated to make any sacrifice necessary for their preservation.

The patriotism of those who assist our country now, when she is defending the Constitution and the Union against traitors and rebels, and who stand firmly by that flag, and those institutions, which have descended to us from the hands of Washington, will be held in grateful remembrance by the great and the good everywhere, and their names will descend with imperishable honor to posterity, for having aided in preserving to their country and the world, in its original integrity and vigor, the freest and best government on earth.

A committee to whom was referred the subject of the direct tax, reported that inasmuch as Congress allowed the Territory \$20,000 per year, for legislative expenses, the legislature should not be convened during the next year, but the \$20,000 should be diverted by the general government for the cancellation of the tax of \$19,312.

And to show the necessity of this, they instanced the financial condition of the people, illustrating with Douglas County.

Douglas County has a mortgage debt of \$800,000 hanging over her citizens, covering the majority of the real-estate in the county and bearing interest at an enormous rate of from 2 to 10 per cent per month. The court records will show a judgment debt of several thousand dollars. The County has a debt of \$50,000. So with the other counties throughout the Territory. Our Territorial debt is \$50,000. Our taxes in every county in the Territory have been higher for three years than in any state in the Union.

Inasmuch as the progress of the Government, in the suppression of the rebellion, was the all absorbing question, his second message, in 1864, contained the following:

When you were last in session the rebels claimed all of the slave states and all of the territories south of Kansas and west to California, but the Union armies have

been steadily driving them back from the loyal states and toward the interior from the coast, capturing fortifications and cities until now the stars and stripes float in triumph over at least two-thirds of the Territory then claimed by the insurgents. A few months more of vigorous and persistent effort on the part of the great armies and navies of the Republic, it would seem; will probably be sufficient to wipe out the last vestige of this gigantic rebellion, and establish the supremacy of the Constitution and the laws throughout the whole extent of all the states and territories of the Union.

It must be a source of profound gratification to you to know that the citizen soldiery of Nebraska, springing to arms from the peaceful pursuits of life, at the call of the President, totally unaccustomed to the hardships and deprivations of the weary march and camp life, and to the exposure and dangers of protracted campaigns, have performed their part so nobly in every trial of endurance and courage.

A Nebraska soldier, whether called on by his country to confront the wily savages on the frontier, or the rebel hosts in battle array, has never shrunk from duty, quailed before danger, or turned his back on the foe.

After urging that all possible effort should be made for the comfort of the soldiers in the field, and of the sick and wounded, and of widows and orphans, and for allowing the soldiers to vote for state and national officers, he passed to the subject of monuments.

I also recommend that you make the necessary provision for keeping a correct record of the names of all who enlist in the military service of the Territory, to be preserved among the public archives; and that the names of all who are wounded or fall in battle should be inscribed on a roll of honor, to be carefully preserved for the inspection of future generations. I also suggest that justice to this class of our fellow citizens seems to me to require that a monument should be erected at the capitol, on which to inscribe the names, and preserve the memory of all from this territory who have fallen in their country's service since this rebellion commenced, or who have fallen during its continuance.

He further elucidated the steps leading up to emancipation, as a military necessity, and its influence at home and abroad on

the final result, and declared in favor of an immediate peace consequent upon a restored union. In his message of 1865, Governor Saunders made the following prediction:

This war for the preservation of our national life, although protracted through more than three years of bloody strife, is at length happily drawing to a close; and recent events would seem to indicate, with almost mathematical certainty, that the end cannot be far in the future. Slowly, but steadily and surely, the Union armies are exhausting the strength and resources of the rebel forces. Their lines are being rapidly contracted—their ranks decimated beyond the possibility of recuperation, and the spirit of the misguided masses has been broken. Our armies and navies almost encompass them, while one of our greatest generals, with his victorious columns, has marched through the very heart of the Empire State of the South, from the interior to the coast, and captured the most populous and important commercial city in the rebellious district, almost without opposition. The significant facts leave no room to doubt that at an early period the supremacy of the constitution and the laws will be restored in every portion of the country, thus establishing human liberty, alike in the South and in the North, and vindicating the capacity of the people for self government.

One year later he had the happiness to herald the consummation of the great work, in the following language of his annual message, of January, 1866:

Our flag, emblem of the unity, justice, power and glory of the nation, now floats in triumph over every part of the Republic. Every foot of our national territory has been preserved intact. The supremacy of the constitution and laws is acknowledged by all the inhabitants, but this great boon has been secured at a fearful cost of blood and treasure. Having thus passed through the Red Sea of disaster which menaced us, and for a time threatened to engulf and overwhelm the fair fabric of justice and liberty reared for us by our fathers, may we not hope that our glorious Union will be perpetual and dispense its blessings for all future time to the oppressed and downtrodden who may seek an asylum in this land of liberty and equal justice from the tyrannies of the old world.

When the question of emancipating slaves was discussed, as a

military necessity, Governor Saunders held and expressed very decided views:

Look, if you please, at the effort put forth by the cunning politicians and traitors of our country, to prejudice the minds of the unwary against the President's proclamation emancipating the slaves in rebel districts. Thousands throughout the country had their minds thus prejudiced, and for the time being poisoned, against the measure; and yet, that very same measure has, perhaps, done more to give us strength, both at home and abroad, than any other adopted by the administration. And perhaps we ought not to close our eyes to the fact, while dwelling on this subject, that many of the best and wisest men in the country believe that if the slaves should all be liberated, during the progress of the war, it will be a just retribution on those who originated the rebellion; for there is a universal conviction among all classes, that slavery was, either directly or indirectly, the cause of the war, and that the guilty cause ought to be destroyed, and that without this, no lasting, permanent peace can possibly be secured. If it stands in the way of victory, of peace, of a restored and perpetual Union, let it die the death of the malefactor.

On the 25th of January, 1864, Governor Saunders had the supreme pleasure of placing his signature to a joint resolution of the Legislature complimented the territorial troops:

RESOLVED, That the thanks of the people of this territory are due, and are hereby tendered through their Legislative Assembly, to the brave men who have gone from our territory to battle for the preservation of our country. That we look with pride and satisfaction upon the record our soldiers have made since the war of the rebellion was inaugurated, and that their unsurpassed bravery on every field, from Fort Donelson, where the blood of Nebraska first mingled with the crimson tide of the brave of other states, who consecrated with their lives the first great victory of the war, down to the heroic defense of Cape Girardeau, where the sons of our territory, almost unaided, achieved one of the most brilliant and decisive victories that will adorn the annals of the present struggle, a record which commands the admiration of the world, and places us under a debt of gratitude to those brave men which we can never repay.

How thoroughly the Governor's patriotic efforts were supple-

mented by the women of the territory, appears from their contributions to the St. Louis Sanitary Fair of 1864, to the amount of \$10,000, and to the Chicago Fair of 1865, to the amount of \$25,000, where Mrs. Alvin Saunders and Mrs. O. F. Davis were active participants. The sentiments of loyalty and patriotism proclaimed by the Governor were amply supplemented by the utterance of the Legislature of 1861-2:

RESOLVED, That, disavowing, as we do, the right of any state or states to nullify the federal law or secede from the federal Union, we regard such secession or nullification as treason against the United States, and believe it to be the first and holiest duty of the Government to uphold its laws and repress treason.

To a resolution of a republican member of the Legislature—“Resolved, that whenever an American Citizen unsheathes his sword and shoulders his musket, at his country’s call, he should leave the spoilsman, the partisan and the politician in a nameless grave behind him,” there came a democratic response: “That we hold rebels against our government to be outside the pale of its protection.”

His messages furnish the land-marks of the Union Pacific railroad. In the first one, of December, 1861, we have the following:

A mere glance at the map of the country will convince every intelligent mind that the Platte Valley which passes through the heart, and runs nearly the entire length of Nebraska, is to furnish the route for the Great Central Railroad which is to connect the Atlantic with the Pacific States and Territories. Through Nebraska must pass, in a few years, not only the travel and trade between the Eastern and Western portion of our country, but also much of the trade and travel between the Old and New World.

In his message in January, 1864, he thus congratulated the Legislature:

Congress passed a bill, at the first regular session after the inauguration of the present administration, providing for the construction of the Great Pacific Railway, commencing on the 100th meridian, within the Territory of Nebraska,

thence westwardly to the Pacific coast, with three branches from the place of beginning eastward to the Missouri River. With these magnificent works successfully prosecuted, connecting directly with the great cities of the Atlantic and Pacific, with the benefits of the homestead act, of a virgin and fertile soil, of exhaustless salt springs, with a climate as salubrious as exists in the world—none can hesitate to predict for Nebraska gigantic strides in the attainment of wealth and power.

In January 1865, his declaration was:

It will be gratifying to you, and the people of the Territory to know that the work on the great Union Pacific Railroad, which is to pass through the entire length of Nebraska, is progressing at a very considerable rate. The work of grading, bridging, and preparing the ties, is progressing much more rapidly than had been anticipated by our most sanguine people. I feel fully authorized to say, that unless some unforeseen misfortune attends this great enterprise, more than fifty miles westward from Omaha will be in readiness for the cars before your next annual meeting.

In January, 1866, he reported fifty-five miles of track completed, and grading and bridging for ninety-five miles, and predicted that 150 miles of the road would be ready for the cars within twelve months. But all speculations were to be exceeded during the year of 1866, since on the 11th of January, 1867, cars were running a distance of 293 miles from the initial point, and 262 miles of track were laid, in that year.

On the 2nd day of December, 1863, as one of the national Commissioners to locate the initial point of the road, with spade in hand to "break ground," the governor delivered the following address:

*Mr. President, Ladies and Gentlemen:*

We have assembled here to-day for the purpose of inaugurating the greatest work of internal improvement ever projected by man, an improvement which is to unite with iron bands the shores of the Atlantic and Pacific, and to connect not only the great cities of the Atlantic with those of the Pacific Ocean, but to open the gateway of commerce for the nations of the earth. This gigantic enterprise,

which spans a continent, is destined to become the great thoroughfare not only for manufactured articles of our own New England, the agricultural staples of the valley of the Mississippi, and the gold and silver of the Rocky Mountains and the Sierra Nevadas, but also the silk of the Indies, the manufactures of England and France, and the teas of China. It may indeed be appropriately termed the "Nation's Great Highway."

This, my fellow citizens, is no mere work of fancy, or fiction, but a substantial reality. The people, the great masses, have taken hold of it, and the work this day so auspiciously inaugurated, is destined to go steadily forward to completion. Whether viewed in the light of a prudential war measure or regarded in the light of a commercial enterprise, the Nation is so deeply interested in its speedy completion that it cannot fail.

The parties who participated here today in this initial step, represent the diversity of interests which are combined to push it forward to a complete consummation. You behold here the engineer, the mechanic, the laborer, the physician, the lawyer, the capitalist, the editor, the telegraph operator, all taking part in the exercises of this hour—and for such, throughout the whole country, is composed of backers of this great enterprise. I cannot close these brief remarks without expressing the gratitude which I feel to the President and the Congress of the United States for the good judgment which they have displayed in giving life to this magic work, and congratulating the people of the whole Union on its commencement and the cheering prospects of its early completion.

In advance of Congress, the Governor said in his message of 1861: "You should, in my opinion, urge Congress to enact a Homestead law at its next session." And in that of 1864, we have the following:

Among the many beneficent acts of legislation, passed by the Congress of the United States, since your last session, may be mentioned the "Homestead Bill." In fact, its success, so just to the settler, and so wise as a measure of national policy, seemed hopeless, while the reins of government were held by such men as controlled the administration preceding that of our present chief magistrate. The honor of the prompt passage of this great measure, is due to President Lincoln and his political friends in Congress.

This question received special attention in all his messages, and after various efforts, congressional action was secured, and the transition made from the territory to a state, during the term of his incumbency. Without any exaggeration, his term of office included the most eventful period of our history, and no state or territory had a more faithful officer or devoted war governor than Nebraska. In the message of 1861, we read:

We are surrounded by tribes of Indians who are more or less tampered with by wicked men, and traitors of the Union; we are in the immediate vicinity of the battle fields of the rebellious states: the regular troops, who have been recently garrisoning our forts, are being rapidly withdrawn; large numbers of our best and bravest young men have been summoned from their homes to aid in fighting the battles of the Union; we have a long range of frontier settlements exposed to the tomahawks and scalping knives of savages. You should, therefore, urge upon Congress, in the strongest terms, the necessity of furnishing our people with the means of defending their homes and families.

The subject received attention in his official communication January 8, 1864:

True, Nebraska has no particular calls made for the services of her militia lately; nothing, however, but the liberality of the general government in supplying our wants with government troops has prevented it.

In 1865 his reference to the theme was as follows:

In the late call for troops to assist in protecting our frontier settlers from the savages, I found myself obliged to rely entirely upon the patriotism and liberality of the people in order to raise and equip a sufficient force to give proper relief to the suffering people.

It was recorded in the message of January 9, 1866, that:

The Indian War upon our Western border to which I adverted in my last annual message, still continues. It was hoped that with the close of the rebellion these troubles would cease; but this hope has proved groundless. Emboldened by success, the savage tribes who have committed these outrages upon the lives and property of emigrants, and upon the Overland Stage line, and Pacific Telegraph,



have become exceedingly reckless and daring in their murderous forages; and outrages the most atrocious and wanton in their character are of frequent occurrence. Nothing will, in my judgment, give us peace upon the plains, but the employment of the most vigorous measures to hunt out and severely punish the authors of these outrages.

After Gov. Butler (of the State) had convened a Legislature on the 4th of July, 1866, for the election of United States Senator, Congress ordered the Territorial Governor (Alvin Saunders) to convene the Legislature for the purpose of adopting a "condition precedent" to the State's admission into the Union. Accordingly he issued his proclamation February 14th, 1867, and his message to the Legislature February 20th, 1867. Against the state legislature amending the provisions of the constitution, which as voted upon by the people recognized only white voters, the democrats entered their protest in a series of state resolutions in 1868; while at the same time there was not a unity of opinion among republicans on the questions of the right of the State to act, and the policy of extending the elective franchise to the people of color. Indeed, Governor Saunders, the very embodiment of national republicanism, said in his proclamation, to the Legislature:

It no doubt would have been more satisfactory to you, as I frankly confess it would have been to me, if Congress had given the settlement of this question directly to the people of the Territory, instead of requiring of you, who were not particularly instructed on the subject, to take upon yourselves the whole responsibility of deciding this subject for them.

On the other question he affirmed:

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

At this time the amendment to the United States Constitution had not passed, establishing impartial suffrage, but in 1870, two

years later, the democratic platform read: "Resolved, that the Democracy of Nebraska accept the adoption of all amendments of the fundamental law of the land as a formal settlement of the questions disposed of thereby."

The State's admission, and the suffrage question both settled and out of the contest, in 1870 the republicans endorsed Grant's administration, commended congress for a reduction of the burdens of taxation and extended sympathy to Germany in her struggle with France; while the democrats resolved, "That all taxation, to be just, must be for a public purpose, equal, and uniform; that the national government has no right to levy a tax upon one individual to advance or promote the interest of another."

The condition, to which the state was to give assent, was, "That within the State of Nebraska there should be no denial of the elective franchise, by reason of color or race," except to untaxed Indians. This having been complied with, the state was formally admitted by the president's proclamation of March 1, 1867, when Governor Saunders was superseded by Governor David Butler. On retiring he indulged in a few parting words to a constituency that, in full, reciprocated his confidence and esteem.

#### TO THE PEOPLE OF NEBRASKA.

EXECUTIVE OFFICE,

OMAHA, NEBRASKA, March 27, 1867.

I have this day received official notice from the State Department at Washington, of the President's Proclamation announcing that the Legislature of Nebraska has accepted the conditions proposed by Congress, and declaring the fact that Nebraska is admitted as one of the independent states of the Union. The Governor elect under the state organization being now ready to take charge of the office, my duties as the Chief Executive of the Territory this day cease.

I take pleasure, before retiring from this office, in availing myself of this opportunity of returning my sincere thanks to the people of the Territory for their uniform kindness, and for the alacrity and promptness with which every official demand upon them has been honored, whether in war or in peace. No period of time of the same length since the

organization of our Government has been so eventful and full of interesting history as has been the six years I have been honored with an official connection with the people of Nebraska, and it gives me great pleasure to know that peace and general prosperity now prevail throughout our whole country, and especially to know that no country can truthfully boast of greater peace or more genuine prosperity than can Nebraska.

Especially do I feel proud of the financial condition of the Territory. Six years ago the debt of the Territory was fully two dollars for every man, woman and child in it, and the warrants of the treasury were selling at from twenty-five to thirty cents on the dollar. Now her paper is at par, and she is ready to pay every dollar of her indebtedness of whatever character, so that the new state can commence her career without a dollar of debt hanging over her. This condition of affairs, so far as my knowledge extends, is without a parallel in the history of new states, and gives cause for mutual and general congratulation. While our officers and people have been so attentive to the finances of our country, they have not been idle or wanting in other important particulars, for during the war Nebraska furnished as many troops as any other state or territory in proportion to its population, and no soldier from any quarter showed more valor or made a better record for bravery or true soldierly conduct than did those from Nebraska. So, viewing it from any standpoint, I feel proud that I have been permitted to occupy so conspicuous a position among a people so patriotic, prompt, and appreciative. With my best wishes for the prosperity of the whole people, of our new State, and for its great success, I am, etc.,

ALVIN SAUNDERS.

## CHAPTER II.

### TERRITORIAL DELEGATES.

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Whoever attempts to write history for the people of Nebraska, or sketch the career of prominent citizens, meets with many impediments. So young is the State, that many of the actors are still in stage costume, and extremely sensitive as to any criticism upon the performers or the play. Scenes that were thrilling to them and heralded as tragic, divested of their surroundings may innocently by strangers be classed as comical.

An eloquent author once said: "Every attempt to present on paper the splendid effects of impassioned eloquence, is like gathering up dewdrops, which appear jewels and pearls on the grass, but run to water in the hand—the essence and the elements remain, but the grace, the sparkle, and the form are gone." And so when the writer erects a statue upon the historic page and exclaims, "Behold the man!" the disappointed reader may demand, "What of the electric current that warmed the heart, illumined the eye, and flushed the cheek; what of the hopes that impelled, the fears that retarded, the placidity or turbulence that dominated the inner life?" In spite of all hindrances and discouragements, with an apology to the "old settler," and a salutation to the new-comer and his juvenile family, the writer enters upon the theme, *Nebraska in Congress*.

Her first appearance before the government was as a very diminutive, nameless infant in arms, when in April, 1803, France, by treaty, gave her mother Louisiana away, in marriage, to "Uncle Sam." In 1804 Louisiana was erected into two territories, called Orleans and District of Louisiana, and provision was made for

the formation of a State Constitution for the Territory of Orleans whenever the population reached 60,000. Having acquired the specified amount in 1810, an Enabling Act was passed in 1811, and in 1812 the Territory of Orleans with the name of Louisiana was admitted into the Union as a state; leaving the balance of the purchase for future disposal.

The Louisiana purchase cost the United States \$11,250,000; and such an amount due the citizens of the United States, from France, as should not exceed \$3,750,000.

It was bounded north by the British possessions, south by Mexico, and west by the Rocky Mountains, and is to-day included in the states of Louisiana, Arkansas, Missouri, Kansas, Nebraska, North and South Dakota, and parts of Colorado, Wyoming, Montana, and Idaho.

The name of Louisiana was changed to Missouri Territory in 1812, and later the southern part became the Territory of Arkansas. The necessary steps being taken, a part known as Missouri became a state June, 1821. As Missouri was coming in as a slave state, the free states demanded "a set-off," hence the Missouri Compromise was enacted, to quiet "slavery agitation forever," and this, when ruthlessly repealed in the Kansas-Nebraska Act of 1854, precipitated the "death to slavery forever" struggle. By that notable act, all new states subsequently formed north of parallel of thirty-six degrees and thirty minutes, dividing the Louisiana Purchase, should come in free or slave, as the people might determine. And so a protecting barrier was erected between Nebraska and slave territory for a term of thirty-three years, ending in 1854.

This same line was extended through Texas, under certain conditions, on her admission to the Union in 1845. In 1850, when the Union was endangered by the fiery discussion over the admission of California as a free state, the doctrine of non-intervention as to slavery was affirmed; and when it was enacted in the organic law of Nebraska that the Missouri Compromise was "inoperative and void," and slavery was a question exclusively for the people to settle, Senator Benton of Missouri declared the

statement was "a stump speech injected into the belly of the bill." Had Nebraska then been as far south as Kausas, border warfare would have desolated her plains, murdered citizens, and laid homes and cities in ashes.

Nebraska was introduced to congress, by name, in 1844, when a bill to define her boundaries was presented to the House of Representatives. In 1854 the step-daughter was considered of sufficient age to commence superintending her future estate, under the directions and instructions contained in a law of congress denominated the Organic Act.

## NAPOLEON B. GIDDINGS.

33rd Congress, 1855; Jan. 5 to Mar. 4.

In order to "set up housekeeping" in accordance with the customs and manners of the elder sisterhood, a selection of an agent, in that behalf, was made on the 12th day of December, 1854. The student of history will remember that Napoleon Bonaparte was a prime factor in behalf of France in Mr. Jefferson's negotiations for Louisiana, and the reader of the annals of Nebraska notes the fact that *Napoleon B. Giddings*, of Missouri, was her first delegate in Congress.

The election took place seven months from the date of the Organic Act of May 30th, 1854. Voting precincts had been designated at twelve places in eight counties adjacent to the Missouri River. Of 800 votes, Mr. Giddings received 377, which was a majority over any one candidate's vote, though a minority of the whole number cast. On the 5th day of January, 1855, just twenty-four days after the election, the *Congressional Globe* has the following entry:

Mr. Phelps of Missouri announced that the Delegate from Nebraska was present and desired to take the oath of office. Mr. Giddings thereupon presented himself at the bar of the House, and the Speaker administered to him the usual oath of office.

The term for which he was elected was to expire on the ensuing 4th of March, within about two months. A few days before the advent of Mr. Giddings to the House, Mr. Mace of Indiana introduced a bill modifying the Kansas-Nebraska law, and re-enacting the Missouri Compromise act to protect Nebraska from slavery, and for the admission of Kansas as a free state, which failed to pass. Hon. Thomas Hart Benton of Missouri, formerly Senator, having to be absent for a few days, left a short speech to be read for him by a colleague, in

which he deprecated the opening up of the slavery discussion on general principles, but especially for fear of retarding emigration, which was so desirable to aid and encourage the construction of a Pacific railroad. Admitting the border ruffianism of Missouri, he claimed it was the natural product of New England Colonization Societies, from which he had from the first anticipated evil.

Bills were introduced by Mr. Giddings as follows: To establish post roads; to protect the proprietors of towns in their town sites; to establish land offices; and for surveying, marking, and opening roads. He offered amendments to establish an arsenal in Nebraska, and to allow \$50,000 for public buildings. On the 31st day of January he wound up his legislative career by the delivery of his maiden speech. Mr. Giddings said:

I wish to say a word or two in answer to the gentleman from Virginia in relation to the power of the governor in locating the seats of government in these territories. No such power is given to them. They are given the right to select the point at which the first legislature shall be convened; but after that it is left to the legislature to decide at what point the future capital shall be located. I hope the gentleman will not try to put restrictions on Kansas and Nebraska that have never been placed upon any other territories under the government of the United States.

A very short speech of a very short term, and so passed the Napoleon of Nebraska from public observation, returning to his home in Savannah, Missouri.



## BIRD B. CHAPMAN.

The second election for delegate to congress took place November 6, 1855, at which Bird B. Chapman received 380 votes and Hiram P. Bennet 292, according to the returns of the canvassing board. Mr. Bennet instituted a contest which resulted in the presentation of a resolution by the committee on elections declaring that Bird B. Chapman was not entitled to the seat.<sup>1</sup> Each argued his side of the case before the committee, and in open session before the House of Representatives.

In the house Mr. Stephens of Georgia specially championed the cause of the sitting member, while Washburn of Maine argued in favor of the contestant. It was a contest to reconcile serious irregularities and to eliminate from the count fraudulent votes. Of the two speeches in the house, Bennet's alone appears in the *Globe*.

Mr. Bennet complained seriously that after the case had been closed before the committee, and each claimant had been so informed, *ex parte* testimony had been received and incorporated in the minority report:

Mr. Speaker, I object to all *ex parte* testimony in the case, and I particularly object to the four *ex parte* affidavits upon which the minority report is based; and first, because it is *ex parte*; second, because it was never presented to the committee, only to the minority; and third, because it was not shown to me to exist till long after the majority report was printed. And again, because they were made by my political and personal enemies. And fourth, I object to these affidavits because they contain misrepresentations, prevarications, and falsehoods. My old enemy Sharp comes on here about the time the majority report was made; and after looking over all my printed testimony and the majority report, and conning it over three or four weeks, he fixes up a state of facts just sufficient to carry his friend, the sitting

<sup>1</sup> Nebraska contested election case, 1856; *Cong. Globe*, 33 Cong., 1st sess., 476-477, 630, 641, 970, 1011, 1055-1056, 1196, 1688-1690, 1692, 1711-1715, 1729.

delegate, through, swears to it in a corner, and then takes good care to leave the city before it was possible for me to know what was done.

The Hon. Geo. W. Jones, United States Senator from Iowa, having volunteered an endorsement of the veracity of Mr. Sharp, received the speaker's attention:

It is true, this deponent was once a member of the Iowa legislature, and while there I believe he supported the election of the Hon. Geo. W. Jones to the senate. Mr. Speaker, one good turn deserves another, and the senator comes to the rescue of his former constituent.

The contestant seems, from the record, to have been neither a novice in debate, nor timid in attacks. Having parried several thrusts from the keen rapier of the mercurial Stephens, he exclaimed in a tone of exultation, "Mr. Speaker, the gentleman from Georgia has not quite got me yet." Of the sitting delegate, Mr. Chapman, he said:

The gentleman alluded to his residence in the Territory of Nebraska. Now, I know, Sir, that that is mere clap-trap talk; but as he has alluded to it I will answer it. He says when he went to the Territory, thus and so. He went to the Territory the year that the territorial government was organized. He was a candidate for Congress before he got there. He happened to be beaten very badly at the election and the next day after the election he went home to Ohio, and we saw nothing more of him. Yes, we—the squatters of Nebraska—saw nothing more of him until thirty-five days before the election of a delegate last November, when he came back into the Territory. He had to be there forty days to entitle him to vote. He was not a voter, and did not vote at that election. Nevertheless, by getting all of the executive influence of the Territory in his favor he ran a pretty good race; but I beat him. That is, I beat him before the people, but he beat me before the canvassers—all of whom were my personal and political enemies. One word further in reference to this matter. For the purpose of serving a notice upon the sitting delegate, that I intended to take testimony to use in the contest for his seat, I inquired of him last January, in that lobby, where his residence was. In truth he did not know where it was; and I could not serve a notice at his residence in the Terri-

tory because he had none there. It will be shown, in my further argument, that that fact worked a great hardship to me.

It is a source of regret that the speech of Mr. Chapman does not appear in the *Globe*, as there is no way to restore the oratorical equilibrium. On the final vote there were sixty-three members of the house in favor of unseating Chapman, and sixty-nine opposed—so the contest failed. A resolution finally closed the case, on the 25th of July, 1856, allowing the retiring contestant mileage and per diem up to date. The allusions to Mr. Chapman's citizenship are corroborated in Nebraska history.

Hon. J. Sterling Morton is reported as saying of the first election for delegate in Congress, December 12, 1854:

Even in that early morning hour of the county our people exhibited a wonderful liberality in bestowing their franchises upon persons who had no interests in common with them, and who have never since been identified with the material development of this section of the world. Mr. Giddings resided then, as now, in Savannah, Missouri. Mr. Chapman was a citizen of Ohio, and never gained a residence in Nebraska, while Mr. Johnson was a denizen of Council Bluffs, Iowa. But as there were not to exceed twenty-five domiciles in Pierce County (now Otoe) at that time, nor more than fifty beds, it was always a mystery,—except to Col. John Bouleware and family, who then kept a ferry across the Missouri River,—where the 208 patriots came from who exercised a freeman's rights on that auspicious dawn in Otoe of the science of self government and the noble art of electioneering.

In order to parry the point of this truthful charge, be it remembered that this was prior to legislation in Nebraska. Mr. Bennett had not only "come to stay," but was a member of the legislature from Otoe County in 1854 and again in 1859, and was justified in regarding Bird B. Chapman as a Bird of passage.

## FENNER FERGUSON.

Dec. 7, 1857 to Mar. 3, 1859.

Fenner Ferguson, who was appointed Chief Justice October 12, 1854, was elected delegate to Congress August, 1857, and was sworn in upon the 7th day of December, 1857.

On the 16th day of September, 1857, Bird B. Chapman, who had been a candidate for re-election, served notice of contest. It appears that there had been four candidates before the people, and the votes were distributed as follows: Fenner Ferguson, 1,642; Bird B. Chapman, 1,559; Benjamin P. Rankin, 1,241; John M. Thayer, 1,171. After one-half the time had elapsed for the taking of testimony, the contestant served notice November 14th, but the member-elect had left the Territory for Washington, D. C., the notice being left at his usual place of residence. At the time specified, testimony was taken in the absence of Ferguson or any one by him authorized to act. A person, however, did appear, and informed the contestant, that unless he was allowed to cross-question witnesses, certain Mormons would not testify for the contestant. If Chapman had inaugurated a game of delay, the tables were turned upon him, on the 3rd of December, when Silas A. Strickland, agent for Ferguson, left notice at Chapman's residence for the taking of testimony on the 14th of the month, Chapman being absent from the Territory.

As a way out of these complications the committee on elections, April 21, 1858, reported a resolution to the House, to extend the time for taking testimony, which would virtually send the case over to the next session of Congress. That was passed by a vote of ninety-eight to eighty-five. Before this action of the House, January, 1858, the legislature of Nebraska passed joint resolutions, in the name of a large majority of the people, affirming belief in Mr. Ferguson's election and in his

“capacity, integrity, fidelity and incorruptibility,” and indignantly repelling all foul aspersions cast upon him, for the purpose of prejudicing his right to a seat in Congress. The House of Representatives, feeling that the Nebraska legislature had overstepped the bounds of propriety by attempting to indicate their duty in settling the status of members, on motion, laid the resolutions on the table without printing. Accordingly, additional testimony having been taken, the committee, by a majority, decided in favor of Mr. Chapman; which report was taken up in the House February 9, 1859.

Mr. Wilson of Indiana said, in behalf of the contestant: “This whole case turns upon three precincts—Cleveland, Monroe, and Florence.” There were but six voters residing in the Cleveland precinct and but five dwellings therein, and yet there were thirty-five votes cast, eighteen or twenty by persons erecting a hotel for the Cleveland Land Company, who voted for the sitting member and whose votes the committee rejected. He charged, further, that in the Mormon precinct of Monroe, where there were forty Mormon voters, and only five other persons residing there, the vote cast was eighty-seven, of which the sitting member, Ferguson, received eighty-three, and contestant one. And that before the polls were formally opened forty votes had been cast, as a large number of men came there at two o’clock in the morning, voted and went away. He said: “In the Monroe precinct appear names which of themselves are *prima facie* evidence of fraud—Oliver Twist and Samuel Weller.” In the Florence precinct, 401 votes were returned, where the polls were kept open three hours later than allowed by law, of which 364 were for the sitting member and four for the contestant. One person voted four times and at least “one hundred persons were unknown to the oldest settlers.”

MR. WASHBURN: “Was not that man whose testimony you refer to, accused of perjury?”

MR. WILSON: “Yes, but the man who accuses him is himself accused of murder.”

Mr. Wilson charged in addition that none of the officers in

these three precincts were sworn by a legal officer, as though they intended fraud from the very start. In justification of the committee's decision, he quoted many precedents for the rejection of votes, and though it was late in the Congress, eighteen months after the election, he demanded prompt action, and concluded: "Looking over the elections for the last few years in the Territories, it does seem to me that a certificate of election from a Territory has become almost *prima facie* evidence of a great fraud committed."

The beautiful superstructure erected by the ingenuity of the gentleman from the state of Indiana was adroitly attacked by the wide-awake member from the state of Maine, Mr. Washburn:

Mr. Speaker, not only is all this testimony *ex parte* (taken alone by one party), but a great part of it is composed of affidavits, sworn to before a notary public who, the gentleman says, has no right to administer an oath in the Territory of Nebraska. And, Sir, there is not a single fact upon which he relies for the material points in his case, but what is hearsay. There is not a single fact of importance touching the precincts of Florence and Monroe but what comes from the declarations of third parties. There is not a scintilla of testimony here which is not of that character; whereas the rebutting testimony is that of witnesses who lived within the precinct, and who were sworn and cross-examined and stated facts within their knowledge. The sitting delegate did not see fit to rely upon the evidence of the runners and agents of the contestant, men who lived in Omaha and could know nothing certain; but he went to Florence and to Monroe and to Cleveland where the facts transpired. He took the testimony of the men, of all others in the world, who knew exactly all the facts in the case.

In reply to Davis of Maryland, Mr. Washburn said:

The gentleman piles up precedents as high as Olympus, but I will never receive hearsay testimony to affect the rights of parties. It is not law, it is not sense, and indeed, Sir, it is not good nonsense. [Laughter.] No man can stand upon it. I have known several persons of the surname of Twist and Weller, and I want the gentleman to inform me whether it is impossible, or even improbable, that among all the Twists there is not an Oliver, or among all the Wellers there is not a Samuel? [Laughter.] And if so, why

may they not be in Nebraska, as well as anywhere? [Laughter.] And I think the gentleman is getting himself into a twist very fast. [Laughter.]

After Mr. Washburn had examined precedents and testimony, he was followed by Mr. Boyce of South Carolina, who stated that formerly the law in Nebraska did not close the polls at 6 P. M.; that the young men working at Cleveland Hotel building made their homes wherever they found work; that there were nearer one hundred than merely forty resident voters at Monroe and that fifteen votes were cast at Florence after six o'clock. Many other members participated in the discussion, and when it was closed, "confusion so confounded" led to an effort to declare the seat vacant, and finally a compromise laid the whole subject on the table, leaving Ferguson in the chair; and the day before the session and Congress closed, a resolution passed awarding Chapman six thousand dollars, salary and mileage. Thus endeth the second contest.

From the number of bills introduced and arguments made before the committees on Public Lands, Indian Affairs, Judiciary, Public Buildings, and others, there is every reason to believe that the legislature did not overestimate the "capacity, integrity, and fidelity" of their delegate.

## EXPERIENCE ESTABROOK.

Oct. 11, 1859 (election) to May 13, 1860.

Mr. Estabrook was born in 1813 in the state of New Hampshire. At the age of forty-two years, in 1855, he settled in the Territory of Nebraska. He was a student of Dickinson College, Pa., and a law student of Chambersburg, in the same state. He graduated in 1839. His time was occupied as a clerk at the Brooklyn navy yard for a short time, as an attorney at Buffalo, N. Y., for one year, and fifteen years at Geneva Lake, Wisconsin. His elections were: Attorney General of Wisconsin, member of the Wisconsin legislature, and member of the Nebraska Constitutional Convention of 1871. His appointments were: Attorney General of Nebraska by President Pierce, 1855, and Commissioner for Codification of Laws of Nebraska, 1871. A good citizen and an honorable lawyer may become his epitaph.

On the 18th day of May, 1860, Mr. Campbell of Ohio, from the committee on elections, called up the following resolutions:

RESOLVED, That Experience Estabrook is not entitled to the seat as delegate from the Territory of Nebraska to the Thirty-sixth Congress of the United States.

RESOLVED, That Samuel G. Daily is entitled to the seat as delegate from the Territory of Nebraska to the Thirty-sixth Congress of the United States.

This was a unanimous report, agreed upon alike by Democrats and Republicans. Mr. Estabrook belonged to the former and Mr. Daily to the latter party. The election had taken place on October 11, 1859. The canvassing board gave Mr. Estabrook 3,100 votes and Mr. Daily 2,800, or a majority for Estabrook of 300 votes. Of these 292 were reported coming from Buffalo County, but of that number 238 were cast in Kearney City which is not in the county of Buffalo. Mr. Campbell said: "The testimony discloses the fact that there were not over eight houses, not over fifteen residents, and not one acre of cultivated land, or a



farm house in the neighborhood of Kearney City. Nor was Buffalo County organized." Therefore "the entire vote was rejected as illegal and spurious." All of the spurious votes were given to Estabrook and not one to Daily. The vote of Calhoun County was rejected because it was attached for voting purposes to Platte County, and though having only two families in the northwest and four in the southeast part, had returned thirty-two votes, twenty-eight for Estabrook and four for Daily. Mr. Campbell said:

As to the vote of Izard County, the committee rejected the twenty-one votes cast for the sitting member, and the three east for the contestant, as the entire vote purporting to have been polled in that county was a fraud, and that no such vote was ever polled. \* \* \* If there had been any settlers there, if there had been one acre of cultivated land, if there had been a single voter in the county, if there had been an election precinct, and if there had been officers who held an election there, how easy it would have been for the sitting delegate, after full notice, to have brought one of these twenty-four voters, one of these election officers, to show that there was a settlement and that an election had been held and that there were votes cast in the county of Izard.

In L'Eau-qui-Court County, 128 votes were reported, all for Mr. Estabrook, while a member of the legislature swore that there were only from thirty to thirty-five votes in the county. The names of members of Congress were entered on the poll book as Howell Cobb and Aaron V. Brown, and two messengers who procured a copy of the poll book from the clerk were mobbed by parties who declared, "as they were parties to the fraud, they would never suffer any evidence of it to leave the county." These figures of 128 were reduced to sixty, and a majority of 119 votes were awarded to the contestant on a final adjustment of all the votes cast. In conclusion, Mr. Campbell said:

The learned and able members of the committee who are friends to the sitting delegate,—and I trust all the members of the committee were disposed to do that which was simply right,—could not find in the case evidence enough to found a minority report on.

Mr. Estabrook desired to make a motion to recommit the case to the committee. Mr. Campbell said:

The motion which the gentleman is about to make has been made in the house once, and rejected there, or referred to the committee of elections, and argued and rejected there.

Mr. Gartrell desired the sitting member should have more time, and said:

I desire to say in justification to myself that while I voted in favor of ousting the sitting delegate and giving the seat to the contestant, I did so upon the ground that the record evidence before the committee disclosed that the contestant was clearly elected. I did not vote for ousting Mr. Estabrook with any idea that he or his friends in Nebraska had perpetrated any fraud.

Finally, when Mr. Estabrook desired to speak more at length on some other day, and thought he could clear the Territory of charges of fraud, and admitted that "there always is irregularity on the frontier and you ought not to hold the frontiers of the country to the strict rules of law," the House desired him to close his remarks at that time. But when he declined to do so the final question was ordered, and Mr. Daily was sworn in on the 18th of May, 1860. That being the date of the convention that was to nominate Mr. Lincoln, Mr. Estabrook exclaimed, "I thank the House for making me a sacrifice to the gods of the Chicago convention." Thus endeth the third contest.

## HON. SAMUEL G. DAILY.

Samuel G. Daily of Indiana effected a settlement at Peru, Nemaha County, Nebraska, in 1857; and before the permanent organization of the Republican party in the Territory, was free to avow his utter hostility to the institution of American slavery. One year prior to this, the first National Republican Convention assembled in Philadelphia, Pa., and nominated for president John C. Fremont, and for vice-president William L. Dayton of New Jersey; while a remnant of the old Whig party nominated Ex-President Millard Fillmore of New York. Mr. Daily had thoroughly adopted the doctrines of the platform:

That we deny the authority of congress or of a territorial legislature, or of any individual or association of individuals, to give legal existence to slavery in any territory of the United States while the present constitution shall be maintained.

That the constitution confers upon Congress sovereign power over the territories of the United States for their government, and that in the exercise of this power it is both the right and duty of Congress to prohibit in the territories those twin relics of barbarism—polygamy and slavery.

Ready and willing to do all in his power in aid of these principles, he was elected to the territorial legislature in 1858, and as a delegate in Congress contested the election of Mr. Estabrook in 1859. In 1860 he was a candidate for Congress, subsequent to Mr. Lincoln's nomination, and made a very thorough canvass of the Territory with Mr. Morton, his democratic opponent. In 1862 he succeeded in defeating Judge J. F. Kinney of Nebraska City, and closed a third term in Congress.

On his retirement, Mr. Lincoln gave him the appointment of deputy collector of the port of New Orleans, where he died in September, 1865.

## J. STERLING MORTON.

Nov. 3, 1860 (certificate of election) to May 7, 1862 (cessation of privileges).

Although his name was never entered on the rolls of the House of Representatives in Congress, the history of Nebraska and a manual published by the legislature in 1885 speak of him as elected to Congress. The contest in which he figured in the first session of the thirty-seventh Congress, was the most remarkable in the past history of the government. He was then under thirty years of age, and already stood so high in the confidence of his party leaders that such men as Pendleton of Ohio, Voorhees of Indiana, and Richardson of Illinois became his champions. The latter, who had been governor of Nebraska for one year, said of him:

I know him; I will say of him that, of all the young men in the country, and I am familiar with a great many of them, he has the greatest intellect and the most promising future. I pass this compliment upon him; I have known him for years, and I have watched him well. Beyond the Ohio River there is not a brighter intellect. Gentlemen, you will hear of him hereafter; mark my words.

And I will say of Mr. Daily—and I say it with pleasure—that he is a clever gentleman. He was a member of the legislative assembly when I was governor of Nebraska Territory. I found him ready to support me at all times in the vindication of the law, and in everything calculated to contribute to the welfare and prosperity of the country. I am not here, Mr. Speaker, to say one word offensive to him. But I do think that the American House of Representatives have committed an outrage in permitting the Governor of the Territory, in violation of his oath, in violation of his duty, and in violation of every trust reposed in him, to unseat a delegate, as has been done in this case.

Mr. Daily had also the aid of true political friends. They had, in a previous Congress, ousted a Democrat and seated him,—the political excitement was intense,—and now that he came a

second time claiming the right to cast another garland upon the altar of the newly enthroned Republican divinity, the admiration was shared between the gift and the donor. They pointed to his superior skill in strategy, admired his bold aggressiveness, and held him not too rigidly to the rules of rhetoric or the amenities of debate.

On the 9th day of October, 1860, the election for delegates took place. On the 3rd of November, 1860, a certificate of election was issued to J. Sterling Morton, declaring him as having received the largest number of votes, and concluding, "this shall be the certificate of the said election as delegate to Congress, to the thirty-seventh Congress of the United States." The canvass of votes was made by the governor, chief justice, and district attorney, as required by law. Six months thereafter, unknown to the chief justice and attorney, without any re-canvass, or sending of it to the secretary of state for legal record, Governor Black issued a certificate of election to Mr. Daily, the opposing candidate, after Mr. Daily had months before been taking testimony to contest Mr. Morton's right to the seat in Congress. The reason given for this act was, that fraudulent votes had been discovered to the amount of 122, the deduction of which from Morton's vote elected Daily. The governor enjoined secrecy upon Mr. Daily, saying that he owed Morton money, for which he was being hounded, and if made known his departure from the state might be obstructed.

The second certificate, attempting to revoke the first, was dated April 29, 1861, and as there was an extra session of Congress to commence July 4, 1861, that date would necessarily cause its publication. Mr. Daily stated to the House that, to avoid apparent undue secrecy when on his way east to Congress, he telegraphed an eastern paper of the fact of a new certificate. But Mr. Morton never saw the announcement; and arrived in Washington on the supposition that he was a member of Congress. The former private secretary of Governor Black (March 4, 1862) having made an affidavit of his copying the Daily certificate for the governor, "after he (Black) had been removed from

the governorship of Nebraska and Alvin Saunders had been appointed," made an explanatory affidavit in the interests of Mr. Daily April 30, 1862, in which he said he only intended by the word *removed* to say that it was after his removal so far as the appointment of Governor Saunders removed him, but he was the governor up to the time he left the Territory. Not to be outdone by this flank movement, Mr. Morton showed, by a letter of the Secretary of the Interior, "that Mr. Pentland was appointed a temporary clerk in the general land office March 15, 1862, on the recommendation of Hon. S. G. Daily of Nebraska Territory," implying thereby that Pentland was under obligations to Mr. Daily. This was parried by the assertion that high government officials of Pennsylvania had recommended Mr. Pentland. When, in connection with the Daily certificate, it was asserted that Mr. Daily had purchased the horse and carriage of Governor Black, as though "one good turn deserved another," he admitted the purchase, but said he got them one hundred dollars under their true cash value. On the subject of the second certificate of election, Mr. Morton said in opening his speech in the House:

He did this because he hated and desired to injure me. It was the vengeance of an assassin and a coward wreaked upon one who had, by loaning him hundreds of dollars, saved him and his family from shame and mortification, saved even their family carriage from public auction at the hands of the sheriff. Mr. Black owed me money and became indignant because I, after he had enjoyed for three years the use of a few hundred dollars, which he had borrowed to return in three days, pressed him for payment.

How this revoked certificate got on the house roll was stated by Mr. Daily in answer to Voorhees of Indiana:

I went to Col. Forney, then clerk of the House, presented my certificate to him, and told him to read it and to consider whether it was proper or wrong; and if proper to put my name on the roll, and if wrong to put Mr. Morton's name on the roll. I told him Morton had another certificate, as he would see by the reading of mine; but when he read it, he said that a man who had been imposed upon by

fraud had a right to correct his own act, as he thought Black had done in this case.

The first vote taken in this case was upon a motion to substitute the name of J. Sterling Morton for that of Samuel G. Daily, which was lost, and Mr. Daily was sworn in on the second day of the extra session, July 5th, 1861. The second vote involved a refusal to recognize Mr. Morton as a sitting member pending the contest, which carried the case over to the next session of Congress.

As this was the fourth contest in succession from Nebraska, members were reluctant to enter upon its settlement, only that the two certificates for the same election gave it a novel character. It was the true policy of Mr. Morton to be respectful and conciliatory toward the majority, and hence he spoke of the mistake the House made in not allowing him to be sworn into the organization. But it was the policy of Mr. Daily to keep the majority in line, and hence his course of procedure to prejudice the House against his opponent. The war raging, and the very existence of the Union in peril, if the stigma of rebel could be attached to Mr. Morton's name, frauds against such an one would be hailed as blessings in disguise. But when Mr. Daily asserted that he had a letter from a Democrat, a captain in the army, who said Mr. Morton "sympathized with Southern traitors," Mr. Morton exclaimed:

I have simply to say this, that towards the close of the Thirty-sixth Congress, when the nation itself seemed in the convulsions of dissolution, when, amid the roar and din of assembling armies, I heard the voice of the venerable gentleman of Kentucky (Mr. Crittenden) sounding calmly and grandly over and above all the terrible tumult, saying unto the waves of sectional strife, "Peace, peace, be still," I caught the words and echoed them even upon the far-off prairies of Nebraska. If that may have been disloyalty, then I am disloyal; if that may have been treason, I am proud to be called a traitor,—a Crittenden traitor.

MR. DAILY: "Will the gentleman please close with prayer?" He would make no charges himself, but would send up the letter. Members declared it personal and not in order.

MR. JOHNSON: "I think the House has been sufficiently disgraced with this scene already, and I object to it."

Each of the gentlemen was an adept at evasion and retort. In a running debate with Voorhees of Indiana, Mr. Daily exclaimed:

While the lamp holds out to burn,  
The vilest sinner may return,

and when Mr. Lovejoy said, "I feel bound to interpose in behalf of the scriptures," Mr. Daily, unabashed, continued:

It is good doctrine anyway. It ought to be there if it is not. I have read Watts and the Bible so much together that I sometimes mistake one for the other. [Laughter.] Now I would say further in regard to Governor Black, he was an appointee of Mr. Buchanan. The marshal and the secretary, Mr. Morton, were also Buchanan men. They were all Breckenridge Democrats; and a large majority of them are now in the rebel army. But Mr. Black, when the national difficulty arose, broke friendship with these old friends, and went back to his native town of Pittsburg where he raised a fine regiment, and we heard of him the other day as the first man to enter the enemy's works at Yorktown.

MR. MORTON:

I think he would have been the second man in, if there was as certain knowledge that there was whiskey there, as there was that there was no enemy there.

Mr. Daily, knowing what a center thrust this was in the knowledge of all Nebraskans, and that the House was ignorant of its terrible point, indignantly answered, "That shows, Mr. Speaker, the character of men. I do not reply to it."

Mr. Daily, having passed a pleasant eulogy upon a witness, whose character when attacked had been sustained by twenty of his neighbors, received the following from Mr. Morton:

The cabinet of Jeff Davis could, I have no doubt, impeach the loyalty of this congress, cabinet, and president, and substantiate their own, before any tribunal in Richmond; the inmates of a penitentiary establish among themselves their purity and the wickedness of the outer world; and the little imps in Tartarus would attest the virtue of Satan and impeach the court of heaven that banished him.



Inasmuch as this contest was never decided on its merits, it matters but little that the analytic arguments of distinguished members should be omitted, and only a mere synopsis of those of the contestant and sitting member be given. The speech of Mr. Morton was first in order, and announced the consequence of the committee being bound by the *prima facie* action of the House:

My conclusion must naturally and logically follow that the best manner to become a member of Congress with safety, security, and celerity, is not to become a candidate before the people at all, but quietly to go to the private residence of some governor of small means, easy virtue, and extravagant habits and purchase a certificate of election, being well assured that it is positively the last one to be issued, come here and secure the affections of the clerk of the House by some means, and if he is a bold man, and an anxious candidate for re-election, your name will be put upon the roll-call of the members and you will be sworn in, safely in, seated upon live oak and green morocco, to enjoy all the honors and perquisites arising therefrom, for the period of two years.

Taking up the case of L'Eau-qui-Court county, where one hundred twenty-two votes were thrown out of his count, on the testimony of four witnesses, Mr. Morton referred to evidence in which Mr. Westerman said that in consideration of the testimony which they were to give in behalf of Samuel G. Daily, "I agreed to pay W. W. Walford one hundred dollars and Heck fifty dollars." He further showed that, in a case in Dakota Territory, subsequently, this same Westerman gave as a reason why the witness Walford should not be believed upon oath, that he was a hired witness in Nebraska; and of the fourth one, Cox, he said, "He tendered his services to me as an itinerant witness, but I declined to negotiate, and within a week he turned up as a witness for Mr. Daily."

When it was charged that the vote of the county for him was greater than the whole population, he showed that since the election a part of the county had been set off to the Territory of Dakota, and a new census taken. Of twenty votes denied him

in Monroe precinct, Platte County, because some were of citizens upon a reservation, he claimed they were, nevertheless, citizens of Nebraska, and such residents had been entitled to vote in the nearest adjacent precinct, by a recent legislative enactment. Of thirty-nine votes from Buffalo County, he claimed that the sworn records of the county showed organization and hence the vote valid. In Rulo precinct, Richardson County, where ninety votes were cast for Morton and the committee deducted twenty for want of residence in the precinct, he claimed that custom allowed them to vote in any precinct where they might be on the day of election, and further said:

Perceive that while they are painfully careful to deduct twenty votes from me, they are felicitously forgetful of the nine votes which they admit should be deducted from those returned for Mr. Daily.

Falls City precinct returned one hundred and four votes for Mr. Daily. The ballot box, unsealed, was for hours in the hands of a person out of the possession or sight of the election board. It is proved, too, handfuls of ballots were taken out of the box by a political friend and supporter of Mr. Daily's and others put in their place by the same person. The whole 104 votes returned from Falls City should be thrown out. If L'Eau-qui-Court is thrown out the former certainly must be. If both go out, I am elected.

Mr. NOBLE of Ohio:

Mr. Speaker, I have been acquainted with that judge and his associates a great while. Where they lived before they went there, they would neither be believed on oath, nor be entrusted with anything. I could relate instances of fraud above anything I ever knew, during an active practice of over twenty years.

Mr. Morton presented in evidence an act of the Nebraska legislature, since the commencement of the contest, legalizing the first organization of Pawnee County, and claimed that he lost thirty-nine votes in Buffalo County on a charge of non-organization, while in a county of the same condition, his opponent gets one hundred of a majority. He claimed that the law was not observed in Clay and Gage counties and in the



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precincts of Otoe and Wyoming in Otoe County, and that the clerks of Dodge, Cass, Nemaha, Lancaster, Johnson and Washington made no abstract of votes, as the law required, and the minority report claimed they should be thrown out. He argued in conclusion, that to enforce the law as it had been construed against himself, would reduce Mr. Daily's vote two hundred and ninety-four. Mr. Morton concluded: "Thanking the House for its courteous attention, I submit the case for its determination."

As L'Eau-qui-Court county was the objective point of attack, Mr. Daily approached it promptly:

Knowing the means that they would resort to, while going through the canvass with the contestant, I said to him that I did not expect to get the certificate; I said to him that these officials will manage affairs so that when it is ascertained how many, they will bring from some place nobody has heard of before, votes enough to elect you. Sure enough it turned out as I predicted. Neither the contestant nor I had ever heard of this northern precinct of L'Eau-qui-Court county; but it was from that precinct that a vote of one hundred twenty-two came in, all for the contestant, and sufficient to elect him. But, how, let me ask, were those one hundred twenty-two votes counted? They were counted contrary to law; they were counted contrary to the evidence before the territorial canvassers. Now how did the territorial canvassing board know that there was any vote of that kind? Because the county clerk had stated to them that such a return had been presented to and rejected by him; and because he rejected it they counted it. [Laughter.]

There is a return included here, called Cottonwood Springs, some ninety miles beyond Fort Kearney, of some seventy votes for Mr. Morton, which I did not go to the trouble of proving fraudulent, because I had enough to do to make out my case without. I now dare him to go back upon that issue (of fraud) to the Territory and I will show, beyond a doubt, that his certificate was obtained, counted, and this return, which was no return, counted, without which the certificate could not have been given, by means of bribery, that the certificate was caused to be made out by the appliances of bribery.

MR. MORTON:

I understand the sitting delegate to say that he is willing

upon these certificates to go again before the people of Nebraska and try the contest there. I am willing to accept that proposition.

MR. DAILY:

No, Sir; at the next election in that Territory I will consent to that trial again. I am speaking simply of these certificates, which, I repeat, have nothing whatever to do with the merits of the case.

Mr. Daily stated that the witnesses, who received \$150 for coming to Omaha to testify, traveled two hundred fifty miles and were over sixty days making the trip. He claimed that Morton had votes counted for him in Platte County, from the Indian Reservation, by men who took the oath on the condition that the Reservation was found to be in Monroe precinct. As the chairman of the committee was to close the debate in behalf of Mr. Daily, it allowed the sitting delegate to disport himself at will among the multitudinous questions raised during the discussion.

My friends are very impatient, and I must hurry to a conclusion. There are a great many things with regard to this case which I would take delight in talking about, because I tell you that it reeks with the greatest fraud, and chicanery, and trickery that ever was concocted in the darkest hours of the night amid the infernal regions below, or that ever could be concocted by Democratic officials under James Buchanan to carry the day in the territory, right or wrong. [Much laughter.]

MR. VOORHEES:

Inasmuch as this line of remark is indulged in, I shall say to gentlemen upon the opposite side of the house, that with this country filled and reeking from side to side with frauds committed by high officials of the present administration, it comes with a bad grace from them to say one word about frauds that have been committed in times past.

MR. DAILY:

Oh, I hope these frauds are not to be brought into this case. God knows there was enough fraud in the Nebraska case on the part of the contestant without bringing in all the frauds about horse contracts.

Now, Mr. Speaker, I am constrained out of merey for the house, so long bored by this case, to close this argument.

Following the closing speech of Mr. Daus, on motion of Mr. Washburn, a friend of Mr. Daily, the whole subject was laid upon the table by a vote of sixty-nine to forty-eight. So the contest was never decided, but Mr. Daily held the seat under the second certificate. The privileges of Mr. Morton ceased May 7, 1862.

HON. P. W. HITCHCOCK.<sup>1</sup>

Into the political campaign of 1864, as republican candidate for delegate in Congress, Mr. Hitchcock entered unconditionally and hopefully. No man went beyond him in an endorsement of Mr. Lincoln's sublime prophecy that, "The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our natures." Having been a delegate to the convention and voted for Mr. Lincoln's first nomination, and having heartily approved his official acts, and under his appointment acted as United States marshal for four years, it became more than a mere pleasure, a positive duty, to advocate his re-election.

The Democratic candidate was General George B. McClellan, a splendid officer and pure patriot, who had been deemed too slow by the radical Republicans and too conspicuous for the scheming politicians. After the asperity of the war was subsiding Ben: Perley Poor, a Republican author, said of him: "General McClellan, who was then eulogized as a second Napoleon, soon found himself 'embarrassed' by men who feared that he might become president if he conquered peace." He was also impressed with this presidential idea by pretended friends who had fastened themselves upon him, and "between two stools he fell to the ground."

All state or territorial politics were overshadowed in the canvass and national issues predominated. Mr. Hitchcock was elected delegate to Congress by a majority of one thousand, while Lincoln's majority in the United States, of the popular vote, was 407,342, and of the electoral college over McClellan, was 191. Ten states were in revolt and not represented.

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<sup>1</sup> For more personal details of the life of Mr. Hitchcock, see pub. Nebr. State Hist. Soc., first series, vol. I., pp. 100-103.



The circumstances attending the advent of Mr. Hitchcock in public life, as a delegate in Congress, were monumental as to eras, marking the returning shadows of slavery, and the dawning glories of universal freedom. The hour in which he responded to the roll-call of "Nebraska," the newly elected Speaker of the House emphasized the living contrast:

The Thirty-eighth Congress closed its constitutional existence with the storm-cloud of war still lowering over us; and, after a nine month's absence, Congress resumes its legislative authority in these council halls, rejoicing, that from shore to shore, in our land, there is peace.

But the fires of civil war have melted every fetter in the land and proved the funeral pyre of slavery, and the stars on our banner, that paled when the states they represented arranged themselves in arms against the nation, will shine with a more brilliant light of loyalty than ever before.

In the membership of the House was an infusion of the best young blood of the nation. The "Plumed Knight" of Maine, James G. Blaine; Roscoe Conklin, the gorgeous, of New York; the saue and well-poised Samuel J. Randall, of Pennsylvania; the scholarly James A. Garfield, of Ohio; the chivalrous N. P. Banks, of Massachusetts; with a long list of compeers, challenging their pre-eminence, and holding the scales of decision in equal balance. Under the wig and upon the crutch came Thaddeus Stephens, the invincible old commoner of Pennsylvania, wielding the war club of leadership in the style of a Cromwell; while bearing the motto, "The pen is mightier than the sword," came Brooks of New York, editor, orator, and statesman. It matters not that a delegate in Congress may be of finished education, devoted to principles, profound in the science of government and used to intellectual sparring in stormy debate, yet he is barred from national themes and confined to narrow and material lines of territorial wants. But if of studious habits and sound morals, and making each opportunity a stepping-stone to future elevation, the confined position of delegate will not prevent the acquisition of valuable material for use in the Senate or House of Representatives.

The legislature of 1865-6 charged Mr. Hitchcock with the

presentation of memorials asking for bounty lands for Nebraska volunteers, and the same aid for the Burlington and Missouri River Railroad as that accorded to the Union Pacific, and land grants for railroads west from Nebraska City and Brownville. Also for reimbursement of expenses incurred in suppressing Indian hostilities; and for numerous mail routes.

In the first session of the thirty-ninth Congress, of his own motion, he presented bills for the creation and construction of a penitentiary, and for the finishing of the capitol building; asked that internal revenue from Nebraska might be appropriated. To facilitate emigrant travel and secure a western outlet for Nebraska productions, he presented a bill for a wagon road from Columbus to Virginia City, Montana. To save the people from frauds of irresponsible corporations and heartless cormorants he presented and advocated before the appropriate committee a petition for "just and equal laws" respecting interstate insurances. When terror-stricken emigrants fled before the murderous and thieving forays of Arapahoe, Cheyenne, and Sioux, their claims for remuneration and protection were met by an anticipating effort.

. With a firm faith in the future of the great west and its commercial demands, the Missouri river ready for heavy transportation, and an indomitable enterprise promising to make the beautiful central prairie state the railroad checkerboard of the nation, he early advocated Omaha and Nebraska City for posts of delivery. Bills for a geological survey and for government buildings at Nebraska City were deemed advisable, in order that concealed treasures might be disclosed, and for the accommodation of United States courts, revenue office and postal department.

In summing up the results of the first session of the thirty-ninth Congress, the United States statutes disclose the following state of facts: Bills passed establishing sixteen post routes; for surveying public lands, \$25,000 appropriated; for territorial expenses, \$26,500; and as much of \$45,000 as the secretary of war shall deem necessary to reimburse the territory for ex-

penses incurred in the suppression of Indian hostilities in 1864; and for the removal of the surveyor general's office of Wisconsin and Iowa to Plattsmouth, Nebraska. There was also found due and appropriated for Indian tribes in Nebraska, under treaties, over \$100,000.

Inasmuch as the closing session of the thirty-ninth Congress, closing Mr. Hitchcock's term, was to be one of three months only, and as the senator and delegate from Nebraska were awaiting admission, but little business was pressed upon the delegate; and he returned from the position three days before the end of his term, while the proclamation of the president, extinguishing the taper of the Territory, unveiled the star of the State.

During that second session, however, the record shows the passage of an act allowing an annual appropriation of internal revenue, for three years, aggregating \$40,000 for penitentiary buildings, \$15,000 for land surveys, and an allowance for a geological survey, with \$31,500 for legislative expenses. In his argument before the various house committees on lands, Indian affairs, pensions, claims, post offices, appropriations, commerce, agriculture and territories, as well as in his intercourse with fellow members, he manifested good capacity, liberal acquirements, commendable devotion to duties, with gentility of deportment. From the remembrance of their college days, it was no matter of astonishment when Garfield met him in the house, and subsequently, Ingalls in the senate.

## CHAPTER III.

### THE STATE GOVERNORS.

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#### GOVERNOR DAVID BUTLER.

David Butler, first governor of the state of Nebraska, was born in the state of Indiana near Bloomington, Monroe County, December, 1829. At that time in the west educational facilities were so very indifferent that farmers' sons were doomed to enter public life, very generally developed more by application to severe toil and the treasures of personal experience, than by technical scholastic culture.

Whether superintendent of a Wisconsin stock farm before of age, or assuming the charge of a large family and an embarrassed estate on the death of his father, or coming out of the financial crisis of 1857 with "an inheritance of loss," he was prepared for new ventures and future encounters. Arriving in Nebraska in 1858, still a young man, little did he suppose that in eight years' time he would be enrolled among the executives of states. Engaging in mercantile pursuits in Pawnee City and in raising and dealing in live stock, he was soon established as a persevering and successful man of business. Efficiency and prominence soon marked him for a leader, and prior to his nomination for governor he had served three years in the legislature.

According to the provision of the state constitution, the first session was to convene on the Fourth of July, 1866; and to this body was delivered the first message of the first governor of the new state. As this period marks an era in our political existence, it may not be inappropriate to present it in full:

*Gentlemen of the Senate and House of Representatives:* In accordance with a time-honored custom, that reaches back to the beginning of our national existence, I assume the



DAVID BUTLER.



privilege of addressing the first senate and house of representatives, chosen by the popular will, since Nebraska was elected to take her rank as one of the sovereign states of the Union. The position in which we stand to-day is peculiar to our national economy, and affords an instructive comment upon the character of our institutions and their adaptation to the needs of a progressive people. While in a territorial condition, we have, necessarily, been dependent upon the general government for social and civil protection, for the appointment of our executive and judicial officers, and for annual appropriations to defray the expenses of a territorial government. Now that the rapid increase of our population and the proportional development of our resources have given us sufficient strength and stability to dispense with the temporary guardianship afforded by the Organic Act while passing our minority in the family of the Union, we propose, quietly and peaceably, in accordance with numerous precedents afforded by other states, and in response to the invitation extended to us by an act of Congress of 1864, commonly called the Enabling Act, to take upon ourselves the responsibility of state government.

The auspices under which we ask, at the door of Congress, for admission into the Union, are extremely favorable to our future happiness and prosperity. The tide of immigration, checked for a season by the disturbing influences of the great civil war, is again pouring with increased momentum over the western banks of the Missouri, and now, although a year has scarcely elapsed since the close of the rebellion, our population has probably increased one-third; our prairies have been taken up with unexampled rapidity by enterprising settlers, and herds of cattle and fields of luxuriant grain change, as if by magic, the solitary wilderness to the appearance of civilization.

The question of state government, as it has been submitted to the people, has not been sprung precipitately upon them. No exception can with propriety be taken to the manner in which it has been brought before them. It has been thoroughly discussed; first by the territorial legislature that drafted the constitution, then by the press and by the people at large, and the result of the vote upon the state constitution evinces that a majority of the people of Nebraska deliberately prefer the rights and privileges appertaining to a state to the more imperfect organization of a territory. The objection to the admission of Nebraska by Congress, on the ground of a scanty population, cannot be urged with any appearance of consistency. At

the time of the passage of the "Enabling Act" by Congress in 1864, the population of Nebraska was estimated at 38,000. As no accurate census has been taken since that time, the exact increase cannot be stated, but from the returns of the assessment of 1865, from the great influx of immigration during the fall of 1865, and the spring of 1866, and from the number of votes cast in the recent election, sufficient data are presented to estimate, with probable accuracy, that it will not, by the time Congress can take action upon the question of her admission, fall short of 70,000. This, so far from being below the standard of new states, is really above the average. That it will be any grievance to the older states in the Union to give Nebraska a greater representation in Congress than is prescribed by law, is an evident fallacy. In apportioning representatives to other states, although a population of 120,000 is required for each member, yet several of the states have each a representative in Congress for a fractional part of the stated number, often less than the population of Nebraska. In addition to this, it will be found, upon reference to the census returns of the different states, that not only have the majority of them been admitted before their population was up to the standard of representation, from time to time increased by Congress, but in at least one case (that of Florida) a state has been represented for years, upon the congressional floors, by two senators and one representative, that has not at this moment a population exceeding that of Nebraska, and which has never in its history measured up to the legal standard. That the people of Nebraska and of all the territories, now or to be organized, would suffer injustice were it requisite to the admission of a state that she should have the number of inhabitants required for a representative is evident, not only from the foregoing statements, but from the guarantees given them in the treaty by the provisions of which Louisiana was ceded by France to the United States in 1803, and which embraces nearly all the states admitted since the treaty was made, and the present western territories, with the exception of those ceded by Mexico. In the third article of that treaty we find the following language, than which nothing can be more explicit and clear: "The inhabitants of the ceded territories shall be incorporated in the union of the United States, and be admitted as soon as possible, according to the principles of the federal Constitution, to the enjoyments of all the rights and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of all their liberty, prop-



erty and the religion which they profess." Now, what is meant by the expression "as soon as possible, according to the principles of the constitution," if it is not to be interpreted, as soon as their wealth and population shall be sufficient to support a state government? It could not have been in contemplation that an inexorable sliding scale should be established, increasing from time to time, to keep pace with the development of older communities, to which each new territory must measure up or be kept out from her right of representation and self-government.

If the people of the Atlantic states could support their respective state governments with population ranging, in some instances, considerably less than that of our territory, then it reasonably follows that the time contemplated in the treaty, specified by this somewhat emphatic expression, "as soon as possible," has arrived for the state of Nebraska. While it is a subject of regret that the majority for the constitution was so small, yet an impartial examination into the causes that tended to decrease it will do away with most of the significance that might be attached to that circumstance. Nebraska, while sending her full quota of volunteers to the national army for the suppression of the rebellion, contributed very little in the way of direct taxation for the prosecution of the war. While most of the states were obliged to offer large bounties to induce enlistments, we were wholly exempt from such burdens, and the close of the war found us neither impoverished by heavy taxes nor weighed down with a heavy debt. The advantage thus enjoyed by our tax-payers over those of other sections, though really adventitious, carried great weight as an argument in favor of a territorial form of government to minds not accustomed to study much the science of political economy. Another argument used against the constitution was of a very different nature, and was found in the instrument itself, in the clause defining the extent of the elective franchise. But this vexed question seems now about to be placed beyond the reach of agitation by an amendment of the constitution of the United States which has already passed Congress, and now awaits the ratification of two-thirds of the states, which in due course of time will permanently settle the political status of the African.

Within the last two years the wealth of the territory has increased with even greater rapidity than the population. In 1864 the taxable property of Nebraska was returned as \$11,000,000; in 1865 at \$13,000,000. This year the returns already filed in the auditor's office indicate a total of

\$18,000,000. The same ratio of increase will give us in 1867 the sum of \$35,000,000; but taking into consideration the unprecedented increase of emigration, and the large amount of capital introduced by the rapid progress of our internal improvements, it will be safe to estimate the amount of taxable property in 1867 at upward of \$40,000,000.

The railroad interests of Nebraska are assuming large proportions. The work upon the main line of the Pacific Railroad is progressing at the rate of one mile per day, and in a few weeks the track of iron will extend two hundred miles west to Fort Kearney. If the same energy shall be displayed till its completion, but a short time will elapse ere it will wind its way beyond our western boundary. This road completed, together with the various connecting branches, now in contemplation, or in process of construction to unite us with the great eastern roads and the gulf of Mexico, we shall have abundant facilities for transporting our surplus products to the eastern, southern and western markets. The importance of the early completion of these highways of commerce is not overlooked by our enterprising people, and must be felt even by a casual observer who should to-day cross our broad fields, where the cattle graze upon a thousand prairies, and the earth seems oppressed by the burden of ripening grain. Measures have been recently taken in several counties for the development of our mineral resources, and the present indications are that coal exists in inexhaustible quantities in Nebraska. It cannot be long in the natural order of things before the attention of capitalists will be directed to our mines and coal will in good time fill the breach caused by our temporary scarcity of timber.

To a community so comparatively wealthy as our own the burdens of a state government must be light; and when we take into the account the inevitable impetus to be given to emigration and the introduction of capital by the adoption of a state constitution, we can but come to the conclusion that financially we shall be upon a much better basis in 1867 with a state organization than in 1866 as a territory.

The duties of the present legislature, though important, will not probably occupy much time nor entail very much upon the treasury in the way of appropriations. Until the seal of legality is placed upon its records by our admission and consequent recognition by Congress, its action should be limited to the business actually necessary to put in motion the machinery of state. The election of United States senators, who shall, in conjunction with our congressional representative, present our petition at Washington, is of

course the first and most important step. That your counsels will be guided by wisdom and patriotism, the fact that you come fresh from the people, to whom the issues of the day have been presented with distinctness and ability, seems to afford the strongest pledge.

The amendment to the Constitution of the United States, recently passed by Congress, and submitted to the action of the several states, to which I have incidentally referred, should, in my opinion, be acted upon during the present session. It is the embodiment of the reconstruction policy of Congress—a policy long considered and carefully digested, and which is apparently the wisest, the most expedient, and the most conformable to the spirit of our institutions, of any that has been suggested, or that can be adopted. It gives a promise of an early solution to the main questions that have threatened the national life, and if fully carried out in letter and spirit, will, as I think, restore harmony and concord to the national councils and reaffirm in our Constitution the fundamental principles enunciated in the Declaration of Independence, that all men are created free and equal. It is not necessary for me to enter into the particulars of the amendment at present, as I shall take an early opportunity to communicate it to your honorable body.

Financially I am able to report the territory in a healthy condition. The light debt incurred by us during the Indian troubles, in defending our frontiers, forms the extent of our liabilities. Congress will, doubtless, in accordance with established precedents, reimburse us for our expenditures in calling out the militia against the Indians, as soon as our just claim shall have been properly represented. To these facts, and especially to the financial tact and energy of our present territorial administration, are we indebted for the gratifying fact that our bonds will bring in the market ninety-seven cents on the dollar. In this respect we have advantages not often possessed by a new state, and which will tend to alleviate any additional burdens that the change in our form of government may impose. There has never been in our history a finer prospect for an abundant harvest than at present. He who sends the "early and latter rain" has blessed us most abundantly, and to Him should our hearts go forth in gratitude for His many mercies.

We believe that the time is not far distant when the products of our soil shall make our name familiar in the commercial marts of the farthest clime—when our prairies shall be dotted with comfortable dwellings and tracts of

growing timber, from the Missouri to the mountains, and when our churches and schoolhouses, greeting each other from every eminence, shall be the index of the intelligence and moral worth of our citizens. That the future of Nebraska will give a glorious fruition as the reward of our sanguine hopes, is my firm trust and is the prayer of every good citizen and patriot.

This session, of eight days' duration, resulted in the election of United States senators, as follows: Thomas W. Tipton having been nominated as a republican, and J. Sterling Morton as a democrat, twenty-nine votes having been cast for the former, and twenty-six for the latter, Thomas W. Tipton was declared duly elected. And twenty-nine votes having been cast for John M. Thayer, and twenty-six for Andrew J. Poppleton, John M. Thayer was also declared duly elected a senator.

On the fourth day of April, 1867, the governor issued his proclamation for a session of the legislature to convene on the sixteenth of May ensuing, and specified thirty-one subjects for its special consideration, in order to accelerate the transition from the territory to the state; while to this called session he delivered a very exhaustive message explanatory of the necessity of a special session. Among other things introductory he said:

No state has ever entered the Union under more favorable auspices than our own. Practically free from debt, our credit is sound, and our resources entirely available for present and future needs. Our facilities for communication with the east and south have been greatly increased during the past year, and the Rocky Mountains and shores of the Pacific are rapidly drawing near to us, as the construction train of the Union Pacific makes its daily progress westward. The tide of immigration, that at the close of the rebellion commenced to pour over our borders, has experienced no abatement, but has continued, with accelerated speed, to people our fertile prairies with hardy pioneers, and to contribute the necessary labor and capital for the development of our latent wealth.

The conclusion was as follows:

Gentlemen, I cannot conclude without expressing a hope that in all your deliberations the spirit of harmony and mutual forbearance, so necessary to the preservation of the

dignity of a legislative body, may be carefully preserved—that every measure brought up for your consideration may meet with unprejudiced and unimpassioned examination—that our new state, through your wisdom and prudence, may inscribe upon the opening pages of its history a record unsullied by the petty, yet bitter, warfare of local interests, and that every member of your body may bear in perpetual remembrance that he owes not merely a duty to the particular section that he represents, but that Nebraska, as an integral state, now calls upon him for the unselfish service of his head and heart. Rendering in all sincerity our humble acknowledgments to the Giver of all good, for our preservation and protection as a people, since the date of our organization as a territory, uniting with our sister states in gratitude to Him for His guidance of the American Republic, through the tempest of treason and armed rebellion, to the haven of peace and renewed prosperity, let us solemnly join in an invocation to the same Almighty Power, for the continuance of his fostering care—that our soil may ever yield its bounteous harvest to the intelligent toil of the husbandman, and that the peaceful conquests of commerce and mechanical skill may be as enduring as the truth of the great principle of universal freedom, which forever assures them of victories.

On the 27th and 28th days of October, 1868, a special session of the legislature was holden at Omaha for the appointment of presidential electors, of which the governor said:

In consequence of the recent admission of Nebraska to the Union, the time prescribed for the regular session of the legislature has not arrived. Since the admission of the state you have once convened by the call of the executive. At that time your attention was directed to the many important questions, growing out of the change in our domestic government, which were pressing upon us for immediate action. You have therefore been called together at this time to make such provision for the appointment of electors of president and vice-president of the United States of America as you in your wisdom shall deem best.

This business being accomplished, Mr. Majors, since lieutenant governor, offered the following resolution:

*Resolved*, By the senate and house of representatives concurring, that we respectfully, but earnestly, urge upon the next president of the United States, General U. S. Grant,

the appointment of the Honorable John M. Thayer in his cabinet; who will, by his long residence on the frontier, and his acquaintance with the resources and developments of the West, and with the necessities of the people, be enabled to advance the interests and prosperity of this great and growing country.

Mr. Freeman moved to strike out "General Grant" and insert "Horatio Seymour," which was lost, and the resolution adopted.

An act having passed the legislature, July, 1867, "for the location of the seat of government of the state of Nebraska, and for the erection of public buildings thereat," the governor, the secretary of state, and auditor, being the commissioners to perform said duty, did, on the 29th day of July, 1867, establish the capital at the village of Lancaster, on grounds including state lands and the old surrendered town site of Lancaster. And thus the sale of town lots inured to the financial benefit of the state, having amounted to \$76,715 during the first year thereafter. The commissioners whose names were thus identified with Lincoln as state capital, were Governor David Butler, Thomas P. Kennard, Secretary of State, and John Gillespie, State Auditor.

The new seat of government was made prominent, in the governor's message of January 8th, 1869:

This commodious and well appointed hall, these substantial walls, this entire beautiful edifice, this enterprising and thrifty town, sprung, within the last eighteen months, from the open prairie and to-day contributing, directly and indirectly, to the prosperity of an area of more than ten thousand square miles, this has been accomplished without cost to the state or individuals. It has contributed to the enrichment of both. It has added to the wealth of the state not less than five millions of dollars. Nor have the public benefits been yet fully measured. I would, in this connection, recommend that provision be made for the sale of the remaining lots. So much of the proceeds as may be necessary for that purpose should be appropriated to the construction of the dome, included in the original design of this building, and the fencing and ornamenting of the grounds, and the remainder to the erection of a building for state university and agricultural college.

The grounds upon which the old state house stands were given by the citizens of Omaha to be used by the territory

for the erection thereon of the state capitol. In addition to this, the city gave toward the completion of the building \$30,000 in bonds, which have been redeemed.

On the fourth of March next, the state will have removed from them all its movable property and have ceased to occupy them for the purpose originally designed. I recommend that they be granted to the city of Omaha for a high school on the condition that when they shall no longer be used for that purpose they shall revert to the state.

Recurring to the above subject, in his message of January 6th, 1871, we have:

By the provisions of "An act to provide for the sale of unsold lots and blocks on the town site of Lincoln, and for the location and erection of a state university, and agricultural college, and state lunatic asylum," approved February 15th, 1869, the commissioners were authorized to sell all the unsold lots and blocks on the town site of Lincoln; to construct the dome of the capitol building; to erect a state lunatic asylum at a cost of \$50,000, and a state university and agricultural college at a cost of \$100,000. "On the 8th of November (1870) the [asylum] building was formally accepted, and on the 1st of December completely furnished and ready for the reception of patients. Orders were issued and the patients from the Iowa Hospital and the different jails throughout the state, in all numbering over thirty, removed to the asylum, where they are now receiving the best care.

The message of 1871 made mention of the State University:

This institution, established on a broad basis, and liberally endowed by your predecessors, is not as yet open for the reception of students. The board of regents have been appointed and organized, and have taken some steps preliminary to the selection of the faculty.

Our university building is a source of pride to the citizens of our state, and is a model not only in architectural beauty, but in its internal arrangements, and its adaptation to the purposes for which it is designed. Let me express the hope that the legislature may always be ready to foster its interests by wise legislation.

Having presented the necessity of a state prison in his official communication of 1869, that of 1871 reported progress:

The legislature, recognizing this necessity, made provision for the erection of a penitentiary, on lands previously

set apart for that purpose, about three miles south of Lincoln, and also for the sale of lands donated to the state, by the general government, to aid in the construction of such an institution. The contract for building the penitentiary was awarded to Messrs. Stout and Jamison, at a contract price of \$307,950. They are executing their work in a manner alike creditable to themselves and the state. The labor of the convicts is hired to them at the rate of forty-two cents per day, for each convict who is able to work. I am pleased to notice that under the present arrangement the condition of the prisoner is in every respect much improved.

No such an amount of responsibility had been cast upon any previous governor, as to the material interests of the people of Nebraska. Butler's term of occupancy might properly be called the creative period of the state. Immigration was to be induced and fostered by all practicable means, education provided for their descendants, penal laws enacted for their protection from the vicious, and a state militia for safety from savages; constitutions framed, amended and adapted to constantly varying necessities; a capital city established as the home of the state, and so located as to become a great railway center. The wisdom of the location, and the general acceptability of administration, had to extinguish early prejudice and vindicate the propriety of original design.

The financial statement as given in the message of 1871, reported a balance in the treasury of \$77,886. Said he:

I am pleased to note that the material wealth of the state has been rapidly increasing. The assessed valuation of 1868 was about \$32,000,000. That of 1870 was over \$53,000,000, thus showing the gratifying increase of \$21,000,000 in two years.

The document concluded:

Invoking for your deliberation the guidance and blessing of Him who controlleth all things, I express the hope that your session may be productive of the highest public good, and honor to yourselves.

At the time of his first election, in 1866, Governor Butler, republican, had a majority of 145 votes over J. Sterling Morton,



democrat. In 1868 his majority over J. R. Porter, democrat, was 2,227. In 1870 the majority over John H. Croxton was 2,478. But in this, his third campaign, charges were made against him of great irregularities in administering the school fund of the state. His political friends claimed that no harm could come to the state from a re-election, as the legislature would be republican, and they would examine the case and do justice in the premises. Accordingly, by the sixth day of March, 1871, eleven articles of impeachment were presented by the house of representatives, to the senate as a Court of Impeachment, one of which charged Governor David Butler with having appropriated to his own use \$16,881.26 of school fund, derived from the general government, and that "in this he had committed and was guilty of a misdemeanor in office." To all the articles he interposed specific denials, and affirmed the borrowing of the school fund and the placing on file a mortgage to secure the same about the first of January, 1871, which would be three years after the arrival of the money in the state treasury.

Three months after the convening of the court (June 1, 1871) he was found guilty of "a misdemeanor in office," and the sentence was that he be removed therefrom. The managers of impeachment were Honorables J. C. Myers, J. E. Doon and Dr. Forest Porter. Honorables Clinton Briggs, John J. Reddick and T. M. Marquette were counsel for the defendant.

On the day preceding the rendering of the decision the governor presented to the speaker of the senate a proposition for settlement as follows, but as the Court of Impeachment had no control of a settlement it proceeded to decide upon a "misdemeanor in office":

*To the Honorable, the President of the Senate:*

I take the liberty, on the re-assembling of your honorable body, to communicate with you upon the subject of the five per cent fund. Early in the spring of 1868, soon after the collection of that fund, I made a loan of the state of the sum of \$16,881.26, and afterwards amply secured the same by bond of mortgage. This was done in perfect good faith and with the understanding that the transaction was perfectly legal. Many, however, of my fellow citizens differ

with me as regards the legality of the loan and the sufficiency of the securities, and while I am unchanged in my opinion on the subject and conscious that I have at no time done other than my duty in the premises, I am ready and willing, in order that the subject of dissention may be disposed of, to deposit in the state treasury the full amount of such loan with interest from the 25th day of May, 1869, the date of the arrival of the fund in Lincoln in charge of the deputy state treasurer, and I ask the passage of an act providing for the cancellation of the securities. I sincerely trust that this proposition on my part may be received in the same spirit in which it is made, and that harmony may again prevail in the administration of our state government.

DAVID BUTLER.

Executive Department, Lincoln, May 30th, 1871.

February 20th, 1873, a select committee made report:

We find the claim against ex-governor David Butler, amounting originally to \$16,881.26, due the five per cent fund, which, together with interest now due, amounts to \$23,664.84, in a very unsatisfactory condition, there being no securities properly on file in the state treasurer's office as security for the payment of this debt. Ex-governor Butler has submitted a proposition to your committee, to transfer to the state the residence and adjoining grounds, now occupied by him as a homestead, in payment of the above debt upon the following terms: For the house, outbuildings, 80 acres of ground, and furniture contained in the main building, the state to allow the sum of \$30,000, to be paid as follows: Principal debt, \$16,881.26; interest, \$6,283.58; warrant on general fund, \$6,835.16; total, \$30,000.00. Your committee has the foregoing proposition under careful consideration, has visited the premises and carefully examined the house and grounds, and has reached the decision to strongly urge the passage of a bill for an act to provide for purchasing a governor's mansion.

Instead of adopting the committee's recommendation, the legislature passed an act, March 3rd, 1873, "To provide for the liquidation and settlement of certain claims with David Butler." And in accordance with said act, April 4th, 1873, a board of commissioners reported, "That we have examined and appraised 3,400 acres, the lands of David Butler, in quantity sufficient to liquidate the indebtedness of David Butler to the school fund of

the state of Nebraska," to which Governor Robert W. Furnas gave his official approval of the same date.

Eight years after the \$16,881 had gone into the possession of Governor Butler, the legislature passed a resolution rescinding the verdict of removal from office; and since the settlement, on the supposition that the 3,400 acres of surrendered land had become valuable and the state could afford to refund the amount over and above the liquidated debt, a bill for that purpose was presented to the legislature, but has not been enacted into law.

## ACTING GOVERNOR W. H. JAMES.

1871-1873.

William H. James was a native of Marion County, Ohio, and received his early education in the common schools of the State and from the Marion Academy. He was alternately farmer, clerk, and mechanic, and finally student at law, having entered a law office in 1853.

The date of his settlement in Nebraska was in 1857, three years after the territorial organization. From this time until his election as secretary of state in 1870, he had given some attention to legal practice, surveying, and the duties of register of a land office for five years under appointment of President Lincoln. His term of acting governor commenced with the impeachment of Governor Butler, March 4th, 1871, and continued till January 10th, 1873. The legislature convening but once every two years, he delivered his only message January 10th, 1873, and three days thereafter was superseded by Governor Furnas.

Among the subjects presented for consideration we find the admonition that prison discipline should seek the protection of society, and not attempt "vindictive punishment," greater unity of action between the regents and faculty of the state university demanded, special attention to be given the insane, idiots, and imbeciles, pardoning power to be exercised with great care, laws enacted to protect capital coming to the State for investment, and usury laws repealed since "capital is timid."

There remained in the state treasury January 18th, 1871, \$37,547; receipts to December 31, 1872, \$1,183,074; total \$1,220,621. Disbursements, \$1,022,233; balance in treasury to credit of the several funds \$98,387.

Inasmuch as the exercise of "doubtful and dangerous authority" had given him an administration, "of few days and full of

trouble," he deemed it well to go upon record as to the care of public funds.

While it is true that public money should be touched with the most scrupulous consciousness of authority, it is equally true that the executive officer of the State should not be urged to a stretch of legal or constitutional authority by reason of insufficient provisions, to meet any demands on the State, growing out of the proper administration of the laws. A violation of the law growing out of a public want, may furnish a precedent under which a private need may be met. And I feel that I can not too strongly urge upon your attention the importance of a careful examination into the wants of the state government and the making of such specific appropriations as will remove all necessity or excuse for the exercise of doubtful and dangerous authority.

After the acting governor's intelligent disquisition upon the scrupulous care to be observed in the use of public money, and "the impolicy of resorting to doubtful and dangerous authority," it is a little astonishing that the state senate felt called upon to ask what disposition had been made of a particular fund, in charge of the governor, of which the auditor and treasurer had no report; and further that a senate committee had to report that he admitted that he had not done right in retaining a certain \$6,300—and would pay it over on the order of the legislature, and though he promised to make a written statement to the committee in the course of the same day, had failed to do so.

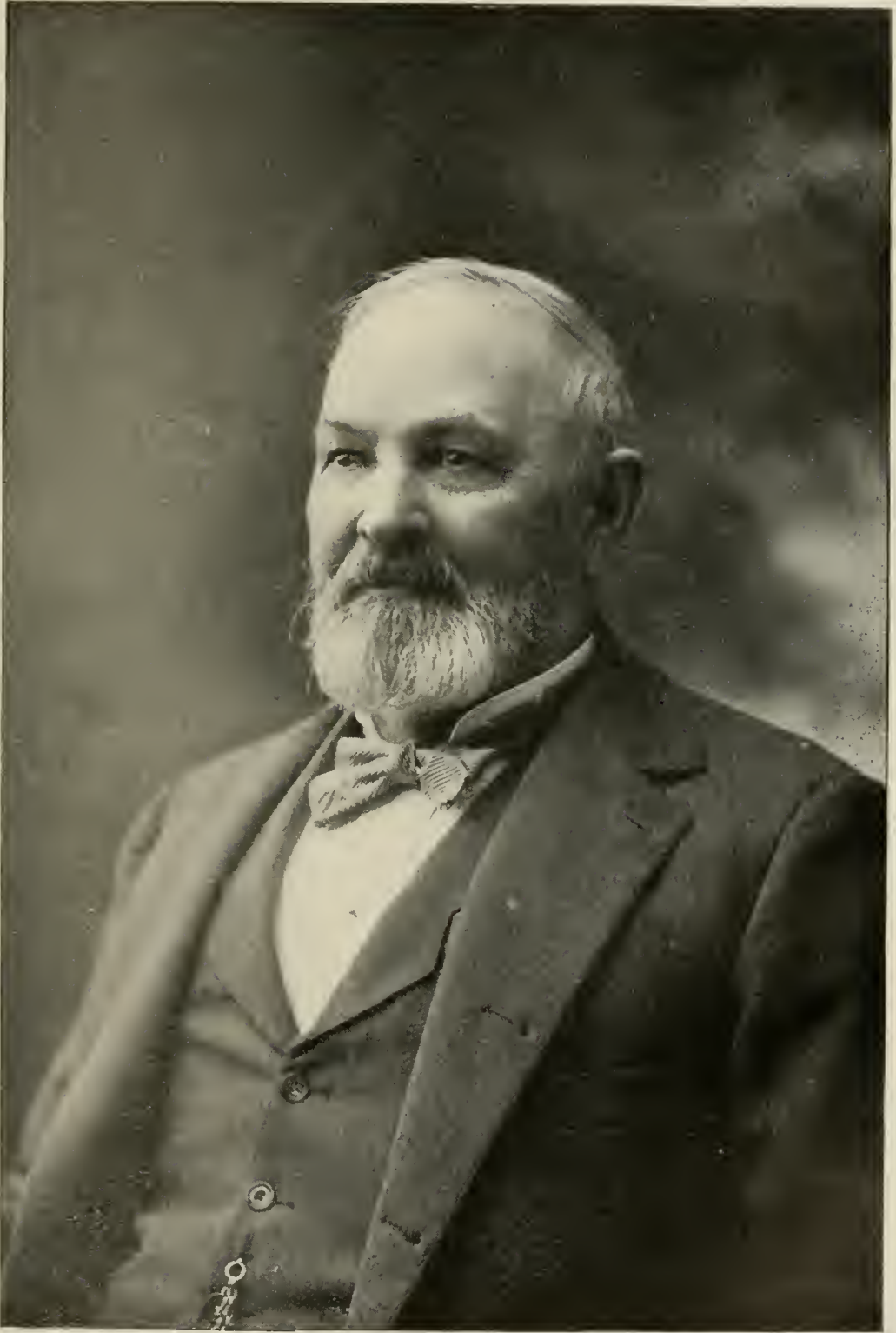
In those early days of crude laws and new and unexpected demands, it was attempted to palliate delinquencies and indiscretions from the demands of public wants, though there was great danger of establishing precedents in favor of "private needs."

## GOVERNOR ROBERT W. FURNAS.

1873-1875.

Born in 1824, an orphan at eight, a printer's apprentice at seventeen years of age, and editor of a Miami County, Ohio, paper in his twenty-third year, the subject of this sketch began life courageously and in earnest. During forty-five years ex-Governor R. W. Furnas has been a very active and intelligent worker for the interests of Nemaha county and the State of Nebraska. The town of Brownville knew him as a Fourth of July orator in 1856, and subsequently as member of the town council and the board of education, as a trustee of church property, leading member of the Masonic order, and a practical florist and landscape gardner from the beauty of his home surroundings. The county had the benefit of him as editor of its first paper, president of her agricultural society, a cultivator of nursery stock for orchard and grove, and dealer in choice live-stock of all descriptions, and member of the legislature and constitutional convention. The State had his services as president of her agricultural association, and of her horticultural, pomological, and historical societies, and as regent of her university and governor. Early in her history he was active in placing her fruit on exhibition in Boston, Philadelphia, and Richmond, Virginia, and in securing premiums. In 1885 Governor Dawes said, in a message relating to a state display at the New Orleans exposition:

With his characteristic energy and enthusiasm Mr. Furnas entered upon the work placed in his hands; and the result of his work, so untiringly and industriously performed, is witnessed in the magnificent display of the various resources of Nebraska now upon exhibition in New Orleans; a display that has called forth encomiums from the press of the country, attracting general attention and eliciting from those who have not visited Nebraska expressions of wonder and astonishment at the great extent and variety of her resources.



R. W. FURNAS.





In recognition of distinguished services the legislature presented the governor with a vote of thanks and a gold medal. On the publication of an address upon the origin, history, and uses of corn, entitled "Corn is King," he made mention of the circumstances attendant upon his New Orleans supervision:

As most of you are aware, I enjoyed the distinguished honor of representing the young agricultural giant, Nebraska, at the *World's Industrial and Centennial Exposition*, New Orleans, La., 1884-5. When I accepted the position tendered me by the United States, as commissioner, I determined to make a point on the great staple product of Nebraska, corn. The first banner I flung to the breeze in government building had inscribed upon its folds "Corn is King." To go south and claim king for any other soil product than cotton, especially at the *Cotton Centennial*, was deemed an intolerable bit of impudence in nowise orthodox—a broad-gauge departure. Cotton, sugar, and tobacco all elevated their nasal protuberances, saying by actions, which are said to speak louder than words, "How dare you?" Minnesota, "with boundless wheat fields glinted," our next door neighbor at the exposition, was "to arms" "in the twinkling of an eye," pressing the superiority of wheat and invoking the muses to aid her in obliterating our banner inscription. Colorado, Kansas, Illinois and Dakota set themselves to work manufacturing huge artificial ears to eclipse our natural growth of *Chester County Mammoth*. For a time outsiders entertained doubts as to our ability to maintain the advanced position taken.

But we "fought it out on that line," and came home "with our banners still flying." And now in calmer moments, as it were, I am bold to assert the belief that among all the factors of culture in the United States corn takes precedence in the sale of crops, as best adapted to more soils, climates, and conditions, is used for more purposes, furnishes more nutritive food for man and beast, has more commercial, cultural and economic value, gives more grain to the acre than any other cereal, more fodder than any of the grasses, puts our beef in prime order, fattens our pork, is the basis of our butter and cheese supply, furnishes immense manufacturing material, has twice the value of cotton, worth fifty per cent more than wheat, its influence on the prosperity and wealth is greater than that of any other cultivated plant, and to the transportation companies "has millions in it." Appealing to the previous census report it appeared that in a particular year corn ex-

ceeded wheat, oats, barley and rye, in bushels, 609 millions, and surpassed them all 103 million dollars.

The president of the United States made him one of a commission to examine into the agricultural capabilities of California, Oregon, Arizona, and New Mexico, and a forester of the national agricultural department. He was agent of the Omaha Indians in Nebraska, and colonel of an Indian brigade and of the Second Nebraska cavalry in 1863, which did duty under General Sully against the Sioux Indians. When the agricultural department at Washington was allowed a cabinet officer, many of the friends of Governor Furnas hoped the president would select him as that secretary. The first official proclamation of the observance of Arbor Day was issued by him, two years after Mr. Morton's resolution establishing it, and eleven years before the State made it a legal holiday; and his enthusiasm in that direction has only increased as the years have added to the wisdom of the enterprise.

In the campaign under General Sully of the regular army, the battle of White Stone Hills was fought September 3, 1863, two hundred miles above Fort Pierre, Dakota. Reporting results, having described the amount of scouting necessary to locate the enemy, Colonel Furnas said of the battle and the conduct of the Nebraska troops:

The battle now raged with great fury for some time on both sides, the enemy successively by a desperate charge attempting my right and left flanks, but they were repelled with slaughter. They fell in every direction in front of my line by the unerring aim of my brave soldiers, who, both officers and men, fought with the coolness and courage of veterans, exposed as they were to a galling fire from the enemy the whole time. Their loss in killed and wounded will not fall short of one hundred and fifty, as scouts sent out next day after the battle report their dead as scattered over the country for miles on the line of their retreat, and their wounded as twice that number. The casualties in the Second Nebraska Cavalry are seven killed, fourteen wounded and ten missing. The officers and men under my command are not only entitled to my thanks, but the confidence of their country for their bravery, efficiency and promptness on this occasion. Not a man in any capacity flinched a particle.

Under date of September 16, 1863, General Sully thanked the troops in order Number 62:

In separating from this brigade, the Second Nebraska Cavalry, the commanding general takes the opportunity of thanking Colonel Furnas and the officers and men of the regiment for the great assistance they have rendered him in the late campaign, and for the cheerfulness with which they have obeyed orders.

This was followed the next day by a farewell letter to the colonel commanding:

HEADQUARTERS N. W. EXPEDITION,

FORT ANTIETAM, D. T., Sept. 17th, 1863.

DEAR COLONEL:—As we are about to separate after months of hard campaigning, you to your family fireside, I where I may be ordered, I can not part with you without thanking you for your valuable services to me in the duties of the late campaign, and I hope, Colonel, if you ever again throw away the "pipe of peace," and buckle on your saber, I may have the good fortune to have you associated with me.

With the kindest feelings for your success, I remain your obedient servant,

ALF. SULLY, *Brig. Gen.*

At the expiration of the term of service, when mustered out at Omaha November 30, 1863, Colonel Furnas took leave of his command by issuing order Number 12, the latter part of which is here quoted:

The battle of White Stone Hills and its results will ever be an all-sufficient voucher for you. There you displayed coolness and courage unsurpassed, even by veterans. The severest chastisement ever inflicted upon Indians was administered by you. To you of the Second Nebraska Cavalry, who participated in that battle, is due that victory, and you alone. For it you are entitled to the thanks of your country; for it a grateful people of the northwest will ever hold you in remembrance. It was a proud day for you and amply rewarded you for all the toils and hardships you endured. Should your country ever again require your services, it knows you will be as prompt to respond in the future as in the past. We now separate to go to our respective homes. The best wishes of the colonel commanding attend you.

COL. R. W. FURNAS.

By order of H. M. ATKINSON, *Adjutant.*

Governor Robert W. Furnas was the second in the list of state executives. In his inaugural address of January 13th, 1873, after declaring that his aim should be "to serve faithfully a people who had so generously confided the sacred trust," he pledged himself that no duty would be left unperformed in advancing the State to an honorable position. "While elected by one of the political organizations of the day, my duty now is to the whole people."

He said of the theatre of action, "Here we are laying more the foundations than otherwise, for those who are to come after us. We are compelled therefore, to a very great extent, to meet emergencies and demands as they arise and present themselves for our consideration." Inasmuch as our land endowment for schools embraced "one-eighteenth of the entire public domain," he believed in the near future that "our whole educational system, from common school to university, could, with careful management, be made entirely independent of state aid." Coming to his favorite theme of agriculture, it was commended to intelligent and devoted supervision:

The area of country embraced within the geographical limits of our State being peculiarly and almost exclusively of an agricultural character, together with the fact that we occupy the keystone place in this gigantic trans-Missouri arch of agriculture, the settled national axiom that nations, states, individuals, and civilizations prosper as agriculture thrives, or recede as it languishes, renders this branch of industry, in a great measure, the foundation of that prosperity in store for us.

As if the treeless prairies were supplicating for moisture and shade, in their aid was invoked the supervision of a state forester, with premiums to stimulate culture. The theory of taxation recommended that, "in a free government like ours, sustaining burdens should be borne proportionately with means and ability to contribute," and that, as between lines of transportation and the people, "mutual efforts and labors should be followed with mutual accommodations and benefits: wholesome, judicious, impartial legislation, tending to serve the public good, should not be lost sight of during your labors." In order that

state, county, and municipal bonds should be advanced to par, registration was urged in order to establish value with the purchaser; and with equal urgency attention was called to the utility of immigration agents and documentary statements of the "unsurpassed fertility of our fifty million acres of vacant lands." An appeal was made in behalf of the claims of the United States *Centennial Exposition* of 1876, and of that at Vienna in 1874. so that evidence of Nebraska's capability to furnish desirable homes for toiling millions could be understood by the people of our own and foreign lands. In behalf of the peace and quiet in our "New West," from personal observation and the experience of many years, he recommended the removal of the Indians from the midst of our settlements, and locating them elsewhere, by themselves. Deprecating hasty legislation, and proffering hearty co-operation, he assumed the reins of government, "invoking the aid of Him who guides and governs the acts of individuals, as well as rules the destinies of nations."

As Governor Furnas served but one term in office, two years elapsed between the time of delivering the foregoing inaugural and his final and only message. The message may be considered under three heads: principles discussed, facts stated, and recommendations made.

Under the head of revenue he said:

Government being universally recognized among the wants of men, its maintenance is provided for by contributions from all interested in its existence, by a system familiarly known as and called taxation. In this, the true principle is, that each subject ought to contribute to the support of the government by which he or she is protected, as nearly as possible, in proportion to their respective abilities. No good citizen will consider it a burthen, or imposition, thus to contribute. While it is contended that any exemption from taxation is wrong in principle, it is equally objectionable in practice. The exemption of one dollar from taxation, only opens the door for ten more to illegitimately evade. For instance, in this State, as shown and stated, the total property valuation for taxable purposes, is a fraction over eighty millions of dollars, while the fact is, there is not less than three hundred million dollars worth of property in the State, which should be made to

yield revenue. With universal and equal taxation, promptly collected, the poor man, designed to be benefited by existing exemptions, will have by far less to pay than now; so small an amount in fact, that the tax gatherer will be unable to make change. It is not persons of limited means who obtain the advantage of either exemptions or evasions; but they of more ample possessions.

He said of the agricultural college:

The policy of the State should be the better education of the industrial classes. Our future wealth is in the fertility of our broad acres. These demand skilled labor, that they may produce a maximum of commercial value, with a minimum of human labor. Only by calling to our aid every available means of cheapening productions, can we bring our products into successful competition with other states nearer the great markets. The work is fairly begun. It needs but your fostering care to make it an institution not only of pre-eminent utility in the development of the commonwealth, but every way worthy the State and the age.

While upon the subject of the state prison, he called attention to "a fact prevalent to-day, not only in this country, but throughout the world, that all well governed and successfully conducted prisons have ceased to be mere instrumentalities for the punishment of offenders, but on the contrary partake of a reformatory character."

Acting upon the principle that if "industry is a moral power outside of the prison, and morality is an economic power outside of the prison," they bear exactly the same relations to each other inside of the prison. And, further, the more a prison is made reformatory, the more profitable will it prove economically. While it is true some men are born thieves, in the great majority of cases they are not so from choice, but from misfortune. The innate criminal is treated as a diseased man. Incarceration simply serves to place those incapable of self-restraint, in safe keeping beyond the power of injuring any one. The object, to impart an education, intellectual, moral, industrial and economic, as will put it within the power of the prisoner when liberated, to keep out of crime. Therefore, society is more interested in the reformation of a criminal, than in his punishment. Again, in the great majority of cases of imprisonment, innocent and dependent families are the real suf-

ferers, and should not be overlooked. To this end convicts should, in the matter of labor, be paid a just and equitable compensation for labor performed, and after deducting sufficient to defray the actual expense of maintenance, the remainder be paid to the necessitous families, or in case of none such, reserved for the convict at the time of liberation. This would not only provide to an extent for families so often rendered destitute, but would awaken self respect and incite to good behavior and habits of industry, that would follow, and lead to future usefulness. The system of leased labor of convicts, at mere nominal and speculative rates, as practiced in this State and some others, is wrong in principle and pernicious in all its tendencies. Labor, whether inside the prison walls, or outside, should be worthy of its hire. Properly stimulated and manipulated, the convict labor in our state prison, could be made to yield the State triple what it now does, and still leave a balance for the convict or his family more than the entire sum now inuring to the State,—the meagre sum of forty-two cents per day.

The most embarrassing, responsible, and difficult duty to perform devolving upon the chief executive, is the exercise of the pardoning power. None but the experienced can comprehend the situation. In nothing, nor even in all else, is he exposed to such censure. In almost every case he encounters acrimonious criticisms from those who know none of the facts, and have never given the subject a moment's thought or consideration. Extremists argue that this high prerogative should never be exercised to set aside the verdict or sentence of a court, when the facts are, it was created and vested for that sole purpose and no other—can be used for no other. The framers of the constitution and the lawmakers, had that object directly in view. The courts themselves recognize and appeal to it as such. They convict and follow sentence with an immediate application for executive aid, or clemency, to set aside what they have just enunciated, claiming that the law, in cases made and provided, is imperative, requiring strict observance of the form and letter. I am convinced, however, as to the great impropriety of vesting this high power in any one individual, especially with such meagre regulations as are found in the statute books of this State. A pardoning board or council to act in conjunction with the executive, with power to command the attendance and presence of papers, and administer oaths, would better meet the emergency.

Before the railroad question had assumed all its subsequent importance he gave expression to the following views:

There are those who, failing to comprehend facts, are prone to charge all the ills with which business interests are afflicted, and of which they complain, to the railroad companies; and hence there is, just now, conflict in some portions of the country. While I wish it distinctly understood that in no way am I an apologist for any man, corporation, or anything tending in the least to oppression or monopoly, I am free to assert what I conceive to be a well-founded belief, that railroads have made the West, and that their value is incalculable and universally conceded. True they have in instances become strong, powerful, and profligate organizations, resulting in wrong and oppression. This is the natural and inevitable tendency of the concentration or aggregation of great wealth, it matters not whether in railroad, bank, or manufacturing organizations, individuals or in whatever capacity it may act. While it is the duty of "the people, in whom all power reposes" under our form of government, to protect against any and all reckless and unscrupulous acts, let them come from what source they may, it is a mistaken idea that mere legislation will cure the ills with which business and morals are oft-times afflicted.

These statements of fact and opinion may also be quoted:

Our population has quite doubled itself within two years past, numbering now, without doubt, at least three hundred thousand souls.

The balance on hand at date of last report, December 1st, 1872, \$198,287. Receipts from that date to date of present report, \$1,469,408, making total receipts from all sources, of \$1,667,695. The total disbursements were \$1,433,152.

State warrants are now and have been for a year past, at par. The State has no bonded indebtedness.

The state university, insane hospital, blind and deaf and dumb asylums and state normal school were all reported as well officered and in good condition.

The fifth annual reports of the warden, inspectors, physician, and chaplain, in detail, are transmitted, by which it will be seen that the number of prisoners incarcerated is fifty-four. The total current expenses of the prison for the two years, 1873 and 1874, are shown to be \$58,000.43, or an average of about \$538 per prisoner per year. The total amount of convict labor at forty-two cents per day is \$4,343.64, or nearly forty dollars per prisoner per year. On this labor, there is now due from the contractor, unpaid.



\$3,418.45. Estimate for the coming two years, \$45,000. But forty-one cases of sickness have occurred within the past two years, and but one death since the establishment of the prison. With the appropriation made by the legislature for that purpose, an excellent and well selected library of 438 volumes is provided and in use by the prisoners. The chaplain reports favorably and encouragingly as to the moral improvement, and reformatory tendencies of inmates.

## STATE LANDS.

There were donated by the general government, known as saline lands, seventy-two sections. From this there have been appropriated by legislative acts: for the benefit of the state normal school, twenty sections; for the model farm, in connection with the agricultural department of the state university, two sections; for the use of the insane hospital one-fourth of a section. There have been sold to various persons, as per deed record in this office, seventeen thousand five hundred acres, leaving a balance undisposed of and on hand, of twelve thousand seven hundred and forty-four acres. There remain to be selected and approved, to complete the seventy-two sections donated, four and one-sixteenth sections.

## INTERNAL IMPROVEMENT LANDS.

There were donated and have been selected and confirmed, five hundred thousand acres. By acts of the legislature, the whole of these lands have been appropriated and conveyed for purposes designated, to aid in the construction of railroads and bridges. In fact the records show, that by reason of hastily deeding before confirmation, thirty-one thousand four hundred and seventy-six acres have been deeded more than the State owned, or was entitled to.

## PUBLIC BUILDINGS LANDS.

There have been received twenty sections designated as for public buildings. The whole of these lands were, by act of February 10th, 1871, transferred, or appropriated to aid in the construction of the state penitentiary.

## PENITENTIARY LANDS.

There were donated for the erection of a state penitentiary, fifty sections, which, in addition to the twenty sections before named, made seventy sections applicable for that purpose. Of these there have been sold and used in the erection of buildings, forty-three thousand one hundred and eighteen acres, leaving on hand, undisposed of, one thousand six hundred and seventy-six acres.

## UNIVERSITY LANDS.

Seventy-two sections were donated, selected and confirmed.

## AGRICULTURAL COLLEGE LANDS.

Ninety thousand acres were donated and selected, of which eighty-nine thousand four hundred and sixty acres have been confirmed, leaving five hundred and forty acres yet unconfirmed.

The school lands alone, if sold, would create a permanent school fund of over \$20,000,000.

## EDUCATION.

The report of the Superintendent of Public Instruction for the years 1873 and 1874 is most gratifying to the friends of education. At the close of the fiscal year 1872, there were 538 school houses in the State, valued at about \$700,000. The present report shows 1,345 school houses, valued at a fraction over \$1,300,000. An increase of over eight hundred buildings, and \$600,000 valuation in the two years. The total number of pupils at the close of the year 1872 was 51,123; at the close of 1874, 72,991, showing an increase in the two years of 21,868. The total amount of school money apportioned by the Superintendent for the years 1871 and 1872 was somewhat over \$370,000. The past two years the total amount apportioned was nearly \$100,000 of an increase. At the close of the year 1872 there were 1,512 qualified teachers in the State. The reports for 1873 and 1874 show 2,200.

## LINCOLN CITY LOTS.

The capital city, Lincoln, as originally platted, consisted of two hundred and eighty-seven blocks, or three thousand four hundred and forty-seven lots. Of these sixteen blocks were donated for public squares and railroad depot purposes. One hundred and fifty-five lots were deeded in consideration of lots in the old Lancaster town-site. Twelve lots were donated to the State Historical Society, forty to the various churches and benevolent societies, and twelve to the Lincoln Steam Mill Company. Two thousand nine hundred and thirteen lots were sold for the aggregate sum of two hundred and ninety-three thousand three hundred and fifty-eight dollars and seventy-five cents. Three hundred and fourteen lots remain unsold. The unsold lots are principally in the Salt Creek bottom, and of no considerable value at present.

A report by Governor Furnas, January, 1873, revealed the disposition made of 500,000 acres of land donated for internal improvements as follows:

To Burlington and Missouri R. R. R.....	50,104 acres
To Brownville, Fort Kearney and Pacific R. R..	19,989 acres
To Fremont, Elkhorn & Missouri Valley R. R...	100,030 acres
To Midland Pacific R. R.....	99,973 acres
To Omaha and Southwestern R. R.....	100,010 acres
To Omaha and Northwestern R. R.....	80,069 acres
To Sioux City and Pacific R. R.....	47,327 acres
To Gage county for bridges.....	1,000 acres
To Saline county for bridges.....	1,000 acres
	499,502 acres
To Balance .....	1,384 acres
	500,886 acres

On the first day of January, 1875, there were one thousand one hundred and seven and sixty-nine hundredths (1,107.69) miles completed railroads in the State: Union Pacific, 459.90 miles; Burlington and Missouri River in Nebraska, 190.75 miles; Atchison and Nebraska, 110.78 miles; St. Joseph and Denver, 88.50 miles; Midland Pacific, 83 miles; Omaha and Southwestern, 47.05 miles; Fremont, Elkhorn and Missouri Valley, 50.75 miles; Omaha and Northwestern, 40 miles; Sioux City and Pacific, 26.96 miles; Brownville and Fort Kearney, 10 miles.

The promptness and self sacrificing zeal with which Governor Furnas met and assisted to remedy a great state calamity, independent of aid from the state treasury, merited the generous commendation of those who had hearts to feel and a willingness to act.

#### FRONTIER HARDSHIPS.

Our own State, like most other portions of the country at large, especially the West, has been afflicted the past season with short crops, by reason of drouth and grasshopper devastation. While the injury has been greater than for any and all causes heretofore in the history of the Territory and State, and can not be otherwise than discouraging, particularly to the agriculturists, there is no disposition manifested to abandon any portion of the State. As soon as satisfied as to results narrated, and as greatly exaggerated reports were in circulation as to probable wants and suffering that would follow to those in the new

counties and on the extreme borders, I immediately placed myself in communication with the official authorities of each organized county, in order to ascertain, as near as possible, the actual and true condition of affairs. Reports were promptly received from each, from which it was then thought by all conversant, that the emergency could and would be met within ourselves. No power being vested in me to make expenditures, and desiring to avoid the expense of an extra session of the legislature, especially as the time for the regular session was so near at hand, I asked a number of well-known, reliable and responsible citizens from the various parts of the State to meet and advise with me, as to the better and most effective mode of providing for the wants of those who had been rendered destitute. This committee met promptly at Lincoln, on the 18th day of September last, and after deliberation and consultation, organized, under provisions of the general incorporation act, the *Nebraska Relief and Aid Society*. A copy of circulars issued, and convening the committee, proceedings and articles of incorporation, together with the detailed operations and labors of the society, to the 31st day of December last, are herewith submitted for your information. From these it will be seen that the active duties of the organization have devolved upon an executive committee of five worthy gentlemen, General E. O. C. Ord, Commander of the department of the Platte, chairman.

The reports of the secretary and treasurer show the cash receipts from all sources to have been \$37,279.73. Donations in kind, \$30,800.73. Total receipts, \$68,080.46.

Supplementing this voluntary action, Congress enacted an extension of time in behalf of homesteaders, and a cash appropriation of \$30,000 for the purchase of seeds, to be distributed among the absolutely destitute for the succeeding year's planting. All persons who made settlement in Nebraska since 1875, are unable to understand the true import of "grasshopper devastation." The first visitation of these terrible pests was in the fall of 1866, when a portion of the corn crop had matured and the later planted and fall wheat furnished their supply of food. Having deposited their eggs and died before the beginning of winter, the people lived in painful expectancy of greater destruction when the genial rays of spring should give life to a new and ravenous brood. But their subsequent experience taught them,

that as soon as able to fly migration might ensue, or the drenching rains of spring cause their destruction. Eight years thereafter in the fall of 1874, again they came in clouds that almost eclipsed the sun and covered the ground as storms of snow, and stripping fields of all their fodder and eating into the husks of unripe ears, left them to must and rot upon the stalk. Early in May the fields of wheat and rye, of barley and oats and early planted corn promised luxurious crops, while orchards and gardens, with nurseries of fruit and forest trees were promising a most satisfactory growth. But hatching season being past the ground in parts of the State was literally covered, so that the foot and carriage wheel wherever moved crushed and ground their thousands. Trenches were dug around grain fields in order to entrap moving armies before prepared to fly, and when partly filled, straw distributed and burned. Low pans of sheet iron filled with coal oil were placed at points where they had to move along the sides of houses or board fences, into which they jumped and were destroyed. Large pans, with coal oil, drawn by horses, were passed over the fields of young grain, and as the insects rose and fell upon the fluid they were gathered by the bushel. But it was only necessary to make the experiment in order to realize how utterly futile must be the effort to control descending showers or falling snow. Powerless as children before a tornado, as the promised crop vanished, and every hope of paying debts and taxes disappeared, and visions of wife and little ones pleading for food and clothing haunted him and of farm-stock starving, and of sheriffs and red flags abounding, many a toilsome farmer, despairing, shed tears of anguish. Not till the work of desolation was complete came the time of migration, when about the fifteenth of June, 1875, the clouds lifted and floated westward. "Hoping against hope," at so late a day, wheat fields were plowed up for corn, corn fields re-planted, summer crops attempted as never before, of buck-wheat, turnips and potatoes, and under the smiles of a beneficent providence, Thanksgiving Day in November found a great majority of the people around frugal boards, and in places of public worship.

One third of the corn crop hardened for market, two thirds made pork and beef, showing conclusively, that with a favorable fall. frost coming late, the crop can be matured between the first of July and October.

Of numerous and valuable recommendations we have the following: that in voting for bonds for county and other purposes a mere majority should not obligate the property of a large minority, but a two-thirds vote should be required; that nothing should be exempt from taxation, but every species of property should bear its due proportion, on its actual cash value; that the popular demand for a constitutional convention be granted; and that in order to check fraud, all bonds issued in the State should be registered by the state auditor; and that inducements be offered to capital to invest in manufactures and developing improvements; and especially, that measures be adopted for a state exhibit, of natural and artificial resources, at the anticipated national centennial exposition of 1876. In concluding a most comprehensive and critical message he said:

I have now performed the last and most important official obligation devolving upon me, and am prepared to vacate the chair of state, and turn over the archives to a successor selected by the popular expression, and who, I know, will cheerfully and readily co-operate with you in every laudable effort to promote the prosperity and welfare of a people, for whom you and he are joint representatives.

## GOVERNOR SILAS GARBER.

1875-1879.

When Governor Garber became a citizen of Nebraska he possessed all the training and experience necessary to adapt him to his surroundings. At that time he was thirty-seven years of age, having been born in Logan county, Ohio, in 1833. His education was principally acquired before reaching his seventeenth year; subsequent to which time he removed to Clayton county, Iowa. Entering the army in the war of 1861-64 as a private in the Third Missouri Regiment, he afterwards recruited Company D, Twenty-seventh Iowa Infantry, of which he became first lieutenant and afterward captain. His next experience was four years in California among the stirring scenes of that slaughter-house of hopes, and of thrilling adventures. Without fear of Indian depredations, he took up, and maintained, an abode in Red Willow, Webster County, when he had only been preceded by two families. In the community that grew up around him, he became probate judge and representative in the legislature. From a year's administration of the register's duties in the United States land office in 1874, he was promoted to the governorship, and was re-elected in 1876.

On assuming the duties of governor, January 12, 1875, Mr. Garber presented a clear, concise and sufficiently comprehensive inaugural. In this document he called the special attention of the legislature to the subject of economy.

This commonwealth is in its infancy; but resources as yet undeveloped, and her wealth largely prospective. Her future depends greatly upon the discreet and prudent management of affairs.

Deprecating hasty legislation, he said:

The tendency of the age is toward over-legislation, over-taxation and extravagance. The lessons of history teach us that the greatest reforms consist, not in doing something

new, but in undoing something old; and the most valuable laws have been those by which some former laws have been repealed.

He would administer the affairs of the State as a prudent man his individual affairs, and congratulated the people upon the fact of no bonded debt and but a slight floating indebtedness. He advocated a new constitution, that should be equal to the increasing demands of a new people and adapted to the experience of an elastic and progressive community.

In conclusion, gentlemen of the joint convention, it will be my greatest pleasure to co-operate with you in any and all things pertaining to the welfare of the State. It is just that we cannot escape the record which we ourselves will make. It is a favorable omen that the public mind is more active, and the public conscience more sensitive than ever before in the history of the State. We have now within our borders the population and natural resources, sufficient to establish a state in fact as well as in name. This result will be best achieved by guarding the public credit as a sacred trust.

Finally, impressed with a sense of dependence upon the Supreme Ruler and creator of all things, and mindful of our responsibilities, let us dedicate ourselves to the work of executing faithfully the important public trust committed to us by the partiality of a confiding constituency.

The legislature of 1875, to which he delivered his inaugural, had just received the retiring message of Governor Furnas, and hence Mr. Garber's first annual message bears date January 5, 1877, since the legislature only convened every other year.

Gentlemen of the Senate and House of Representatives: I cordially welcome you to the capitol of the State. Since the meeting of the legislature, at its last regular session, there has been framed and adopted by the people, a new constitution, which went into effect on the first day of November, 1875. This being the first regular session since it became the supreme law, it is safe to say that it will be the most important one since our admission into the Union. Laws are to be made and repealed; interests fostered and maintained, and in your deliberations you may justly reflect that you are legislating for a people characterized by intelligence, energy, and a spirit of justice.



Taking up the subject of state finances he showed:

As appears from the report of the state treasurer, herewith transmitted, the balance in the treasury, November 30th, 1874, was \$234,543; and there has been received up to November 30th, 1876, \$1,459,306, making a total of \$1,693,849, for two years.

He also gave as delinquent taxes the amount of \$765,815 of which not more than one-third was likely to be collected.

The report of the superintendent of public instruction shows that our common schools are keeping pace with the growth of the State in wealth and population. I doubt if any state in the Union can exhibit more gratifying results in this respect. There are sixty organized counties in the State, divided into two thousand five hundred and ten school districts. The total number of children of school age, is eighty-six thousand one hundred and ninety-one, being an increase of thirteen thousand two hundred over 1874. Of this number fifty-nine thousand nine hundred and sixty-six attend the public schools. There are 3,361 teachers employed receiving an average salary of \$34.24 per month. We have 1984 school houses, valued at \$1,585,736. The total receipts of the last fiscal year from all sources for common school purposes were \$1,093,275. The total expenditures for the same period were \$1,098,974.

He highly commended the "wise administration" of the university, and anticipated the time when it would "become the pride of the whole State."

It appears from the regents' report, the cost of educating a single student in the state university of Nebraska, as compared with that in state universities and colleges of this character in other states, is almost unparalleled in economy." The attendance has increased from one hundred and thirty-two in 1874, to two hundred and eighty-two in 1876; so that the legitimate expense of the institution must have increased.

Of the institution for the blind the governor reported that there had been received by the trustees during the past two years \$19,457, and all expended but two hundred and twenty dollars. A building of sufficient capacity to accommodate fifty pupils, had cost \$9,795. He reported a new building for the Deaf and

Dumb Institute under way, at a cost of \$14,495, and during the past two years the number in attendance was fifty-three.

This important branch of our educational system [Normal School] seems to be in excellent condition. The benefits of the school are already felt in the State and the results that may be safely anticipated in the future fully justify its maintenance. The total enrollment of students for the year 1876 was two hundred sixty-eight, and the average attendance per term was one hundred and forty-two. For the last term of the year the enrollment was one hundred and ninety-six. The average cost of the school per term as shown by the report of the principal, is \$3,686.

The working of this benevolent institution [Hospital for Insane] for two years prior to November, 1876, had exhausted an appropriation of \$60,746, of which amount \$26,962 had been charged to counties having patients in the hospital. During two preceding years one hundred sixty-four patients had been under treatment. Fifty were reported as recovered; nine as improved; unimproved, six; escaped, one; died, five; and ninety-three remaining.

The expense per week for board and clothing of patients and board of officers was for 1876 \$2.14.

In the matter of the penitentiary convicts the governor sought for practical reforms and benevolent results, and reported a change of wardens in the interest of less severity and better personal influence. His sensible and humane ideas can be best expressed in his own words.

The younger class of criminals have been separated from the more vicious and hardened and night schools during the winter have been established with excellent results. These reforms, in connection with the good time act giving prisoners an opportunity to shorten their terms of sentence by good conduct, have been productive of much good. There is sufficient room in the west wing of the building for a reform school, which could be conducted by the same officers, and put in operation at small expense. This would completely separate the younger criminals from the older, and furnish better opportunities for educating and reforming them. The penitentiary being completed some branch of industry should be established at the prison for the purpose of utilizing convict labor. It is absolutely essential to the good government of the prison that the inmates be kept at hard labor for a certain number of hours each day.

Early in his administration it became necessary to organize military companies on the western frontier of the State, and procure from the general government arms and ammunition. In accomplishing this he gave bond in the sum of \$18,000, for the return of the guns when demanded. Another similar emergency arose in the case of the Centennial Exhibition of 1876, the legislature having failed to make an appropriation. The governor assumed the responsibility of borrowing of banks a sufficient amount to enable the State to obtain a creditable showing and receive a premium on soil and apples.

The message gave the population of the State in the spring of 1876 as being 257,749. Having submitted facts and opinions on the question of usury, of banks and bankers, a proper disposition of the vast land endowment of the State, and amendment of laws, and submitted an elaborate statement of the necessity of a geological survey, with official reports of state officers, he concluded with a hearty promise of legislative co-operation.

His last official communication was made to the legislature of 1879, after four years of administration. From a glowing recapitulation of past progress, he found additional sources of congratulation in the condition of the finances, which showed that the total receipt for the two years ending November, 1878, was \$1,908,337 and that the assessed value of taxable property, 1878, was \$74,389,535, being an increase of \$3,077,957, over the previous year, and that the condition of the common schools, of the normal school and state university had exceeded the most sanguine expectations, and the conditions of the charitable institutions, "devoted to the care and education of our children of sorrow," were flourishing.

These sources of commendation were supplemented by valuable recommendations. First, that provision should be made for leasing the salt springs and "utilizing the lands donated for their development;" and that an agricultural bureau of reports and statistics should be established for distribution, such as to induce immigration; that fish culture should receive encouraging legislation; that the Indian control should be given over to the war department; and the laws receive a careful revision.

His plea for a reform school for juvenile offenders was hearty and intelligent, containing references to the experiences of other states, and saying:

In recommending the establishment of an institution of this kind in the State, I do so believing that charity for our wayward youth invokes it and the full performance of a righteous duty to humanity demands it.

I have an abiding faith in Nebraska's future. Indeed, who can not have, when we compute the value of the increasing flocks that dot her vast domain, and the productive wealth of her million acres once subdued and yielding golden harvests to enrich the husbandman.

With a sound and wholesome code of laws for its corner stone, we may build up here a commonwealth in this center of the continent that shall swell the high wave of commerce surging between the mines of the West and the marts of the East, and, maturing as it advances in age, it shall stand prominent in the grand galaxy of states.

I sincerely trust that your deliberations may be conducted in harmony and attended with those beneficial results so confidently anticipated by your constituents. To those officers with whom I have been associated in the conduct of public affairs, I extend my warmest thanks for their uniform kindness and courtesy.

And now, in relinquishing the high trust committed to my charge four years ago, I desire to make my grateful acknowledgments to a most generous and indulgent people; and upon them, yourself, and the State, I invoke the continued favor of Almighty God.

## GOVERNOR ALBINUS NANCE.

1879-1883.

In the career of Albinus Nance we have a splendid illustration of the energy and pluck of Young America. He was born in March, 1848, at Lafayette, Stark County, Illinois. At the age of sixteen years we find him a soldier in the civil war. He passed through the war with only slight wounds, and was mustered out with his regiment. Next we find him in civil life, a student at Knox College, at Galesburg, Illinois, where the foundation for his professional life was established and where he was admitted to the bar in 1870, in the twenty-second year of his age.

If his better genius should not fail him, all his past successes indicated early achievements in the future. Soon thereafter he graduated as a pre-emptor and farmer, and became a representative in the Nebraska legislature; was chairman of the state delegation in the Republican National Convention at Cincinnati in 1876; and in the same year again elected to the legislature and made speaker of the house of representatives, while still under thirty years of age. With the dawn of 1883, in the thirty-fifth year of his age, he had added to his other triumphs and services, four years in the gubernatorial chair of his adopted state, and was retiring to private life respected for manly virtues and official integrity.

The inaugural address of Governor Nance gave the population of the State in 1881 as over 400,000, with not more than one-tenth of its area under cultivation, and only about one-third of the State populated.

The Great American Desert had receded as settlement advanced, and he predicted that soon, as an agricultural state, Nebraska would have no superior, with a large amount of land devoted to grazing in the western part. The time was most auspicious, as good crops had been secured for several years and financially the people were exceptionally prosperous. He urged

the claims of agriculture and horticulture, of equitable laws as to interest and capital, and placed the moral and intellectual culture and protection of the people on an even higher plane than exemption from Indian and monopolistic domination. He made it a source of congratulation that a high standard of instruction had been attained in the schools, with an endowment of near \$20,000,000. Four years thereafter, at the expiration of his second term of two years each, his statement of progress was very cheering.

On the third of January, 1883, Governor Nance delivered his last message to the legislature, with the following introduction:

*Gentlemen of the Senate and House of Representatives:* Legislative authority has been conferred upon you at an auspicious period in the history of the State. Since the last regular session of the legislature there has been a marked degree of prosperity in every department of industry, and our growth in population and wealth has been a marvelous event, even to those who had indulged the most sanguine anticipations in contemplating the possibilities of the future. A brief review of our state history may be profitably considered in this connection. At the date of admission into the Union in 1867, the population of Nebraska was estimated at 70,000, and the aggregate value of taxable property of the State was \$20,115,252. The population at the present time, as estimated on the basis of a moderate increase over the census of 1880, is not less than 600,000. The total assessed value of property as shown by the grand assessment roll of 1882, on file in the office of the state auditor is \$98,537,475.

The sparse settlements in 1867 were remote from centers of trade and railroad connection, and were deprived of most of the comforts of life. The people of Nebraska are now brought into close relations with the commercial and social world, and it is a gratifying fact that every organized county in the State, except eight, has railroad facilities. Two principal agencies have accomplished this transportation. The homesteaders, under the liberal policy of the general government, accepting a heritage which in itself was a valuable legacy, have toiled from year to year with untiring energy and splendid success in improving the lands thus secured. The capitalists of this and other countries having a degree of faith in our future which has been more than justified by results, pushed the work of railroad ex-

tension in Nebraska with unexampled zeal, and thus opened the way for the large immigration which followed from the eastern states and the old world. The policy of the general government, in granting aid to railroads, as in giving homesteads to settlers, was designed to promote the general welfare, and it speedily gave us a railroad system which has been a potent agency in developing our natural resources. The practical co-operation of the above mentioned agencies has brought us to a period of prosperity which is contemplated with feelings of pride by every citizen of Nebraska.

Having given the treasury balance as \$343,018 at the end of his first term, it was now, in 1883, \$472,114. Inasmuch as \$92,984 were due the State as interest and rentals, on sales and leases of school lands, he recommended that school land contracts be cancelled in cases of default, believing that persons had been holding these lands for speculative purposes. On schools he said:

The school attendance in 1882 was 115,546, an increase of 14,770 over the number in attendance the previous year. The total value of school property is estimated at \$2,054,049. The fund derived from this endowment has increased from year to year, in about the same proportion as the increase of population, consequently the increase per capita has not materially changed.

The friends of the University were congratulated that distracting questions were being settled in indication of enlarged usefulness and prosperity. His previous message gave the Normal school 275 students while the one of 1883 reported 318. The state library numbered 21,487 volumes. The attendance upon the institute for the deaf and dumb, during his administration had increased from seventy-five to one hundred and twenty, at an expense per capita of \$3.29 for maintenance per week. The patronage of the institute for the blind remained about stationary, and at a cost of \$5.33 per person per week. There had been no special increase in the number of penitentiary convicts and the number of deaths annually, there being but one during his incumbency. Under the fostering care of Governor Nance's administration the Reformatory came into existence and had received thirty-seven inmates. On retiring he said in its behalf:

The tendency of the reform school to repress and prevent the commission of crime is indisputable and if supported on a liberal scale it will prevent large expenditures for the punishment of hardened criminals. If viewed only from a humane standpoint the school should have every encouragement, as it enables the State to rescue a large number of children from vicious surroundings and give them the advantage of a good education, together with well established habits of industry.

The Home for the Friendless also dates back to 1881:

The legislature of 1881 provided for the erection of a home for the friendless, and made an appropriation for that purpose, subject to the conditions specified in the act, in compliance with which the institution has been located at Lincoln.

Conceding the great advantages to the State, by virtue of the stimulus imparted to settlement and traffic by railroad construction, the governor gave prompt consideration to the comparatively new question of legislative control:

In the state of Illinois every phase of the question has been under consideration during the past twelve years, and by means of a board of Railroad Commissioners, equitable rates of transportation have been established and many of the abuses complained of corrected. I also invite your attention to the laws of Iowa providing for the organization of a board of railway commissioners and to their subsequent reports and proceedings. The general results in that State have justified the acts of the legislature creating that board. The reports of the commissioners, both of Illinois and Iowa, contain a mass of valuable information, bearing upon every feature of the question, and may be studied with profit by all who are interested in securing impartial legislation upon this subject in our own State.

After giving information relative to many items of business and enforcing many duties upon the legislators, Governor Nance came to his final conclusion:

As my official term is about to close, I recall with pleasure the kindly relations which I have sustained toward those who occupy official positions throughout the State. To the state officers and heads of state institutions with whom I have been associated during the past four years, I



tender my sincere thanks for their earnest co-operation and uniform courtesy. I also desire to express the gratitude I feel toward the people of Nebraska for the steadfast support which they have given me in my efforts to execute the laws with fidelity. The steady and vigorous growth of our young commonwealth during the period that I have occupied the position of chief executive, has been a source of continual satisfaction, and I ardently cherish the hope that the future of Nebraska may be one of uninterrupted prosperity.

During the summer and fall of 1882 an active canvass of the State was made in behalf of the "rights of suffrage," an amendment to the constitution being submitted to extend the right irrespective of sex. The discussion which followed the passage of the amendment was participated in by most of the distinguished orators of the United States, such as Susan B. Anthony, Elizabeth Cady Stanton, Mrs. Sewell, Mrs. Hinman, and numerous others. As early as 1856, by invitation of members, that pioneer worker, Mrs. Amelia Bloomer of Iowa, presented the cause before the legislature of Nebraska. The rejection of the amendment by the vote of 1882 argues nothing against the willingness of the people to keep step with the onward march of progress. All preliminary acts have been passed and heartily approved by them, and although they declined a place at the head of the column, they will finally occupy it. Already they have made woman the equal of man in the marriage contract and the divorce court, in trade and transferring and holding property, in the collection of wages, and the right to bring suit at law, whether married or single, and in the professions and trades, and clerical positions, limited only by ability, inclination, and taste. On the assumption that they who are specially interested in a subject shall be allowed to discuss and control it, they have provided for women's votes in school meetings. Presently old-fogyism, prejudice, and ignorance, will cease to control, and the honestly conservative will decide that the rights of women to influence through the ballot should be conceded in county and state. The vote in behalf of the amendment was 25,756 and against it, 50,693. The manufacturers of spirituous liquors, the

retailers, and many of the drinkers, were a united phalanx against it, on the ground that the ballot of women would be directed against the traffic and in behalf of sobriety, pure morals, and better government.

As the high license or Slocumb liquor law was approved and signed by Governor Nance, it seems appropriate that the events preceding it should be recorded among the results of his administration. During the early administration of the Territory, Nebraska could claim a devoted band of temperance workers. But while a large element of the population consisted of single men and families holding only temporary residences, with recent immigrants from lands unacquainted with restrictive or prohibitory legislation, even a reform in a license system was difficult of accomplishment. So early as 1861, an act was passed to amend one of 1858 requiring "an applicant for license to pay for the use of the school fund not less than \$15.00 nor more than \$200.00 at the discretion of the county commissioners." As the population became more settled and homogeneous, permanent associations were established. Delegates from thirteen local lodges organized the "Good Templars" in 1867, and in 1881 the local bodies numbered 113 with a membership of 5,000. The organization of the Temple of Honor and the Red Ribbon Clubs date back to 1877. This revival of interest, much accelerated by the splendid services of John B. Finch, antedated the failure to pass a prohibition bill in 1879. In 1881 the legislature, declining to pass a proposition for an amendment of the state constitution in favor of prohibition, did finally enact what was known as the "Slocumb Law," in honor of its originator, Hon. C. B. Slocumb of Jefferson county, which was approved by Governor Nance February, 1881. In order to secure some semblance of prohibition, the law made it a penal offense to sell or give away intoxicating liquors in any precinct or township where thirty freehold petitioners could not be found; and in any case made it discretionary with county boards to decide the expediency of granting license. A prohibition county could thus elect a board to carry out their will. It prohibited utterly the sale to "minors, appren-

tices or servants under twenty-one years of age; and to Indians, insane persons and idiots and habitual drunkards." The same principle was applied to the protection of about fifty-five days in the year, on Sundays and election days. The advocates of reform had contended, that the support of paupers, criminals, insane, and poor and the robbery of wives and children and community were largely due to the traffic in liquors and should not be borne by the unoffending and helpless, through public taxes and social charities. This proposition was conceded by provisions, that the retailer should pay all damages resulting to the community or individuals, and support all paupers, widows and orphans made so by the traffic; and pay for all civil and criminal prosecutions growing out of it.

The amount of license was to be not less than \$500 nor more than \$1,000, and a bond in a penalty of \$5,000 was to be given, with which to defray legal damages and costs. It was made a crime to treat or give away liquors to be drunk in any saloon or place where they were sold, or to obstruct the view of doors or windows with screens, paint, blinds, or other articles. This law, under which the traffic was to live, if it existed at all, was the most fearful commentary on its infamy ever published, and was only accepted by the craft as more desirable for them than legislative prohibition. But the almost utter impossibility of putting its provisions in practice, and the interested protection extended the saloon by unscrupulous politicians, and the paralysis of morals from replenished school treasuries, caused the friends of temperance to desire another effort at legislative prohibition. In 1885, an act passed the legislature, providing that after the first of January, 1886, "No certificate shall be granted to any person to teach in the public schools of the state of Nebraska, who has not passed a satisfactory examination in physiology and hygiene, with special reference to the effects of alcohol upon the human system." This was considered a valuable acquisition to reform literature. All necessary preliminaries having been arranged, a prohibitory amendment proposition was voted upon in November, 1890, but failed to receive a majority endorsement.

## JAMES W. DAWES.

1883-1887.

The fifth governor of Nebraska was born at McConnellsville, Morgan county, Ohio, January 8, 1845, where the first eleven years of his life were spent. In 1856, by the removal of his father's family, he became a resident of New Port, Wisconsin. His father's health failed in the practice of medicine, and there was ample opportunity for an outlay of youthful energy on the land that had been purchased.

Working on the farm during the season of cultivation, and attending common school in winter, supplemented with two terms in the preparatory department of Western Reserve College, Ohio, and a six months course in a business college in Milwaukee, Wisconsin, constituted the extent of his agricultural and educational acquirements. The death of his father having rendered his graduation in college impracticable at this time, his self culture was continued during four years preceding October, 1868, by the reading of law, while clerking in a store. Having determined upon the law as a profession, in 1869 he entered the office of John H. Dawes, of Fox Lake, Wisconsin, and was admitted to the bar in January, 1871.

The same year, 1871, in the month of September, he located at Crete, Saline county, or rather anticipated the coming of the beautiful little city, for a corn-crop had been cultivated upon the townsite the previous year. Work upon the Burlington and Missouri River railroad having reached the county and crossed the Blue River, enthusiastic immigrants fancied a railroad centre, the home of manufactures and remunerative commerce. But immigration must produce business before litigation could furnish remunerative practice for the legal profession, and accordingly we find the young attorney devoting himself to mercantile pursuits for the term of six years. In 1877 he opened a law office and has continued in the practice until recently.

But politics were always a certain and successful crop, and could be had for the gardening, and a merchant of courteous address, an honorable trader, and a kind and indulgent creditor occupied an enviable position among public aspirants. Accordingly we find Mr. Dawes a member of a constitutional convention in 1875, four years after his advent to the State, and in 1876 a state senator from Saline County, and from that date for six years chairman of the Republican state central committee. For four years following 1880, he served his party as member of the national republican committee, having been a delegate to the convention of 1880 at Chicago. True to the traditions of his New England ancestry and from his own mature convictions, he welcomed and espoused the establishment of Doane college by the Congregational denomination and has served it as a trustee and secretary for seventeen years. In 1882 he was elected governor, having as competitors J. Sterling Morton, Democrat, and H. G. Ingersoll, Independent; and was re-nominated and elected to a second term in 1884, having again Mr. Morton as an opponent, with J. B. Miller, Prohibitionist. Without intending to trace the official career of Governor Dawes in these brief introductory allusions, it can not be out of place to suggest that his course and success should inspire the honest ambitious youth of the State who are not inheritors of wealth or aids in advancement to coveted circles and official positions.

On the fourth day of January, 1883, James W. Dawes delivered his inaugural address:

*Gentlemen of the Senate and House of Representatives:*  
Having been called by the people of Nebraska to serve them in the capacity of their chief executive, it is in obedience to time-honored custom that I appear before you to-day. In entering upon the discharge of the duties pertaining to the position, I am deeply impressed with its responsibilities and the magnitude of the trust placed in my keeping. It is my determination to devote my best efforts to the service of the people, and I shall serve them with all honesty of purpose and earnest endeavor.

In obedience to the requirements of the constitution, the officers of the executive department and of all the public institutions of the State have severally reported to the

governor. An examination of various reports will satisfy the most critical that the affairs of the State are in a satisfactory condition; and they furnish ample evidence of the fact that the interests of the State have been in able and trustworthy hands. For a detailed statement of the condition of affairs you are referred to the message of my predecessor that has just been read to you and to the reports above mentioned, which are full of valuable information concerning public affairs. I would ask for them all a careful and painstaking examination at your hands, and that the various suggestions and recommendations therein contained may receive the consideration to which their merits entitle them. This examination should be early and careful and you will find that economy has characterized public expenditures and efficiency and faithfulness been manifest in all the state departments and institutions. I submit the following suggestions and recommendations.

He then suggested such a course of legislation as should attract immigration to the State, stimulate every agricultural and horticultural interest, advance common school education, sustain the state university, invigorate all benevolent institutions commensurate with the demands of advanced humanity, develop our hidden resources by a geological survey, organize a sufficient and available militia, and protect the people against the sale of fraudulent patents and bogus stocks.

Taking up the railroad question where his predecessor had advanced it, he gave it a reasonable and prudent presentation, as follows:

In this connection I will quote from article eleven (11) entitled corporations, of the constitution of Nebraska, sections numbered four (4) and seven (7): *Section 4.* Railways heretofore constructed or that may hereafter be constructed in this State, are hereby declared public highways, and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as may be prescribed by law. And the legislature may from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on the different railroads in the State. The liability of railroad corporations, as common carriers, shall never be limited.

*Section 7.* The legislature shall pass laws to correct

abuses and prevent unjust discriminations and extortions in all charges of express, telegraph and railroad companies in this State, and enforce such laws by adequate penalties to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

These citations are made for the reason that I wish to bring before your minds directly, and in the most forcible manner, the fact that by virtue of these provisions in our fundamental law the people have reserved to themselves absolute power in all matters pertaining to the correction of abuses, extortions or unjust discriminations upon the part of railroads or other corporations.

Railroads may be justly regarded as among the most important factors in the rapid development of our State, and it is of vital importance to all interests that they be sustained and encouraged, for it must be remembered that such corporations are indispensable to the material prosperity of the State. They have in the past been dealt with generously by both the Nation and the State; and there is to-day no sentiment among our people such as demands that the railroads should be either destroyed or crippled to the extent of impairing their usefulness or so restricted as to deprive them of a legitimate return upon capital invested. If the railroads have been unjust, the people will not in turn be unjust. The people can not afford to be unjust to any interest, but will be careful that the rights of the public as against corporations are protected by efficient law. It is only asked that such control and regulation be had as will be just and fair considering the respective rights of both the people and the corporations. This is no unreasonable demand. It is such a demand as keeps steadily in view the important fact that with our resources as yet all but undeveloped, we must not repel capital by legislation such as would hazard our best interests.

The custom of granting passes, on the part of railroad corporations, to state officials and members of the state legislature, is one of long standing, and I might say, of almost universal practice. While I do not believe that passes have been given or intended in the nature of a bribe, or for the purpose or with the expectation of improperly influencing the action of individuals, or that they have been considered by those who may have taken and used them as placing them under any obligation, direct or indirect, the fact yet remains that a pass represents value, and its acceptance is for that reason of doubtful propriety. To the end that the representatives of the people may be enabled to avoid even the bare suspicion of having been improperly

influenced in their action or in the faithful discharge of their public duties, it is recommended that a law be enacted prohibiting the granting of passes to officials of the executive department of the State, members of the legislature, and to any of the class of officials who, by reason of their public position, may have it within their power either to confer or withhold favors or benefits to railroad corporations.

In conclusion I wish to assure you, that in all matters calculated to promote the honor, property and general welfare of the State, you will have my earnest co-operation, and that entering upon the discharge of the duties of the executive department it is in the firm belief that you will extend to me your generous aid and counsel.

When Governor Dawes delivered his first biennial message January 8, 1885, he gave the balance of funds on hand in the treasury at \$442,816, and the assessed value of taxable property of the State at \$123,615,886. He declared that all of the public institutions of the State were in excellent hands. Of the hospital for the insane he reported "410 received during the past two years, which added to the former number of 273 made a total of 683. Of the number treated, 323 have been discharged, 144 of whom were restored to mental health, 69 much improved, 63 unimproved were returned to their counties, and forty-three died during the two years."

He said of the Home of the Friendless:

The Home was opened to receive inmates January 1st, 1882, and since that time has received, adults 95, children 133—making a total of 228. There have been surrendered to the Home 75 children and of this number 57 have been placed in good homes in this State.

It appeared from the reports that during his first term of two years, 141 had attended the Deaf and Dumb School, and numerous applications had been made for the reception of feeble-minded persons, of whom we had in 1880, as shown by the census, 356; and hence the recommendation of a separate institution for their benefit. During the same time thirty-six pupils had been in attendance upon the School for the Blind. To the credit of the school, its industrial department had an exhibit at the New Orleans Exposition.



There had been during this term 131 discharged from the Penitentiary and 178 received, leaving 259, of whom 23 were in for life.

The State Reform School is entitled to special notice, of which the governor said:

Under the law regulating the management of this institution, boys and girls under sixteen years of age found guilty of any crime except murder or manslaughter may be received. This school was established and intended not for punishment, strictly speaking, but rather for education and reformation; a place of restraint and correction for those for whom such treatment may suffice to restore them to an upright life and fit them for future usefulness. Standing between the youthful offender and the institution prepared for and which should receive only hardened criminals, the interests of society demand that a liberal policy should be pursued in carrying out and promoting the objects for which it was created. The school has at present 63 inmates. In August, 1883, the contract was let for an additional building, at a cost of \$37,410. This building has been completed, and is now ready for use, and I am informed that applications for admission, now on file, will exhaust the increased accommodations so furnished. I would impress upon you the great importance of the work we have undertaken in the organization of this reform school, and would recommend for it reasonable support and encouragement.

The educational exhibit showed a constant and healthy progress:

Nebraska is justly proud of her common schools, and much of their efficiency is due to the wise planning and well directed effort of our present state superintendent of public instruction. The following statistics will be found of interest as showing the development of our State in the direction of her dearest educational interest, the common school. Total number of school age, 209,403; boys, 108,998; girls, 100,405; total enrollment, 137,618; boys, 71,680; girls, 65,938; total number of teachers employed, 6,055; males, 1,906; females, 4,144; school houses built in 1884, 309; total number of school houses, 3,662; total value of school property, \$2,786,385; permanent school fund, \$3,977,216; temporary school fund, \$1,021,228.

He gave the attendance at State Normal School at 470 for past

two years, and graduates 89. The library contained 2,000 volumes, and the attendance was increasing at the rate of 20 per cent. The dove of peace once more hovered over the University, and the whole attendance last year was 282. The announcement that an industrial or agricultural college had been established, with a practical farmer in charge, was accompanied with the recommendation that liberal appropriations be made.

Agriculture is the leading and most important industry in the State. An examination of the report of the State Board of Agriculture, which gives a detailed statement of their proceedings, plainly shows that their work has been well done, and that the aid given this board has been well bestowed. While the prices received for our farm produce are not as remunerative as at other periods in our history, yet speaking in general terms our agricultural interests, as shown by crop statistics, were never in a more prosperous condition. The horticultural interests of the State are in a flourishing condition, and it has been established beyond a doubt that Nebraska is a fruit state. The matter of successful fruit culture is one that enters largely into the economy of home life, and I am safe in saying that no one thing has done more to attract favorable attention to our State than the magnificent displays made by our Horticultural Society at the different competitive exhibitions, in which, in a majority of cases, they have received for Nebraska the first prize for their display of fruits. The Agricultural and Horticultural societies deserve your fostering care as most serviceable agents in developing our State, and as aids in placing her in the rank to which she may justly aspire.

The governor reported the second case of escheat, in which no heirs to the estate of Peter Anderson being found in Kearney county, the amount of \$246 was turned over to the state superintendent of education and by him deposited in the treasury for the benefit of the school fund. He also remembered the State Historical Society approvingly, complimented the economical methods of the Fish Commission, and reported the State Library at 23,308 volumes and in good condition. He urged the importance of keeping pace with sister states in the organization of the militia, stated that the contract for the main building of the

new capitol was closed at \$439,187, that the contractor's bond had been filed in the sum of \$300,000, and further that \$500 had been transmitted to the Lincoln Monument Association at Springfield, Illinois, in accordance with the act of February, 1883. In recommending an additional appropriation for the New Orleans Exposition the governor paid a high compliment to ex-Governor Furnas for his part in preparing an exhibit and said:

As it was deemed of greatest importance to the interests of Nebraskâ that she should be represented, . . . . at a joint meeting of the State Agricultural and Horticultural societies they agreed to advance \$1,000 each from the funds at their disposal and look to the legislature to reimburse them. The remainder, \$3,000, was obtained from the banks at Lincoln and Omaha upon the personal notes of myself and members of the above societies, for which you will be asked to provide.

A new feature of the message involved the creation of a board of state charities, and health. Of the former he said:

The creation of a board of this character will be a step in the direction of securing a more just, humane, and economical administration of public charity and correction.

Of the latter:

A communication has been received at this department from the National Board of Health, setting forth very fully the danger that menaces the people of this country in the apprehended appearance of Asiatic cholera, and earnestly requesting that the attention of the legislature be called to this subject, and to the urgent necessity of appropriate legislation providing means whereby the most thorough sanitary service, state and local, may be immediately organized.

Attention was also called to the necessity of such laws as would guard against the spread of "infectious or contagious diseases among the stock of the State." The doctrines of his inaugural were reiterated on the subject of railroad supervision. The statement of revenue from educational lands, December 30, 1884, was very satisfactory and cheering:

There were under lease 953,638 acres, appraised at \$2,375,744, and bearing an annual rental of \$160,919 at an average valuation of \$2.49 per acre. There were under sale 461,407 acres, the unpaid principal of which is bearing six per cent on \$3,112,542 and amounting to \$186,752. There were \$1,160,267 of the permanent funds invested in securities, the annual interest on which is \$84,585, making in all a temporary fund from land receipts alone, of \$432,257 per annum. There are still vacant and unappraised 1,478,086 acres of common school lands, or about one-half of the original grant.

The whole number of acres of land owned by the State December 1st, 1884, were: Common school, 2,746,582; Agricultural College, 89,080; University, 44,906; Normal School, 12,562; Saline lands, 13,368; Penitentiary, 676; total, 2,907,177.

Having officially called legislative attention to the question of railroad supervision, and clearly elucidated the fact that the constitution gave full and adequate power in that behalf, it must have been very gratifying that the legislature so promptly met the question. The act passed provided for a Board of Railroad Commissioners consisting of the attorney general, secretary of state, and auditor of public accounts, with a secretary for each, to represent him, and granted as complete control of railroads as if they had been the personal property of the Board, sale only excepted, and limited only by the terms of charters and state laws and "the safety, convenience and interest of the public."

To protect the young and throw safe-guards around the dependent and unfortunate, in the humane spirit of the governor's message, acts were passed, first, that all employers of female help in stores, offices and schools should furnish chairs, stools or seats on which to rest when duties permitted relaxation; second, providing for a female assistant in the medical department of insane hospitals; third, that no censorship should be exercised over the correspondence sent from or addressed to the inmates of insane hospitals, but every facility should be furnished for free correspondence; fourth, that "every person unable to earn a living on account of bodily infirmity, idiocy, lunacy or other unavoidable cause," should be supported by certain relatives spec-

ified in the law; fifth, that bodies of unclaimed paupers might be given up for dissection to medical colleges under bonds, and by an order of a court, to be used within the State only, and "in a manner that shall be private and in no wise shock the sensibilities of the community where procured or dissected"; and sixth, that tobacco in none of its forms, nor cigarettes, shall be given or sold to any minor under fifteen years of age. In a spirit of reform and economy grand juries were to be convened under the discretion of the courts. In simple justice, females having property taxed for school purposes and children of school age were allowed to become voters in school district meetings; and by another act, all persons were declared entitled to the same civil rights in inns, public conveyances, barber shops, theatres, and other places of amusement.

In compliance with his recommendation an appropriation of \$500 was made, to be annual, in aid of the State Historical Society; and it was declared to be a "state institution" and entitled to have its reports printed and distributed as other public documents.

There has never been a more valuable set of joint resolutions passed by a legislature than by that of 1883, memorializing Congress. Considering the fact that many politicians were arguing that "the duty of tariff tax," imposed by the general government on imported articles, was not paid by the consumer, but by the foreign importer, it became a matter of exultation with revenue reformers, that Congress was implored to place the material, of which barbed-wire was made, on the free list, because if not, the people had finally to pay the duty. In the same spirit, and for the same purpose of cheapening transportation upon productions carried over railroad bridges which cross navigable streams of the United States, Congress was called upon to demand the abolition of all tolls upon those spanning the Missouri River in Nebraska. And, inasmuch as railroads having land grants were delaying to receive patents for such lands, in order to escape taxation upon them, the importunate demand was made, that they be compelled to receive patents as fast as due.

On the delivery of his final message, of January 6, 1887, at the end of an official term of four years, he discovered no state interest impaired; but a steady advance in all material concerns. The benevolent and other state institutions added the usual per cent of healthy advancement to their statistical statements of 1885.

The assessed valuation of the taxable property of the State in 1885 was \$133,418,699, an increase of \$9,802,212 as compared with the assessment of 1884. The assessment of 1886 gave the value of the property of the State for the purposes of taxation as \$143,932,570, giving a total increase for two years of \$20,316,683.

The organizations of the counties of Dawes, Logan, Sheridan, Chase, Blaine and Sioux, were announced during the two preceding years. The recommendation of two years before, in regard to a State Board of Health, was re-affirmed, in behalf of "the health and life of the citizens of the State." Favorable reference was made "to the time which is not far distant, when Nebraska, following the example of other states, will feel the necessity of establishing a Soldiers Home, for the care and support of the aged and disabled veterans of the late war." The amount of \$66,687 had been received by the general government and placed to the credit of the state treasury. While the state census of 1885 had cost \$39,774, all of that amount excepting \$5,015 had been paid by the general government.

From a thorough understanding of the school system and the administration of its landed estate, Governor Dawes affirmed that its condition "may well excite the envy of others, who having received the same munificent grants, have managed them less wisely."

In the matter of railroad supervision he approbated the recent legislation, looked to Congress for interstate legislation, and called for conservative and just disposition of the question.

This sketch may close with his farewell to his constituents and the executive office:

Nebraska, passing through the days of infancy and youth, long since entered into the period of vigorous life and

stands to-day among the prosperous and prominent commonwealths of the Nation. In material progress and upon all lines of development the strides of improvement have been without precedent. The changes that have been wrought into her history are marvelous and far-reaching. The throb of progress filling all occupations, stimulating all industries, intensifying all activities, is strong and constant. To those, who in the bestowal of their confidence have so honored me, from whom this great trust was received, I wish, before closing my relation with the executive office, to make profound acknowledgment; and in concluding my message, to express the wish and hope that the future of Nebraska may, under continued guidance of the Ruler of Nations, be that of peace, happiness and prosperity uninterrupted.

## GOVERNOR JOHN MILTON THAYER.

1887-1891.

As governor, he delivered his inaugural January 6th, 1887, from which, by liberal quotations, it is easy to create his ideal citizen. Such an one measuring up to his standard, would, in education, clearly illustrate the value of "thoroughness instead of quantity" and the worth of "practical studies more than ornamental," and the infinite utility of "the languages of the present instead of the aged past." As a legislator he would enact "such laws as the public interests demand, to protect the rights of all the people." He would affirm "that there is no condition of human beings on this earth so pitiable, so deplorable, as is the condition of those from whom the light of reason has forever departed, and who linger in life, driveling idiots or raving maniacs." And inasmuch as they are shut in from the world, he would demand that all penitentiaries, jails, almshouses, houses of correction, reform schools, homes for the friendless and poor houses should be subject of careful inspection. He would demand a "uniform system of taxation according to values and not according to ownership."

As between railroads and the people, his theory would be, that while "railroads are a necessity to the people, the people are also a necessity to the railroads." He would respond cheerfully to the declaration, "our sympathies should ever lie with those whose lives are devoted to daily toil"; and in the exercise of the elective franchise he would not fail to act upon the declaration, "the purchase and sale of votes is a crime of the most heinous character against the State, against society, against civilization." Among his political maxims would be prominent, "No one has any right to make money at the expense of the State." Seated in the shade of his own artificial grove, hear him exclaim, "One of the pleasing features of civilization in this State is the planting



and growth of trees"; and caressing his beautiful live stock and receiving their submissive returns, and remembering how often they are neglected and abused, with what noble emphasis he exclaims, "There are human brutes as well as dumb brutes."

At the time the governor delivered his first biennial message, the following statement showed the condition of the treasury:

Balance in treasury November 30, 1886.....	\$944,352 76
Receipts, December 1, 1886, to Nov. 30, 1888.....	4,236,528 94
Total receipts .....	5,180,881 70
Disbursements, December 1, 1886, to November	
30, 1888 .....	4,244,582 89
Balance in treasury November 30, 1888.....	936,298 72

At the end of his second elective term it stood as follows:

December 1, 1888, cash on hand.....	\$936,298 72
November 30, 1890, receipts since December 1,	
1888 .....	4,686,328 42
Total receipts .....	5,622,627 14
November 30, 1889, disbursements since Decem-	
ber 1, 1888 .....	4,023,378 94
November 30, 1890, balance on hand.....	1,599,248 20

The Auditor's Report gave in 1888:

The assessed valuation of the taxable property of the State in 1887 was \$160,506,266.25, being an increase of \$16,573,695.74 as compared with the assessment of 1886. The assessment of 1888 gave the value of the property of the State for the purpose of taxation as \$176,012,820.45, giving a total increase for two years of \$32,080,249.94.

From the next Auditor's Report the following is taken for the years 1889 and 1890:

The assessed valuation of the taxable property of the State in 1889 was \$182,763,538.41, being an increase of \$6,750,717.96, as compared with the assessments of 1888. The assessment of 1890 gave the value of the property of the State for the purpose of taxation as \$184,770,304.54 giving a total increase for two years of \$8,757,484.09.

These two reports covered the assessments of four years or two biennial terms. During his term of four years he received

and deposited in the treasury of the State five per cent on sales of government lands, and otherwise, \$281,246.20.

If the message, closing the year 1890, delivered to the legislature of 1891, had been specially intended as a monumental document, to separate between the first and fiftieth years of state life, marking the half-way period between them, it could scarcely have abounded in more complete statistical statements of public institutions.

The total enrollment of students in the University has been steadily growing from year to year. In 1887-8 there were, all told, 406 students; in 1888-89 there were 427; in 1889-90 there were 475. For the current year of 1890-91 there are already enrolled 513 students in all departments although but one-third of the year has passed. Of this number 208 are young women, and 305 are young men. In the first two years the students are preparatory, and during this time the work is nearly the same for all. After this the student pursues the studies which are peculiar to his course. It is found that twenty per cent of the young men and young women pursue the classical course; 35 per cent of the men and 65 per cent of the women the literary course; 45 per cent of the men and 15 per cent of the women the industrial course.

From the biennial report of the principal of the Nebraska State Normal School, it appears that during the year ending December, 1889, there were in attendance in the Normal School proper 572. Of these 370 were ladies and 192 gentlemen. Fifty-nine graduated in June of that year from the two courses, the elementary and the higher.

For the year ending December, 1890, there were 555 in attendance, of whom 395 were ladies, and 160 gentlemen. One hundred and twenty-eight graduated from the two courses, of whom seventeen were of the higher course. Nearly all of these graduates, and many of the undergraduates, are now engaged in teaching or in school work. As a significant fact bearing upon this point, it was ascertained that at the late assembly of teachers which was held in Lincoln, the largest in the history of these meetings of the State, about one-sixth of the entire enrollment were persons that had been connected with the Nebraska State Normal school, most of them graduates of either the elementary or higher course.

The public schools in this State are in a prosperous condition. The continued faith and confidence of the people in

our public school system is shown by the fact that the sum of \$4,215,463.41 was contributed to their support for school year 1889-90. Of the common school land 225,419.43 acres have been deeded, and 517,902.89 acres are still vacant. The annual interest upon sales now amounts to \$226,006.95, and the annual rental charged is \$190,927.96, making a total annual income from these lands of \$416,934.91, to be apportioned to the school districts of the State in addition to the revenues derived from the investments of the permanent school funds already in the treasury. During the past two years the State has received from these lands in principal, interest, lease rental and added interest, the sum of \$1,141,211.00, which already exceeds the receipts of any previous biennial period since the establishing of this department in the state government.

The report of the warden of the Penitentiary presents the following statement:

Total number of convicts received since the organization of the prison up to November 30th, A. D. 1890, 1,857; total number discharged since organization of the prison up to November 30, A. D. 1890, 1,445; total number of deaths during the same period, 26; number in the prison November 30th, 1890, 387; number in prison December 1st, 1888, 338; increase in last two years, 49; received in last two years, 394; discharged in the last two years, 296; died, 4. The management and discipline of the prison is deserving of the highest commendation.

The biennial report of the Nebraska Hospital for the Insane shows that there were in the hospital November 30th, 1888, three hundred and ninety-two patients; that there have been received during the two years three hundred and ninety-eight; that there have been under treatment during the period seven hundred and ninety patients; that there have been discharged and recovered one hundred and fifty-five; improved, sixty-one; unimproved, seven; not insane, eight; transferred to other state institutions, one hundred and sixty-three; died, fifty one; and that there remain in the Hospital at the close of the period, three hundred and twenty-six, with sixteen absent on parole; a total of three hundred and forty-two patients, therefore, still on the rolls of the Hospital. You will note from the very complete report of this institution that there have been discharged as recovered 39 per cent of all cases admitted, and that the death rate has been only 6½ per cent of the whole.

The report of the Superintendent of the State Industrial School, located at Kearney, shows that since the organiza-

tion of the school 471 boys, and 149 girls have been committed there by the courts. Of this number, 281 boys and 67 girls have been paroled, pardoned, discharged by legal process and otherwise. Ninety per cent of those who left were regularly discharged, and at least eight out of every ten of these are doing well; many of them holding responsible positions. The present enrollment is 275. The educational, physical, and moral training has been carried on as thoroughly as possible. Each inmate attends school from four to five hours each day during nine months in the year. Statistics show that at the time of commitment 61 per cent of the boys were idle, 23 per cent were attending school, and 18 per cent were at work. Of the girls 33 per cent were idle, 19 were at work, 32 were at school.

The report of the Superintendent of the Home for the Friendless will make known to you the condition and operations of this institution:

Number of inmates in Home December, 1888, 116; admitted since December, 1888, 402; surrendered to friends, 102; placed in homes, 130; returned to friends, 34; number for whom work was found, 54; absent to other institutions, 10; deaths, 77; number in Home December, 1890, 111; total, 518. The Home for the Friendless is accomplishing a great amount of good.

In the message of 1889 he said:

In this institution the waifs of humanity find comfortable homes, and kind motherly care. It is conferring a blessing upon the State, and upon humanity. Those in charge are imitating the example of their Divine Master in relieving human suffering. They are gathering in and saving the abandoned; their institution is in reality the home of those who have no home. I trust you will regard it with favorable consideration.

In anticipation of the report of the State Board of Agriculture, Gov. Thayer echoed the universal opinion of patrons in the following language:

While nearly all the conditions and environments of the work for the year 1890 were of adverse character, extraordinary efforts on the part of the management, exhibitors and patrons were crowned with unusual success. For reasons well known to all, crops were short, and the people, in many instances, discouraged. Still there was never be-

fore so grand a presentation of the products, resources and possibilities of the State. This was true more particularly in the matter of direct products of the sod, thus showing in a marked degree our wonderful capabilities as well as the characteristic energy and industry of our people. At the State Fair, the Horticultural Society succeeded in bringing together the best exhibit of fruit which has ever been on the grounds, and it was thought to be as good a one as was made by any state fair in the United States last year.

In addition to the stereotyped items of Governor's message, Gen. Thayer had many new subjects thrust upon him, as the result of the marvelous progress and changed condition of the State from her infancy to majority; for in reality the end of his second term closed the first quarter century of her existence as a state in the Union. In his biennial message of 1889, he said of the Union Pacific Railroad:

The kind of settlement, which the Union Pacific makes with the government, does not interest the people of Nebraska nearly as much as the question of lower and reasonable rates. In regard to all railroads in this State, this principle, this right, must be asserted and maintained, namely, that no higher schedule of rates shall exist in Nebraska than prevails in Kansas or Iowa, or other states. The board of transportation now possesses full power. If, however, anything is wanting, it should be given them. The members of the board should be chosen by the people.

In 1891 he expressed the following sentiments:

Observation cannot have failed to convince any one that there is a growing disregard for the sanctity of the ballot. Too many regard it as merchantable instead of being the grand right of American citizenship. Too stringent enactments can not be made for guarding the purity of the ballot. There are many who seem to have no proper conception of its value. They look forward to the election when they may offer their votes for a price just as the farmer looks forward to the coming of the harvest time. What is known as the Australian Ballot System evidently comes nearest to preventing frauds on the elective franchise. The testimony from those states where it has been tried is that it has accomplished the purpose for which it was designed, and has given general satisfaction. I, therefore, unhesitatingly advise its adoption in this State.

The experience of the last two years has made it apparent that public warehouses are a necessity in order to protect the interests of the farmers. A year ago the price of corn was 14 cents a bushel. It is now selling at an average of 45 cents per bushel. Had a warehouse law similar to that of Illinois and other states been on our statute book, its beneficial results would have been of almost incalculable value. I, therefore, recommend the passage of a law with an emergency clause providing for public warehouses with suitable provisions for holding grain and other products by compelling the warehouse men to receive, ship, store and handle the same without discrimination. Warehouse receipts taken for the grain thus stored are equal to the best commercial paper.

The Governor had an opportunity of testing the practical utility of the National Guard, which was mustered and officered under his own administration, when they were called upon in aid of the Regulars in suppressing an Indian outbreak.

I cannot too strongly commend the promptness and patriotic zeal manifested by the officers and members of the National Guard when the order was issued for them to take the field. It reminds one of the days of '61 when loyalty and patriotism seemed to inspire all hearts. Fortunately the Indian war on our northern borders has been brought to a close, and the National Guards sent forward for the protection of the settlers have been returned to their respective homes. It gives me great and sincere pleasure to say that all the reports from the region where they performed their service commend them in the highest terms for their soldierly bearing, and their faithful discharge of the duties devolving upon them. The service to them was new, and it was rendered in severe weather, subjecting them to cold and privation, yet their duties were performed without a murmur, and they rendered most valuable service to the people in shielding them against the probable attacks from hostile Indians and in restoring confidence to all. General Colby and all his command have won for themselves the unbounded respect of the people of the State, and have made a reputation in which all citizens will take just and laudable pride.

He thus refers to the work of the Live Stock Sanitary Commission in 1889:

At the beginning of the work of the board Texas fever existed in nearly every county in the State. The fight against

its insidious ravages has been, and is still a determined one, and so far successful that at the present time forty counties are reporting no cases. The law, as amended by the last legislature, allowing payment of indemnity of animals destroyed by the State, has greatly facilitated the reporting of suspected cases and prevented the secreting of the disease. It has proved a blessing to poor and deserving farmers, many of whom are entirely dependent upon their horses and mules for means of support, and to whom the payment of this indemnity is a boon, while the State is being relieved of a terrible scourge, dangerous alike to man and beast. Several persons have died of it in the past two years in this State, having contracted it in caring for afflicted animals. Eight hundred and thirty horses and mules have been destroyed by the live stock commission since November 30, 1886, to December 1, 1888. The amount of indemnity allowed for the same was \$36,071.50, averaging \$43.50 per head. These animals were destroyed in sixty-six counties, showing an immense amount of labor prosecuted in all seasons of the year, and it has only been by the most energetic efforts on the part of the board that such a result can be shown. The work is most satisfactory to the people of the State whose interests are directly connected therewith.

After asserting the energy and success of the Fish Commission and the building of a large, roomy, two-story house for a hatchery, he outlined the situation as follows:

The fish car also provided for by the last legislature has been procured. It is a neat, substantially constructed car of the usual size, and furnished with the best facilities for distributing and handling fish. Its cost has not exceeded the sum appropriated for that purpose. The work of the distribution of fish to remote parts of the State has been greatly facilitated and with less cost than heretofore sustained by the old methods of transporting the young fish in cans by express and baggage cars, and express companies especially, in handling yearling trout and black bass; also a saving in expense, with the co-operation of the railway companies hauling the car and its attendants free of expense to the State. Large improvements have also been made at the state hatchery by the construction and improvements of the ponds, new apparatus, and improvements to the old apparatus. In the year 1889 the commission procured fish eggs, successfully hatched them, and also raised in the state ponds a larger number of different species of fish than at any former time, and successfully

distributed them into the waters of the State. The total number of fish of all ages thus given to the water in that year was 15,221,610. In the year 1890, the total distribution of all ages amounted to 21,731,295. The introduction into our waters and cultivation of German carp has been attended with very gratifying results. This excellent food fish has hitherto been underestimated as to its intrinsic value. Its successful and profitable cultivation has been fully demonstrated. The fish hatchery is an establishment of great advantage to the people.

Of objects of interest, and not yet consummated, or of recent date, may be added, Banks, Trusts, Deep Water Harbor, Irresponsible Detectives, Boards of Pharmacy and Pardons, and Irrigation.

Recent occurrences have drawn attention to the condition of state banks and banking institutions. I respectfully recommend the enactment of legislation which shall provide for frequent examination of these institutions and which shall secure protection to depositors and stock-holders.

The governor advocated the continuance of the sugar bounty on the grounds that others might engage in the manufacture and then competition would prevent a monopoly.

Since the session of the last Legislature, and as a result of the liberal action of that body, there has been established in this State a most important industry. I refer to the making of sugar from sugar beets. It is my firm conviction that this will prove to be one of the great industries of the future in the West and in Nebraska especially. The Oxnards have put in a plant in Grand Island at a cost of nearly three quarters of a million dollars, and have during the last three months turned out about one million pounds of the very finest quality of sugar. The starting of the establishment at Grand Island was an experiment. The season has been an unfavorable one on account of the dryness. The business was new to the farmers. But the experiment has merged into a complete success, so much so that the Oxnards are now putting in a similar plant at Norfolk. In ten years you may expect to see Nebraska the leading sugar producing state of the Union. Other states will take hold of this new agricultural pursuit, and the West will supply the sugar of the country, and the price to the consumer will be reduced from twenty-five to thirty per cent. I earnestly



advise against repealing the law granting a bounty on the manufacture of sugar. That bounty was given as an inducement to open up that industry in the State; to induce parties to come here and put in plants and encourage the manufacture of sugar. To repeal this law at this time would be an implication of bad faith. It would, in effect, be an act of repudiation. Let the bounty remain and other establishments will follow those already started.

Among other things of note we find the following concerning the report of the Commissioner of Labor:

A great deal of trouble existing between employer and employee would be avoided if an honest effort was made by the former to show that he had other than a monetary consideration of his welfare. It is to be regretted that there are very few employers compared to the number, who ever cross the threshold of their employees' homes, with a purpose of inquiring into their circumstances. Whenever this has been done it has been marked with good results. Chapter II. deals with the question of loan and building associations. Any process that will assist the man of limited means to secure a home should be supported and thoroughly advertised. Local loan and building associations have done very much in this respect. Statistics on this subject will interest the wage workers and others anxious to secure homes.

The following excerpts are of general interest:

If wisdom and statesmanship can devise legislation which shall suppress and destroy a gigantic evil which has grown up in these latter days under the name of trusts, whereby the strong oppress and destroy the weak, I pray you to exercise that wisdom and statesmanship, and blot out the great wrong.

The subject of a deep harbor on the Texas coast has recently received much attention in the trans-Mississippi region. The establishment of such a harbor into which ships of the heaviest draft could come without obstruction would remove the most serious obstacle to commercial traffic over the Gulf of Mexico, and would open a new and competitive route to the sea. I advise that you forward a memorial to Congress, asking it to lend a helping hand to the accomplishment of this important purpose.

I recommend the enactment of a law prohibiting the introduction of a body of Pinkerton men, so called, into the

State, or any other body of men not residents of the State, for the purpose of police and protection duty.

The provisions of the law at the last session creating a Board of Pharmacy are now in successful operation and are proving to be a source of great benefit. The result is that we now have educated pharmacists. No one can serve as a druggist clerk unless he has had a thorough training in the druggist's profession and passed a thorough and successful examination. This is a matter which concerns the life and health of all the people. The Board of Pharmacy is a most beneficial institution. There are now 1,509 educated pharmacists in Nebraska.

It is within the bounds to say that the business of the executive department has doubled within the last four years. It is true in the department of the chief executive, as I can verify from experience. One-fourth of the time at least, and probably one-third, is taken up in the consideration of applicants and appeals for pardons. The executive ought to be relieved of a large portion at least, of this labor. A board of pardons would reach this result, and the creation of such a board is recommended.

Very general attention is being given to this subject of irrigation in the western part of the State, and I commend it to your favorable consideration. I would further respectfully recommend that a joint resolution and memorial be passed by the Legislature urging Congress in favor of the adoption of further necessary measures for irrigating the arid lands of the West.

To the list of benevolent and educational institutions in the State were added, or opened during the term of his incumbency, five in number, the first in order of time being the Institution for Feeble Minded Youth at Beatrice, Gage County, the cost of the building being \$18,218.

The result of the work in the school rooms can be seen in detail by reference to the superintendent's report. Manual training, such as farm and house work, with sewing for the girls and brushmaking for the boys lately added, has been carried on as circumstances would allow. From a personal inspection of the children's work, I consider the industrial department worthy of full equipment. This work demonstrates the usefulness of such an institution, and that many of these persons can be made self sustaining, who, without a course of proper training, would be depend-

ents, if not a dangerous element in society. There are on file at the institution 254 applications for admission, and on December 1st, 134 inmates, thus leaving many applicants unprovided for. The superintendent has knowledge of 843 feeble minded persons in Nebraska. The State has made less provisions for this class, in proportion to their number, than any other. These helpless children make an urgent appeal to the humanity of the State, and I recommend that your body make provision for their proper care and training. I commend the management of the institution as being painstaking and economical.

In the same year, 1887, the Norfolk Hospital for the Insane, costing \$84,292, was opened for patients.

The main building of this hospital was erected in 1885, and in 1887 it was opened for patients. Since the meeting of the last Legislature two wings to the main building have been erected. The report of the superintendent shows that during the two years from December 1st, 1888, to November 30th, 1890, there were admitted as new cases, two hundred and nineteen, one hundred and thirty-seven males, and eighty-two females. Total under treatment for the two years, three hundred and forty. The percentage of recoveries, based on the total number under treatment for the last two years, has been over forty.

In 1888, the Home at Grand Island was completed for the reception of soldiers and sailors.

The report of the commandant of the Soldiers' and Sailors' Home shows that there have been 238 members admitted to the Home during its existence. Of this number there are at present 150 members on the rolls of the Home roster. Of these forty-eight have been honorably discharged, twenty summarily, and four dishonorably discharged. Sixteen have died at the Home. There has been an average attendance for twenty-eight months, or since the Home was opened, of 68. Appreciating the hardship of separation of husband and wife, and actuated by a humane instinct, a provision was inserted in the law for the admission of the wives, and children under fifteen years of age, of the soldiers who were compelled by their straitened circumstances to seek homes within its walls. Seven double cottages were erected accommodating fourteen families. Congress enacted a law providing for the payment to each state which has a soldiers' home \$100 a year for each in-

mate of that Home. This will aid largely in payment of the running expenses of this institution.

By an act of the Legislature of 1887 a Nebraska Industrial Home was established, to be under the supervision of the "Women's Board of Associate Charities."

The institution was located and opened for the admission of inmates May 1, 1889. Whole number admitted to November 30, 1890, is fifty-nine, thirty-eight of whom were of American parentage and seventeen of foreign. The average number of adults present in each year is twenty-eight. Average number of children cared for in each year is twenty-three. Good homes have been found for seventeen. There are now in the Home thirteen children. The object of the Home is to reclaim the fallen, to bring them under good, wholesome, Christian influences, and thus secure their reformation. I believe it is fully accomplishing the purpose for which it was created. It is in consonance with the spirit of true philanthropy and good will, and should be encouraged.

On account of the over-crowded condition of the asylums for the insane at Lincoln and Norfolk, and the policy of separating the incurable from the more hopeful, another building was prepared at a cost of \$63,900 located at Hastings.

This institution was opened for the reception of patients August 1st, 1889, at which time were received forty-four patients from Lincoln; November 12th, 1899, fifty patients; and again April 26th, 1890, thirty-two patients, making a total of one hundred and twenty-six patients received from Lincoln. November 12th, 1889, there were received from Norfolk twenty-two patients. There have been received since August 1, 1889, from the different counties twenty-six patients, making a grand total of one hundred and seventy-four received. There are at present one hundred and sixty patients in the institution, one has been discharged as cured, one is out on parole, and one has escaped. Since August 1st, 1889, there has been eleven deaths.

To a Governor who feels himself the head of a great family, every member of which was entitled to his official and humane attentions, in case of unforeseen calamity, the drouth sufferers of 1890 appealed with painful demands. On the first intimation of

privation and suffering he recommended the county commissioners of the stricken district to organize means of relief. By November he called upon the public to give heed to the Macedonian cry, "Come over and help us"; and in order to add to his knowledge and make it critical, sent two agents to traverse the counties. The result was his organization of a Relief Committee, with which the contiguous railroads co-operated by carrying supplies free of charge. In his message to the Legislature of 1891, he said:

It is safe to conclude from the information thus obtained that six thousand and eleven families will require fuel and provisions during the winter and spring, and nine thousand nine hundred and thirty-eight families will need grain and seed. Those people in the portions of the State in which crops have been blasted by hot winds and the drouth, have become the victims of misfortune from no fault of their own. They are worthy, honest, and industrious as any people in Nebraska or any other state in the Union. They are our own kith and kin—they are our own fellow citizens. This question of relief is of such a magnitude that it has become a state affair; Nebraska cannot afford to permit the report to go abroad that any one within its borders had died of cold and hunger. It is rich enough, it is able enough to take care of its own people. We want no help from abroad. I most earnestly recommend an appropriation with an emergency clause of two hundred thousand dollars (\$200,000) for their relief. Further appropriations will be necessary. The necessities of those people require it; in the highest sense, Christian duty sanctions it; humanity dictates it, and God Almighty commands it. The injunction, "Remember the poor and the needy" is as binding now as when uttered by the Holy One two thousand years ago.

The subjoined recommendation closed an earnest appeal to the Legislature in behalf of the Columbian Exposition.

I recommend an appropriation of \$150,000 with an emergency clause, for the purpose of inaugurating and maintaining our exhibits. Citizens of Nebraska who attended the Paris Exposition were humiliated by the small and insignificant exhibition of its products made there. I trust Nebraskans who shall attend the Chicago Exposition, and all should attend it, will not be subjected to a like humilia-

tion. The display from this State should be such as will make every dweller within its borders more proud of it than ever before. The display should be such that every one can exclaim with exultant satisfaction: "That represents my State."

Ordinarily, Governor Thayer would have been called upon for his retiring message as soon as the Legislature of January 6, 1891, was organized and ready in joint session, to receive it; which would have been followed by the inaugural of his successor. But, inasmuch as the speaker of the house, on account of a contest pending, on the part of J. H. Powers, Independent candidate for Governor, against James E. Boyd, refused to examine and proclaim the result of the election till such contest was settled, and only did it by virtue of a mandamus issued from the Supreme Court of Nebraska, and as the contest was not abandoned till the latter part of January, his message was not called for until the following day. Thus Governor Boyd delivered his inaugural just one month after the commencement of the Legislative session.

In the meantime, on the 13th of January, John M. Thayer commenced proceedings, in the State Supreme Court, to oust Governor Boyd from office, charging that he was not a citizen of the United States when elected, having been born in Ireland, and never naturalized in the United States. The case having been argued March 12th, 1891, and the opinion of the court having been announced May 5th, reinstating Thayer and ousting Boyd, which was just one month after the adjournment of the Legislature, these officials changed places once more—Thayer to act as Governor till a successor should appear, "elected and qualified," and Boyd to appeal to the Supreme Court of the United States. After nine months, in the highest tribunal known to our laws, an opinion in favor of Governor Boyd was delivered by Chief Justice Fuller, reinstating him, and retiring Governor Thayer to private life.

The contest waged by Governor Thayer against James E. Boyd, was upon the basis that if naturalized, the laws of the United States, in that behalf, had been the instrument by which he had

attained to citizenship; and that he should be able to show court records establishing the fact. Admitting the correctness of this position the Supreme Court of Nebraska decided that James E. Boyd was not a citizen when elected Governor.

But the Supreme Court of the United States gave Mr. Boyd an equivalent for court naturalization, in "collective naturalization" by the admission of the State of Nebraska, and from the "legal presumption" that his father had been naturalized during the son's minority. If that mode of gaining citizenship had been previously amplified as the Supreme Court gave it prominence in this instance, it might be a question whether this action would ever have been filed, on the decision obtained from the Supreme Court of the State. Prior to this time the legal profession had never been furnished with so voluminous a digest of sporadic cases of naturalization. These are fully set forth in the statement of Governor Boyd's administration, in this volume.

## GOVERNOR JAMES E. BOYD.

1891-1893.

No man has reached the Governor's chair of Nebraska with more real pioneer experience than James E. Boyd. Nine years a citizen of Buffalo county as farmer and ranchman, at a time when warring tribes of Pawnees and Sioux claimed the same region as individual hunting ground, and only had a coerced respect for the Wood River settlement, on account of its near location to Fort Kearney, inured him thoroughly to the privations of a new and undeveloped region, a capricious climate and frequency of Indian alarms. During the same period he superintended a store for a time, at Kearney, and as a railroad contractor graded three hundred miles of Union Pacific track. Before the frontier experience, from 1856 to 1859, he had resided in Omaha as a carpenter and contractor, and when he returned in 1868 he entered at once into city improvements, and organized the Northwestern railroad to Blair, building it and acting as its president. In the meantime he was engaged in cattle grazing on the plains of western Nebraska and subsequently in Wyoming. Since 1872 he has been banker and pork packer on a large scale, employing as high as 170 men. Before his election as governor his legislative training was in the state legislature and in two different constitutional conventions. He was member of the board of aldermen for the city of Omaha, while as a presiding officer twice mayor of Omaha and president of the city board of trade, he had become familiar with the duties of an executive ruler.

Before the city of Omaha had outgrown her modest halls, he anticipated her coming wants with the beautiful and artistic Boyd opera house, and as soon as the flood tide of population demanded wider borders the "New Boyd" supplanted the old, as the beautiful edifice overshadows the cabin.

At the time of his election as governor he was fifty-six years





JAS. E. BOYD.



of age, having been born in Tyrone, Ireland, in 1834, whence he came to Ohio in 1844, and thence to Nebraska in 1856. Of state governors, the arrival of General Thayer in 1854 ante-dates him by two years, while Governor Furnas also claims 1856 as his advent; Butler 1858; Garber 1870, and Nance and Dawes 1870. Thayer and Dawes are of New England ancestry, Butler and Garber of Virginia, Boyd of Irish, Furnas of South Carolina, and Nance of French parentage. Furnas, Garber, and Dawes were born in Ohio, Boyd in Ireland, Thayer in Massachusetts, Butler in Indiana and Nance in Illinois. At the time of election Nance was thirty years of age, Butler and Dawes thirty-seven each, Garber forty-one, Furnas forty-eight, Boyd fifty-six and Thayer sixty-six.

In the campaign of 1890, the People's party or Independents, often called the Alliance, as most of them were members of the Farmer's Alliance, became a formidable rival of the old parties and elected a majority of the legislative members, while the democrats elected the governor and the Republicans the balance of the state officers. The Independents also elected two members to Congress and the Democrats one. As soon as the result of the 4th of November election was known, contests were commenced against the democratic candidate for governor and against the republican candidates for the other state offices. When the legislature convened on the 6th day of January, 1891, the Independents contended that no inauguration of officers should take place till contests were decided, and of course no canvass of votes in joint session and proclamation of the same be made before such final decision. After a conflict of authority between the newly elected speaker of the House, Hon. S. M. Elder, and the lieutenant governor, president of the senate, the chief justice of the supreme court caused a writ of mandamus to issue to Speaker Elder, commanding him to "open and publish the returns, and declare the persons shown by said returns to have the highest number of votes for each of said executive offices, duly elected." In this manner James E. Boyd was declared duly elected.

This mandate, of course, did not intend to annul the pending contest, but to place in power the "prima facie" elected officers subject to all future contingencies. Accordingly the 20th day of January, 1891, having been fixed for a joint meeting of both branches of the general assembly to count and declare the votes and election of officers, the contestees including Hon. James E. Boyd, the Hon. T. J. Majors, republican, elected as lieutenant governor, and the balance of the state officers, entered their protests against the legality of the joint assembly, in this, that the concurrent resolution ordering it was never presented to or signed by either the governor or lieutenant governor of the State. To settle the question of the legality of this joint convention, the supreme court was called upon to answer whether, when the governor and lieutenant governor were both contestees and, of course, personally interested in defeating the joint convention, was it necessary to ask their signatures to the resolution, to which the court gave an opinion that their signatures were necessary.

This decision having been delivered seven days after the time of the intended joint convention, and other complications arising, the contests were finally abandoned and the Hon. J. E. Boyd, who had superseded Gen. John M. Thayer, delivered his inaugural address Feb. 6th, 1891, one month after the beginning of the legislative session.

As this inaugural message was the first democratic utterance of the kind since state organization, it was subjected to close scrutiny and was warmly endorsed by the party and people generally, excepting those of his own party and others who were as honestly, intelligently and patriotically devoted to prohibition as he could be to its rejection. The characteristics of the message were directness, clearness and a critical examination of new themes and living issues. Brief in extent and breathing pure democracy, conciliatory in spirit and exceptional in style, to present it in fragments would do alike injustice to author and reader. But with positive assurance that the lavishly decorated vestibule is worthy of the beautiful structure it adorns, the

reader is introduced through the portal of the exordium and left with a desire for the unabridged message.

Assembled here by direction of the people of this great and growing commonwealth of Nebraska, to promote their interests and render obedience to their expressed will, I hope that in all things concerning the dignity of citizenship and the public weal, we may go hand in hand toward the faithful fulfillment of our accepted trust; guided by our best wisdom, ambitious in the performance of our labors, and at all times true to the honor and the escutcheon of the State. We meet here instructed by the public voice, you in your sphere and I in mine, different in action yet the same in end. As public servants, with express commands, we will be held to strict account by those who sent us here. Subterfuges and stratagems and weak expedients will all be swept away when we are called upon to explain the record made within these walls. Our principles abandoned and our pledges unperformed, the people disregarded and the State betrayed, means to-morrow, as it meant yesterday, swift and complete political death. In all that pertains to blooming fields and prosperous homes, in all that brings the people of the prairies in close alliance with the people of the towns; in the promotion of their welfare, in the protection of their rights, the redress of their wrongs, in lifting their burdens, and the speedy granting of their appeals, and finally in strict and even-handed justice to all, I herewith extend you my hearty approval in advance.

On the 20th day of March, 1891, house bill No. 12, "For an act to regulate railroads, to classify freights, to fix reasonable maximum rates to be charged for the transportation of freights upon each of the railroads in the State of Nebraska, and to increase the powers and further define the duties of the board of transportation, and to punish violations thereof," was put upon its passage in the state senate. A call of the senate being ordered, a deadlock ensued, which lasted for three days, while a motion could not be entertained for a "suspension of further proceedings under the call," although one senator (Taylor, of Loup county) was permanently absent. Of this state of affairs, after seventy-five hours of continuous session, Senator Stevens said:

The public feel that such a policy is a part of the tactics of the railroads of the State to prevent any legislation

regulating the charges of these common carriers. Will the chair unlock the entanglement and afford the senate a means of escape by overruling or rather correcting the former ruling, or shall this foolishness at the expense of the State go merrily on?

Pending this obstruction to business a self-constituted committee of democrats and republicans, twelve in number, offered a compromise to the independents who were pressing the bill. In the first place they claimed that the railroad bill was unconstitutional; to which it was replied, "If the railroads really thought it was invalid, it is strange that they should offer \$5,000 apiece for senatorial votes to defeat it." They further asserted:

In other words we favor a bill which would provide a reasonable rate on the following articles: wheat, flour, millet, flax-seed, corn, oats, barley and other grains; mill-stuff, hard and soft lumber, lath, doors, shingles, sash, blinds, salt, lime, cement, stucco, horses, mules, cattle, hogs, sheep, hard and soft coal. And also a provision against increasing through freight rates, and that on all articles not mentioned the rate shall not exceed the tariff in force on January 1st, 1891.

To which sixteen Independent senators made reply,

We had rather suffer defeat at your hands when we are fighting the uneven battle of the people against the corporations, than to gain an apparent victory by passing a measure prepared and placed in our hands by the very corporations which we seek to control. A maximum rate bill embracing only the articles of live-stock, grain, lumber and coal would bring no relief to our people, for the reason that those articles would all be controlled by interstate rates. Nebraska produces no coal or lumber, and would be required by the roads of this State to pay local rates on both of these commodities, which local rates are higher than the present through rates, and the revenue of the roads would thereby be increased rather than diminished. The railroad companies have already tried to frighten us by threatening to refuse to give Nebraska through rates in case the Newberry bill becomes a law, and we believe they would not be slow to take advantage of an opportunity to charge local rates on the four commodities in which the farmers are interested, if we should accede to your request.

After three days of suspense and strife, the sergeant-at-arms failing to find the absconding senator (Taylor), who had fled from the State, Mr. Shumway, a Republican, moved that further proceedings under the call be dispensed with, and explained his motion as follows:

Ample time has been given all parties interested in this bill to try and persuade one missing member to return. But he is still absent. I do not think it wise that the actions of this body be further delayed on account of the absentee, therefore I make the motion.

The motion prevailed and the bill passed.

The belief that Taylor was bribed to leave the senate and the State, to defeat railroad legislation, produced the most intense excitement throughout the State, and even the house chaplain, the day after the senate deadlock was broken, emphasized the general feeling in his prayer before that body:

We thank Thee for Nebraska, for her enlarged borders, for her citizens and her brotherhood, but rejoice that her borders are not large enough to enclose, nor her brotherhood sweet enough to embrace a traitor recreant to her interests. Help him to flee farther and yet farther from an outraged and indignant people, until he shall stand upon the brink of a moral volcano, behold the forked tongues of fiery flames, the seething sea of lurid lava, hear the muttered thunder of hidden forces, and feel the nausea of mental hell, until he shall awake from mental death, repent, believe and be saved. And what we ask for discovered treason and uncovered traitors, we ask for all covert treason and covered traitors.

When the railroad bill was presented to Governor Boyd for his signature he returned it with a veto message, in which he said:

The rate in this bill is supposed to be based on the Iowa rates. In Iowa the rates are fixed by a commission and are changed from time to time as circumstances and the course of trade seem to require. In that state the various roads are classified so that the rates are higher on the weaker roads and lower on the stronger ones which have a greater volume of business.

The justice of such a classification is apparent. It is

evident that a road doing a large business can afford to carry freight at a less rate than one which has but little traffic. This bill places the same Iowa rate on all the roads in the State without regard to the volume of business carried, and the rate fixed by the bill is based upon the lowest classification in Iowa. The latter state has double the acreage under cultivation and almost twice the population of Nebraska, with only about two-thirds its extent of territory, and less than double its railroad mileage. The volume of freight transported by the railroads in Iowa is more than four times as great as that transported by the railroads of Nebraska. It is manifest injustice to apply to the Nebraska roads the lowest rates in force in Iowa.

He strongly combated the idea that the railroads were making exorbitant profits at the present time:

In my judgment there is not a mile of railroad west of the sixth principal meridian, except the trunk lines, that is paying its running expenses today. The products of our State in some form are almost entirely consumed in the East and must be carried upon interstate rates. These interstate rates upon grain particularly are but very little above the rates from Iowa points. These rates will not be reduced by this proposed law, and may, and can be very materially advanced by the railroad companies in self defense and for self preservation.

The interstate rates referred to above are those upon traffic between and beyond states, under laws of Congress, and not the business done within individual states, and governed by their local laws. The governor approved of the "rate on live stock in the eastern part of the State," and "attributed the best intentions and motives to the framers and supporters of the bill," and conceded "that the railroad corporations have, in many instances, exacted unjust tribute from the people," but believed the law lacked careful consideration, was unconstitutional, and would stop railroad construction, deter capital from entering the State for improvements, and in the reduction of wages and discharge from railroad services produce a dangerous competition in other branches of labor. On account of the condition of affairs in the State he also argued that the bill was inopportune:



Owing to the crop failure of last year there will be but meager shipments of agricultural or live stock products from our State until after another crop shall have matured; and hence the carrying trade within our borders will be reduced to the minimum, and with such a condition confronting us I deem it unwise, as well as unjust, at the present time, to enforce such sweeping reductions as are provided for in this bill.

Remembering that each party platform demanded restrictive legislation, and that the retiring governor's message recommended it and his own inaugural address made it prominent, he knew full well that the temporary political consequences of his own official act were impending.

I am well aware that my refusal to sanction this bill will meet with the disapproval of many. Dissatisfaction may be expressed and harsh criticism will follow. Be that as it may, I feel that I have a plain duty to perform, a duty which I owe to the interests of this great State, and whatever censure or criticism may result, this duty I will perform in the consciousness that I am acting for the best interests of the State of Nebraska. I therefore withhold my approval of this bill.

Inasmuch as the majority in each house was not large enough to pass the bill over the veto, it failed to become a law, and since the Independent party had redeemed its pledges by passing it they returned to their constituents vindicated, while several other members had voted for it under protest.

Two other acts were passed and signed by Governor Boyd, relative to railroads, the one providing for naming stations after the towns in which they may be located, and the other for securing the safety of operatives by requiring railroads, corporations and companies to equip engines and cars with proper, efficient and safe automatic couplers and brakes, so that brakemen shall not be required to go between cars, or on top of them, in the discharge of their duties.

If the governor could not co-operate with the Independent party fully as to the details of railroad legislation, it must have given him pleasure to find the general recommendations of his

message upon suffrage so completely incorporated in the secret ballot law. If it secures the freedom of the voter, shields the poor man of talent and integrity against the competitor of mere wealth and assumptions, and results in purity of elections and the education of manly voters, and relegates bribes and bribery to the rear, all concerned in its establishment will have cause to rejoice in an honored citizenship and a dignified state.

Having called the attention of the legislature to the fact that "the warehouse system now in vogue in the State of Nebraska is wholly in the hands of private parties and corporations, uncontrolled by and not responsible to any statute of the State, relative to public warehouses," the body took prompt action and gave form to a statute. The scope of the law required a license for keeping a warehouse, for reception, storage, and sale of grain, under penalty of a \$10,000 bond and a fine of from one to five hundred dollars for every day's business transacted without such license, obtained from the State Board of Transportation. Owners of property were to have access to the same and all the books and records of the warehouse; receipts were made transferable by endorsement; the issue of fraudulent receipts made punishable with imprisonment for not more than ten years in the penitentiary, in addition to all other penalties, and provisions were made for a chief inspector, with all such safeguards and restrictions as the experience of other states had found necessary and practicable from absolute test and experience. This act was followed by another giving new duties to the Board of Transportation, among which was the appointment of a committee of appeals for each city and town in which a warehouse was located, the members of which were placed under bonds of \$5,000 each, having first taken the oath of office.

The recommendation for cheaper school books was met by a law allowing the district boards to purchase a supply to be loaned to pupils of the school or sold at cost to patrons for the use of their children.

Having signed a bill in aid of drouth sufferers of 1890 appropriating \$100,000, before delivering his inaugural, he therein

said, "If further aid is required, I will sanction such appropriation as may be necessary," and accordingly was called upon to sign a law for an issue of \$100,000 in state bonds. Such were his views of the value of an adequate exhibition of Nebraska's products at the Columbian Exposition, it would have given greater pleasure to be permitted to sign a bill for \$100,000, rather than as passed for \$50,000. Bills also passed his inspection and received his signature amending the law governing the Soldiers' and Sailors' Home; admitting members of the Women's Relief Corps to the visiting and examining board; a bill for a Girls' Industrial School for juvenile delinquents; for a State Board of Health; for prohibiting the sale of firearms and ammunition or intoxicating liquors to Indians not citizens; for establishment of two experimental stations in the interests of agriculture; for the loaning and safe keeping of state funds; and for the government of cities, with numerous other acts in the interest of economy and progress.

The last recommendation of his message, though not incorporated in law, is receiving public attention from politicians and statesmen, and in the progress of intelligent reform will yet be adopted, when presidential electors will be chosen in congressional districts, and a "quartette of so-called pivotal states no longer monopolize the honor of electing the chief magistrate of the entire country."

A majority of the legislative members being farmers from the two old parties, banded together to resist all forms of monopoly and railroad extortion, having much to learn of parliamentary strategy, they were often embarrassed but never discouraged.

In addition to the local acts for Nebraska, the discussions embraced many subjects of interest of national character, and accordingly we find the House passing instructions to the delegations in Congress, on the subject of the Paddock pure food bill, and also in favor of the election of United States senators by the people, while the United States Senate was complimented for refusing to pass the *Force Bill*, "the boldest stroke of centralization and imperialism since the establishment of the Re-

public," and affirming their opposition thereto, because Nebraska believed in "local sovereignty and federal unity and the secrecy of the ballot." Democrats voting with independents in affirmation of these principles caused a member to exclaim, "The lion and the lamb have at last lain down together. Let us have peace." The "free coinage of silver" was recommended, and the \$6,200,000 appropriation for a deep water harbor at Galveston, Texas, was approved, a committee appointed to attend the convention of states, and an elaborate report received of its great value to the Northwest. As a matter of reciprocity and advertisement, the City of Galveston presented the Nebraska legislature fifteen barrels of oysters, which eventuated in a state oyster supper and a gastronomic bond of union. Other episodes relieved the monotony of the daily duty, as the presentation of a gavel to the speaker, S. M. Elder, of the House, made from the "lone tree" that served the early emigrants as the beacon light served ocean mariners. In reply to a speech of presentation, by Judge Morris, Mr. Elder said, in conclusion:

Remember that the tree from which this gavel comes could be seen from Buffalo Peak to Little Blue River. One evening at six o'clock, together with some comrades, I was traveling through this section. The ground was covered with snow, and the storm increased. For hours we traveled through the storm. Wearied and worn, I remember I desired to lie down and sleep; my companions refused, and we traveled on and on until at 12 o'clock at night we ran against a tree; we knew it was "lone tree," and that we were saved. It afforded us shelter that night as it had many others. I thank my people for this gavel. Moving along under this gavel, let us enact such laws as will be of great and lasting benefit to the great Commonwealth of Nebraska.

On the last day of the session, Mr. Watson, of Otoe county, arose and addressed the speaker, complimenting him on his administration of the rules of order:

Mr. Speaker, I desire to say further that sometime in your history, before the meeting of this legislature, Providence has appeared to be unkind to you and deprived you of a useful appendage of your body, your strong arm,

making you physically incapacitated as knight and warrior. When it was proclaimed on Mount Sinai that man was fearfully and wonderfully made, your friends, wishing that you should be physically intact as you are mentally capable, herewith present you an arm, and while it is not as nature formed you, it is an expression of our good will and honest intentions of the donors who address you as brave and fair minded, in all the elements of man, an able, impartial, presiding officer, a true and trusted friend, an elegant and a splendid gentleman. And in conclusion let me say, that it is the desire of your friends and well wishers that your future life may be happiness, and the conclusion thereof peace and comfort.

Mr. McKesson arose and said:

Mr. Speaker, and Gentlemen of the House—As a further token of respect and appreciation on the part of the members of this House, for the fair and impartial manner in which you have presided over its turbulent deliberations, I have been requested to present, not to you, but through you to your esteemed wife, this beautiful crayon portrait of yourself. Novelists depict fancy painted pictures, poets sing of “Arms and of Heroes”; but it remains for the artist to put upon canvass, lifelike and real, living characteristics of man. It was said of Oliver Cromwell, England’s illustrious Commoner, who led the mediocrity of that nation triumphantly against Charles the First to the throne, that when asked by his artist that he be allowed to remove a defect of nature from the face of his picture, exclaimed, “Paint me as I am.” So we, Mr. Speaker, have painted you as you are, without compliment to your beauty; and as you go forth from the arduous duties of this chair to commoner walks of life, be assured we carry the reflex of your picture stamped in pleasant memory, with best wishes for your success.

The Speaker in response said:

Mr. Chairman, members of the legislature, and citizens generally: For me to say at this time that I am embarrassed would be superfluous. These presents will long be remembered by me. I have never sought a position higher than I had before. I came here to do my duty as a man, and if I have not done my duty it was because I did not know how and not because I did not want to do it. I go from Lincoln with ill will toward none. I will never forget this

legislature, and I am sure there are many here who will likewise not forget it. I will always remember you all. Once more, I thank you.

In the matter of state politics, the three parties differed so little on many questions of prime importance that the strange fact is revealed by official documents, that both the retiring and incoming governors, in several important cases, recommended action upon the same identical questions, while the independents responded in approving legislation.

#### THAYER VS. BOYD.

On the 13th day of January, 1891, leave was granted to John M. Thayer by the Supreme Court of the State of Nebraska, to file an information against James E. Boyd, to establish the relator's right to the office of governor of the State and to oust the respondent therefrom.

These proceedings were commenced five days after Boyd was officially declared governor of Nebraska and sworn into office. The information set forth the following state of facts: the election of John M. Thayer as governor, in November, 1888, and his oath requiring him to hold office "until his successor should be elected and qualified"; the subsequent election of November, 1890, in which 214,000 votes were cast, of which James E. Boyd received 71,331, J. H. Powers 70,187, and L. D. Richards 68,878; and the fact that James E. Boyd was not at the time of the election of 1890 a citizen of the United States, having been born in Ireland in 1834 and brought to the United States in 1844 by his father, who never went further in the matter of naturalization than to file a "declaration of intentions" (1851) prior to the son's becoming fifty-six years of age. The information contained many specifications of corroborating facts sustaining the leading propositions. The information closed with the demand that James E. Boyd be ousted from office and that John M. Thayer be declared entitled thereto, and that he be protected in office by an injunction restraining the said Boyd from interfering with the relator as governor of Nebraska.

In answer, a motion to dismiss having failed, the respondent, James E. Boyd, admitted numerous allegations, put in issue everything tending to cloud his title to the office, on account of want of citizenship, and gave a full and accurate account of the acts of his father and himself as citizens and office holders, in the states of Ohio and Nebraska. But inasmuch as the facts will appear in the decision of the Supreme Court of the United States, they may be omitted in this connection. A demurrer to respondent's answer having been argued before the Supreme Court of Nebraska on March 12, 1891, an opinion was announced on the following May 5, ousting respondent, James E. Boyd, and reinstating the relator John M. Thayer. One judge of three dissented.

Thereupon, Governor Boyd, giving place to General Thayer, carried his case to the supreme court of the United States on a writ of error, where the Nebraska court was reversed and he was reinstated Feb. 1, 1892. In delivering the opinion of the United States court, Chief Justice Fuller gave first attention to the question of citizenship, and quoted the definition given it, by Chief Justice Waite:

Citizens are the members of the political community to which they belong. They are the people who compose the community, and who in their associated capacity, have established or submitted themselves to the domination of the government for the promotion of their general welfare, and the protection of their individual as well as their collective rights.

The 14th amendment reads, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." The supreme court [of Nebraska] decided that James E. Boyd had not been for two years next preceding his election a citizen of the United States, and hence that under the constitution of the State he was not eligible to the office of governor; and that he was not a citizen of the United States because during his entire residence in the Territory from 1856 to 1867 and in the State from 1867 to November 4, 1890, the date upon which he was elected governor, he was a subject of Great Britain and Ireland. Arrival at this conclusion involved the denial of a right or privilege under the constitution and

laws of the United States, upon which the determination of whether Boyd was a citizen of the United States or not depended, and jurisdiction to review a decision against such a right or privilege necessarily exists in this tribunal. *Missouri vs. Andriano*, 138 U. S., 496. Each state has the power to prescribe the qualifications of its officers and the manner in which they shall be chosen, and the title to offices shall be tried, whether in the judicial courts or otherwise. But when the trial is in the courts, it is a "case," and if a defense is interposed under the constitution or laws of the United States, and is overruled, then, as in any other case decided by the highest courts of the State, this court had jurisdiction by writ of error.

We do not understand the contention to involve directly a denial of the right of expatriation which the political departments of this government have always united in asserting (*Lawrence's Wheaton*, 925; *Whart. Confl. Laws*, sec. 5; 8 *Op. Att'y Gen.*, 130; 9 *Op. Att'y Gen.*, 356; act of Congress of July 27, 1868, 15 *Stat.* 223; *R. S.*, sec. 1999), but that it is insisted that Boyd was an alien upon the ground that the disabilities of alienage had never been removed, because he had never been naturalized.

Naturalization is the act of adopting a foreigner, and clothing him with the privileges of a native citizen, and relator's position is that such adoption has neither been sought nor obtained by respondent under the acts of congress in that behalf. Congress in the exercise of the power to establish an uniform rule of naturalization has enacted general laws under which individuals may be naturalized, but the instances of collective naturalization by treaty or by statute are numerous.

Illustrating the doctrine of collective naturalization, numerous references were made to Indian treaties and treaties with governments, and to organic acts when ready for admission as states.

Thus, although Indians are not members of the political sovereignty, many classes of them have been made citizens in that way.

As an instance of this process we give the following:

By the act of March 3d, 1843, it was provided that on the completion of certain arrangements for the partition of the lands of the Stockbridge tribe of Indians, each and every one of them shall then be deemed to be and from



that time forth are hereby declared to be citizens of the United States, to all intents and purposes, and shall be entitled to all the rights, privileges and immunities of such citizens. By the 8th article of treaty with Mexico in 1848, those Mexicans who remained in the territory ceded, and who did not declare their intentions to remain Mexican citizens, were to be deemed citizens of the United States.

Treaties with France for Louisiana and that with Spain for Florida were noted, and of the latter it was quoted: "This treaty is the law of the land, and admits the inhabitants of Florida to the enjoyment of the privileges, rights and immunities of the citizens of the United States."

At the second session of the twenty-seventh congress, in the case of David Levy, who had been elected a delegate from the Territory of Florida, where it was alleged that he was not a citizen of the United States, it was held by the house committee on elections, "It matters nothing whether the naturalization be effected by act of congress, by treaty or admission of new states, the provision is alike applicable."

By the annexation of Texas, under a joint resolution of congress, March 1, 1845, all the citizens of the former republic became, without any express declaration, citizens of the United States.

Speaking of the admission of states of Ohio, Indiana and Illinois, the chief justice said:

The inhabitants, or people who were empowered to take part in the creation of these new political organisms and who continued to participate in the discharge of political functions, included others than those who were originally citizens of the United States.

After numerous other citations illustrative of collective naturalization, the following general conclusions were announced:

Congress having the power to deal with the people of the territories in view of the future states to be formed from them, there can be no doubt that in the admission of a state a collective naturalization may be effected in accordance with the intention of congress and the people applying for admission. Admission on an equal footing with the original states, in all respects whatever, involves the

adoption as citizens of the United States of those whom congress makes members of the political community, and who are recognized as such in the formation of the new state with the consent of congress.

The next question in the chain of investigation was, in the admission of Nebraska, who were made "members of the political community"; and from a thorough examination of the organic act, the enabling act, the state constitution and laws, together with the act of congress for the State's admission, it appeared that in addition to citizens of the United States, all others who had declared intentions to become such were made members of the political community. On this point the opinion of the court is most emphatic.

It follows from these documents that congress regarded as citizens of the Territory all who were already citizens of the United States, and all who had declared their intention to become such. Indeed they are referred to in section 3 of the enabling act as citizens and by the organic law the right of suffrage and of holding office had been allowed to them. Those whose naturalization was incomplete were treated as in the same category as those who were already citizens of the United States. What the State had power to do after its admission is not the question. Before congress let go its hold upon the Territory, it was for congress to say who were members of the political community. So far as the original states were concerned, all those who were citizens of such states became upon the formation of the Union citizens of the United States, and upon the admission of Nebraska into the Union "upon an equal footing with the original states, in all respects whatsoever" the citizens of what had been the Territory became citizens of the United States and of the State.

As remarked by Mr. Chief Justice Waite in *Minor v. Happersett*: "Whoever, then, was one of the people of either of these states when the constitution of the United States was adopted, became *ipso facto* a citizen, a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Dispute has arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were."

But it is argued that James E. Boyd had never declared his intention to become a citizen of the United States, although his father had, and that because, as alleged, his father had not completed his naturalization before the son attained his majority, the latter cannot be held to come within the purview of the acts of congress relating to the Territory and the admission of the State, so as to be entitled to claim to have been made a citizen thereby.

The act of March 26, 1790, provided for the naturalization of aliens and then that "the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years at the time of such naturalization, shall also be considered citizens of the United States."

The third section of the act of January 29, 1795, provided "that children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years at the time of such naturalization, and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States," etc.

The fourth section of the act of April 14th, 1802, carried into the revised statutes as section 2172, was: "That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject, by government of the United States, may have become citizens of any one of the said states, under the laws thereof, being under the age of twenty-one years at the time of their parents being so naturalized or admitted to the rights of citizenship, shall if dwelling in the United States, be considered as citizens of the United States." In *Campbell v. Gordon*, 6 Cranch, 176, it was held that this section conferred the rights of citizenship upon the minor child of a parent who had been duly naturalized under the act of 1795, although the child did not become a resident of the United States until she came here after that, but before the act of 1802 was passed. The rule was to be a uniform rule, and we perceive no reason for limiting such a rule to the children of those who had been already naturalized. In our judgment the intention was that the act of 1802 should have a prospective operation.

By the second section of the act of March 26, 1804, if any alien who had complied with the terms of the act should die without having completed his naturalization, his widow and children should be considered citizens upon taking the oaths prescribed by law; and this was carried forward into section 2168 of the revised statutes.

By the first section of the act of May 26, 1824, carried forward into section 2167 of the revised statutes, any alien, being a minor, who shall have resided in the United States three years next preceding his arrival at majority and continued to reside therein, may, upon reaching the age of twenty-one years and after a residence of five years, including the three years of minority, be admitted a citizen of the United States, without having made during minority the declaration of intention required in the case of aliens.

The statutory provisions leave much to be desired, and the attention of congress has been called to the condition of the laws in reference to election of nationality; and to the desirability of a clear definition of the status of minor children of fathers who had declared their intention to become citizens, but had failed to perfect their naturalization; and of the status gained by those of full age by the declaration of intention.

Clearly minors acquire an inchoate status by the declaration of intention on the part of their parents. If they attain their majority before the parent completes his naturalization, then they have an election to repudiate the status which they find impressed upon them, and determine that they will accept allegiance to some foreign potentate or power rather than hold fast to the citizenship which the act of the parent has initiated for them. Ordinarily this election is determined by application on their own behalf, but it does not follow that an actual equivalent may not be accepted in lieu of a technical compliance.

James E. Boyd was born in Ireland, of Irish parents, in 1834, and brought to this country in 1844 by his father, Joseph Boyd, who settled at Zanesville, Muskingum County, Ohio, and on March 5, 1849, declared his intention to become a citizen of the United States. In 1855 James E. Boyd, who had grown up in the full belief of his father's citizenship and had been assured by him that he had completed his naturalization by taking out his second papers in 1854, voted in Ohio as a citizen. In August, 1856, he removed to the Territory of Nebraska. In 1857 he was elected and served as county clerk of Douglas County; in 1864 he was sworn into the military service and served as a soldier of the federal government to defend the frontier from an attack of Indians; in 1866 he was elected a member of the Nebraska legislature and served one session; in 1871 he was elected a member of the convention to frame a state constitution and served as such; in 1875 he was again elected and served as a member of the convention which framed the present state constitution; in 1880 he was elected and acted as

president of the city council of Omaha; in 1881 and 1885, respectively, was elected mayor of that city, serving in all four years. From 1856 until the State was admitted, and from thence to this election, he had voted at every election, territorial, state, municipal and national. He had taken prior to the admission of the State the oath required by law in entering upon the duties of the offices he had filled, and sworn to support the constitution of the United States and the provisions of the organic act under which the Territory of Nebraska was created. For over thirty years prior to his election as governor, he had enjoyed all the rights, privileges and immunities as a citizen of the United States and of the Territory and State, as being in law, as he was in fact, such citizen.

When he removed to Nebraska, that Territory was to a large extent a wilderness and he spent years of extreme hardship upon the frontier, one of the pioneers of the new settlement and one of the inhabitants who subsequently formed a government for themselves. The policy which sought the development of the country by inviting to participation in all the rights, privileges and immunities of citizenship those who would engage in the labors and endure the trials of frontier life, which so vastly contributed to the unexampled progress of the Nation, justifies the application of a liberal rather than a technical rule in the solution of the question before us.

We are of the opinion that James E. Boyd is entitled to claim that if his father did not complete his naturalization before his son had attained majority, the son cannot be held to have lost the inchoate status he had acquired by the declaration of intention, and to have elected to become the subject of a foreign power, but, on the contrary, that the oaths he took and his action as a citizen entitled him to insist upon the benefit of his father's act, and placed him in the same category as his father would have occupied if he had emigrated to the Territory of Nebraska; that in short, he was within the intent and meaning, effect and operation of the acts of congress in relation to citizenship of the Territory, and was made a citizen of the United States and of the State of Nebraska under the organic and enabling acts and act of admission.

(2) Another and shorter course of reasoning leads to the same conclusion:—

The respondent, in his answer, after stating that his father, on March 5, 1849, when the respondent was about fourteen years of age, made before a court of the State of

Ohio his declaration of intention to become a citizen of the United States, and averring "that his father for forty-two years last past has enjoyed and exercised all of the rights, immunities and privileges and discharged all the duties of a citizen of the United States and of the State of Ohio, and was in all respects and purposes a citizen of the United States and of the State of Ohio"; and particularly alleging his qualifications to be a citizen, and his acting as such for forty years, voting and holding office in the State, further distinctly alleges "on information and belief, that prior to October, 1854, his father did in fact complete his naturalization in strict accordance with the acts of congress known as the naturalization laws so as to admit and constitute him a full citizen of the United States thereunder, he having exercised the rights of citizenship herein described, and at said time informed respondent that such was the fact."

As the allegation last quoted sets up a right and privilege claimed under the laws of the United States, this court must determine for itself the question of the sufficiency of this allegation, and is not concluded by the view taken of that question by the supreme court of Nebraska. In the words of Mr. Justice Miller, speaking for this court: "The question whether a plea sets up a sufficient defense, when the defense relied on arises under an act of congress, does present, and that necessarily, a question of federal law; for the question is and must be, Does the plea state facts which under the act of congress constitute a good defense?"

It is true that naturalization under the acts of congress known as the naturalization laws can be completed before a court, and that the usual proof of naturalization is a copy of the record of the court. But it is equally true where no record of naturalization can be produced, evidence that a person having the requisite qualifications to become a citizen, did in fact and for a long time vote and hold office and exercise rights belonging to citizens, is sufficient to warrant a jury in inferring that he has been duly naturalized as a citizen. And by the constitution of Ohio of 1851, none but white male citizens of the United States were entitled to vote or hold office.

Such being the settled law, we can have no doubt that the fact that the respondent's father became a naturalized citizen of the United States before October, 1854, is well pleaded in the allegation in question, and is therefore admitted by the demurrer. The allegation "that prior to October, 1854, his father did in fact complete his naturaliza-

tion in strict accordance with the act of congress known as the naturalization laws so as to admit and constitute him a full citizen of the United States thereunder," necessarily implies that he had been duly naturalized before a court as required by those laws. Specific allegations of the time and place at which, and of the court before which, he was so naturalized, or setting forth a record of his naturalization, would have been superfluous, and, in view of the respondent's imperfect information, as manifest upon the face of the allegation, of a transaction taking place so long ago, hardly possible.

Under this allegation, and the earlier allegations leading up to it, if traversed, a jury would have been warranted in inferring that the respondent's father became a citizen of the United States before October, 1854, and consequently that the respondent himself was likewise a citizen.

For this reason, without regard to any other question argued in the case, the respondent was entitled to judgment upon the demurrer.

Mr. Justice Harlan, Mr. Justice Gray and Mr. Justice Brown concur in the conclusion of the court upon the latter course of reasoning only.

All of the justices, except Mr. Justice Field, unite in holding that this court had jurisdiction of the case, and that upon this record, James E. Boyd has been for two years next preceding his election to the office of governor, a citizen of the United States and of the State of Nebraska.

The judgment of the supreme court of Nebraska is reversed, and the cause remanded to be proceeded in according to law and in conformity with this opinion.

The message of Governor Boyd, closing his official term, dated January 13, 1893, disclosed thorough analysis of the situation, with evidence of practical reform. He enumerated as objects to be remedied, first:

The last legislature greatly increased the appropriations, but made no provision for an increased levy to meet the additional expense.

He estimated the deficiency that would result therefrom, for two years, at \$750,000. Second:

That, while the law explicitly states that property should be listed for assessment at its actual value, it is notorious that this is not done. In fact it is safe to say that the pre-

vailing average of values assessed is about one eighth of the actual value and there is, in consequence, a corresponding high rate of levy required for the raising of the necessary revenue, the same being almost invariably up to the limit established by law.

Third:

That as the constitutional amendment, for the investment of the permanent school fund, was undoubtedly defeated by the heedlessness of voters it should again be submitted for public approval.

Fourth, inasmuch as a saving of \$40,000 had been secured in administering the affairs of a few of the state institutions, he argued the necessity of allowing governors to appoint all their superintendents, believing that "their running expenses could be reduced 30 per cent over amounts heretofore consumed." Speaking of an investigation which he had the honor to institute he said:

The investigation which followed developed such a state of affairs as warranted an investigation by the grand jury, with the result that a number of criminal indictments were found, with which the courts have yet to deal.

Commenting on the report of the commissioner of public lands and buildings relative to the school fund he said:

The report further shows that there is now invested in United States bonds, state securities and registered county bonds belonging to the permanent school fund the sum of \$2,525,872.35, and cash in the state treasury amounting to \$490,398.39, making a total of \$3,016,270.74, an increase in the permanent school fund during the past two years of \$270,963.53. The common school lands now under lease produce an annual rental of \$90,716.08. This with the annual interest and unpaid principal on said contracts, amounts to \$239,170.11, which with the added interest amounting to \$5,542.31 makes a fund of \$335,428.50 to be annually apportioned to the school districts of the State in addition to the revenue derived from the investment of the permanent school fund in the state treasury.

This is a magnificent showing for the educational advantages of our State and reflects great credit upon those founders of our State who in the early days conserved its school interests.



Of the State University he uttered the following:

The report of the Board of Regents of the State University makes a particularly gratifying showing. The growth of the University during the last biennial period has been phenomenal. The attendance has more than doubled, the present enrollment being 957. This registration represents twenty states besides Nebraska and sixty-four Nebraska counties. The close connection of the University with the public school system is shown by the fact that 387 pupils come from high schools and 315 from public schools. The advanced standing of the University and its strong hold upon all who are seeking the best facilities for higher education is manifested by the fact that 125 of the students came from other colleges and universities, largely within this State. That it is ministering in a helpful way to the great mass of the people of the State and not to any preferred class is shown by the fact that 243 of its students are children of farmers while the remainder are scattered with a large degree of equality among every occupation known in the State.

He gave the following facts:

I have the honor to report the granting by me of thirteen pardons, twelve commutations and five remittances of fines.

The different sums of money received by me and paid into the State Treasury, as evidenced by receipts on file, amount to \$14,166.80.

Speaking of the Adjutant General's office he said:

A demand was made for the return of this money (\$1,440.86) which demand was complied with.

On the subject of the Nebraska Relief Commission:

Relief was afforded in about ten counties which had suffered from the drouth of the season of 1890. Provisions were supplied to an average of 8,000 families averaging five in a family, from four to six weeks. Great good was done, and many discouraged settlers were thus enabled to hold their homes, and have since been rewarded with good crops.

Though the last legislature had appropriated \$25,000 for the National Guard, Gov. Boyd asked but \$10,000 for an equal length of time, two years; and recommended that artillery and cavalry be mustered out, and "that the strength of the companies be increased to conform with the new tactics, and that each company have a maximum of 100 enlisted men."

On the subject of extortions, he stated:

I think there is a demand for the regulation of rates charged by the express companies within this State, to the end that charges unreasonably high may be reduced to a reasonable cost. There is no justification of the high rates at present exacted by the express companies of this State.

He had the following on insane convicts:

I would further call your attention to the advisability of a law which would authorize the executive to parole convicts who become insane in the prison for transfer to an asylum. Under existing conditions, to transfer an insane convict to an asylum, the governor must issue a pardon and an insanity board must then pass upon the unfortunate person. Should the prisoner, however, become cured of his insanity, he cannot be returned to the state prison, a defect in the law which should be remedied.

Two important recommendations related to libraries and to the State Historical Society.

I believe that the law relating to the establishment of public libraries should be amended so as to extend like privileges to each school district in the State, as I think the establishment of free libraries in conjunction with the public schools would be a wise and judicious thing.

The State Historical Society calls upon the legislature for an increase of the amount appropriated allotted to it, asking for \$7,500 for the ensuing two years. I believe this desirable and therefore recommend it.

Recurring to his veto of a railroad freight bill in the session of 1892, he said:

I am still of the opinion that a reasonable reduction in freight rates should be made, but from year to year conditions vary so much that an inflexible rate on all schedule articles would be liable to work injustice, and, in my judgment should not be established by statute, except, perhaps, upon staple commodities, such as grain, live stock, coal, lumber, and like commodities in car-load lots. The adjustment of rates should, I believe, be left to a commission composed of men capable of dealing intelligently with the question and affording means to thoroughly inform themselves as to the merits of each separate case brought before them for adjustment.

In view of the fact, that an appropriation of \$50,000 would fail to present the state's capabilities and demands, in an adequate manner, in the World's Fair at Chicago, an equal additional appropriation was recommended.

The warehouse bill of last session, now a law, received hearty commendation, with such additions suggested as would give it greater efficiency. The new election law known as the Australian System, and the Michigan mode of choosing presidential electors, by congressional districts, came in for approval, on the basis of successful experiment, and needed only certain specific additions to bring them up to the governor's standard of democratic excellence.

In his official term, having navigated a stormy sea, his excellency hailed a quiet port with an honest concession:

There are many agreeable things connected with the Governor's office, but at the same time, I may say, it is with a feeling of pleasure and rejoicing that I relinquish unto my successor the duties, cares and responsibilities pertaining thereto.

## GOVERNOR LORENZO CROUNSE.

1893-1895.

Governor Lorenzo Crouse delivered his inaugural January 13, 1893, in which he congratulated the legislature upon state prosperity, as contrasted with the drouth of two years before; affirmed the fact of Nebraskans being a plain, toiling people, averse to "extravagance which begets extravagance"; and expressed the positive opinion that "the appropriations made by the last legislature" were \$750,000 too high, and that \$50,000 more could be saved by the legislature dispensing with unnecessary employees; that the management of state institutions should be so thorough that guilty officials, if in existence, should be exposed; that "corporations not only have no right to unjustly take millions, but they should not be allowed to take an unjust dollar from the people," and yet "their property deserves the same consideration as that accorded to any other," and while the Populist party had control of the legislature and he would have preferred one in harmony with his own views, still it was their duty "to advance the welfare and glory of the State in which we all have such a just pride."

It was at this session of the legislature that Judge William V. Allen, Populist, was elected United States Senator for a term of six years.

## MESSAGE, JANUARY 3, 1895.

Two years after the delivery of his inaugural, he was compelled to review a period of great financial depression and failure of crops in the western part of the State, causing him to revive the relief commission of 1891, and giving an opportunity of thanking the people of Oregon and others for substantial aid, and the railroads for free transportation for donated supplies. Said he: "My idea is that the several counties should care for their own needy." He believed this would produce economy and



L. CROUNSE.



honesty in distribution, and if the State would invest the permanent school fund in relief bonds of counties, it would be safer and cheaper than outright appropriations; besides the State indebtedness had reached the constitutional limit.

#### FINANCES.

He declared the State's financial condition bad, inasmuch as there were outstanding warrants of two classes, equal to \$608,538, with only \$28,503 with which to pay. He found the property of the State \$1,275,685,514, assessed at less than 15 per cent of its value. He demanded better security for State funds deposited with banks; and gave ample evidence of a painstaking and intelligent care over the investments of the permanent school fund. By securing obedience to the law requiring officers of state institutions to make semi-annual reports of receipts and disbursements, he was able to see order evolved from confusion and economy made the rule rather than the exception. While the monthly demand for coal at the Lincoln Insane Hospital under Thayer's administration for two terms was 546 tons, and under Boyd's 233 tons for one term, it was only 181 tons during the term of Mr. Crouse.

It was his good fortune to have administered his term on \$667,000 less of an appropriation than the allowance for the previous years.

By allowing an officer of a prominent institution to retain position irrespective of politics, he honored the doctrine of promotion for merit, and said in his message: "Sound legislation should not be avoided for fear of the loss of some partisan advantage." In cases where malfeasance and embezzlement were suspected he promptly aided the officers of justice. In the matter of \$236,364 he ordered suit to be brought upon a retired treasurer's bond. He was able to show a decided decline in insane hospital expenses in these words:

These three hospitals, located at Hastings, Lincoln, and Norfolk, under the superintendency of Drs. Johnston, Hay, and Little, respectively, have been ably managed, and I desire to testify to the hearty co-operation and sympathy of

these gentlemen, and the stewards under them, in my efforts to reduce the expenses of these institutions to the minimum. A reference to the table furnished you will show that the annual per capita tax expense was reduced from \$270.04 in the year 1892 to \$152.65 in 1894 at Hastings, from \$229.72 to \$193.05 at Lincoln, and from \$270.34 to \$258.04 at Norfolk during the corresponding period—all excellent showings and about equally good considering the difference in population of each, which of course affects the result.

#### IRRIGATION.

In dealing with his immediate fellow-citizens and the outside world he was equally explicit and fair:

The fact that nearly or quite half of the lands within the State lie west of the line of humidity sufficient to insure an unbroken succession of crops, renders irrigation necessary to protect the people against disaster in unusually dry years. The partial failure from drouth in 1890-92-93, and the almost total failure of 1894, has awakened the people to the necessity of providing for watering the growing crops by artificial means. The soil of western Nebraska, where, to some extent, want now prevails, is as fertile as that of any portion of the United States, and in the years past has yielded abundant harvests in response to the efforts of industrious settlers.

#### RAILROADS AND BEET SUGAR.

Thoroughly impressed with the fact of the State's adaptation to the cultivation of the sugar beet and of the value of that great industry, he suggested a bounty where a specific price had been paid the cultivator of the beet, but which should stop as soon as the United States government gave the sugar industry protection. He declared the court decision "disappointing and unsatisfactory," in admitting the constitutional power to legislate upon freight rates, and then nullifying the law for want of adaptability and the financial ability of the railroads, and suggested an appeal to the court of last resort. During his administration he had specially received and turned into the state treasury \$36,595.

With a carefully prepared and condensed message, and in a spirit of kindness he made his official bow.



## CONCLUSION.

In relinquishing an office which came to me in a manner highly complimentary I do so with the consciousness of having tried to be of service to the people of the State who have so frequently honored me. How well I have succeeded they must decide. I shall carry with me pleasant recollections of the kindly relations which have existed between myself and those with whom I have associated or had to deal with in an official way.

## GOVERNOR SILAS A. HOLCOMB.

1895-1897.

Hon. Silas A. Holcomb was born in the state of Indiana in the year 1858, and is, consequently, 37 years of age, in this 1895. His early education was obtained in the common and Normal school before his 17th year, when he assumed the duty of teacher. During four years of teaching he was preparing for college; but his plans were seriously deranged on account of the death of his father in 1878. One year thereafter he arrived in Hamilton County, Nebraska, with his mother and younger brothers and sisters. Thoughtful, industrious and persevering, he accepted the first honorable opening for employment, work upon a farm, for one year, and in 1880 entered the law office of Thummel & Platt, at Grand Island, and came to the bar in 1882. In 1883 he removed to Broken Bow, and in 1891 was elected Judge of the 12th Judicial District.

Though a populist and allied with the silver democrats, he was elected Governor in 1894, while the State went republican by pluralities of from twelve to twenty-five thousand.

The election of Silas A. Holcomb, of the Populist party, in 1894, took place during the 40th year of our congressional representation (the limit of these sketches). He has been preceded by Burt of South Carolina, Izard of Arkansas, Richmond of Illinois, and Black of Pennsylvania, all democratic territorial governors, and Saunders, republican, from Iowa; also by elected governors of the State, Butler, Furnas, Garber, Nance, Dawes, Thayer and Crounse, republicans, and Boyd, democrat. Governor Crounse, his immediate predecessor, had been inaugurated by a populist legislature, while he was inducted into office by a republican one. In the great political upheaval of 1894 the populists lost the legislature and gained the Governor, while the republicans, losing the Governor, gained the legislature, and consequently the United States Senator, John M.

Thurston. The canvass had been one of exceeding bitterness. Cleveland democrats had been charged with being allies of Wall Street bankers, bondholders and brokers; republicans with being in the same boat, and pandering to capital by high protective tariffs; while populists were denounced by both of the old parties, as the destroyers of state credit, advocates of vagaries and extremists generally. Silly opponents fancied the inaugural of Governor Holcomb would give forth sulphur, be lurid in war paint and intimate scalpels and daggers. Populists, silver democrats and independent republicans, who had supported him, had no fears of the result and were delighted with the effort. Exceptional in taste, pure in style, and admirable in scope, dealing only in living issues, the production carried its own vindication. Almost the first subject treated was

#### DROUTH SUFFERERS.

I regret the necessity demanding a careful consideration of the actual want of a great number of our people caused by the drouth of last year. Nature has bountifully blessed Nebraska. Her climate is unexcelled and her soil responds generously to the labor of the husbandman. For years prior to 1890 there was an uninterrupted era of good crops. Rapidly the domain of the rancher was encroached upon by the farmer. From various states came an energetic class of good citizens to make their homes in western Nebraska. Generally they were poor and depended upon the first season's crop to supply themselves and families with all the immediate necessities of life, and until 1890 they never relied in vain. Then came one season when the accustomed rains failed to fall and hot winds swept over the country, carrying devastation to the fields of growing grain. Since then there have been alternating good and poor crops culminating in the general drouth of 1894.

While this drouth extended practically over the entire country, it was particularly disastrous in the western portion of the State. Distressed by combats with previous partial crop failures, many farmers with only moderate means were wholly unprepared to meet the drouth. Many had been unable, on account of the short time of their residence, to store up grain sufficient to meet the exigencies of this extraordinary occasion. Some removed from the State, but the great majority, possessing the utmost faith in the country, remained, determined to hold on to their possessions

in the drouth-stricken district. If patience and long-suffering make people deserving, the harvest of 1895 should be bountiful.

Our great State is able to take care of its own poor and many of the county boards have, with commendable energy, provided work with compensation for the able-bodied needy in their own counties, but there is still necessity for quick relief to be extended to many portions of the State, so that all her people may be comfortable during the present winter and have an opportunity to seed and work their ground for the coming harvest. I know some claim the legislative body has no right to make the people donate to the needy and that such work should be left to individuals who are charitably inclined, but every government is in duty bound to provide at public expense the necessities to sustain life to its own needy inhabitants, and especially is this the case when the needy are without fault on their part.

#### IRRIGATION.

After dwelling upon the success of irrigation upon small scales, he broached the bold and comprehensive theory of National aid:

The great water ways in the State and on its borders have heretofore in early spring run bankful of water. In the early summer they have joined with the waters of the Mississippi and Ohio, and many seasons have spread devastation over the fertile bottoms of Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi and Louisiana, while the vegetation of a portion of Nebraska was in many places withering and drying for want of water. The government has seen fit to expend millions of dollars in the construction and maintenance of great levees to protect the property and lives of the people residing along the rivers in the south. Would it not conserve a double purpose and be productive of inestimable good to both sections if the government would direct its efforts towards turning the waters of the western tributaries of the Mississippi River into great reservoirs and thence into irrigation ditches for the development of sections of the country which now produce very little?

A proper system of irrigation would doubtless make the fertile plains of Nebraska and similar states produce an inexhaustible supply of the sweetest vegetables and best cereals, and thus by spreading the water in the springtime would reclaim the great river bottoms of our southern neighbors and make them kings of corn and cotton countries.



SILAS A. HOLCOMB.



## RAILROADS.

Instead of denouncing railroads *per se*, or urging government control, he declared:

It is an erroneously conceived idea, and quite prevalent, that the interests of the railways and the people of the State are inimical. In fact the success of each lies principally in the prosperity of the other.

I am of the opinion that if a constitutional amendment creating a board of railroad commissioners, with ample power in the premises, could be submitted to the people it would receive their approval by an overwhelming majority, and I believe this vexed question could be nearer settled satisfactorily in that than in any other manner.

## ELECTIVE FRANCHISE.

But with temporary relief, and permanent aid for irrigation, with fair and ample facilities for transportation, he urged intelligent economy and the freest exercise of the elective franchise as the great conservator of human freedom:

It is your duty to sacredly guard this right to your fellow electors and to reduce to the absolute minimum any infringement of it. Especially does it seem to me that the employees of the larger corporations should, by wise legislation, have such protecting care thrown about them that they may in the exercise of the right of suffrage act without any fear whatsoever from the displeasure of their employers, whose political convictions may be different from their own.

It is undenied that the Australian ballot law was a needed reform and has done much toward purifying elections in Nebraska, but I am confident it would grant a privilege without mischief if the law should be amended by you so that the elector can designate, where it is possible, his choice of candidates and at the same time express by his ballot his political convictions.

I would respectfully suggest that each political party having a fair percentage of the vote in any district should have representation on the election board, and that not more than two judges should be selected from any one political party.

There can be no more important subject for the careful consideration of lawmakers than the protection of the purity of the ballot, and I would most respectfully call your attention to our existing election laws and invite a

comparison with those of other states, to the end that amendments may be made rendering bribery and undue influence of the voter more nearly impossible and facilitating the more rapid and accurate counting of votes.

If the legislature and he himself shall be so fortunate as to measure up to his standard of duty, his message two years hence will have joyful acceptance.

Although possessing various political beliefs we as legislators and executive should have but one great object in view—to discharge the duties incumbent upon us in a good businesslike manner for the common good of all. Each of you as a legislator has been elected as the advocate of the principles of some political party, but today you represent all the people of your district. In my capacity I shall earnestly endeavor to be the governor of all the people.



## CHAPTER III.

### NEBRASKA IN THE UNITED STATES SENATE.

#### PRELIMINARY HISTORICAL SKETCH.

The territory of Nebraska was organized by act of congress May 30, 1854.

January 11, 1860, Nebraska passed an act to submit the question of calling a state constitutional convention which was defeated at an election March 5, 1860.

April 19, 1864, congress passed an act to enable Nebraska to submit a constitution to a vote of the people, with reference to admission as a state of the Union, and the legislature framed and submitted such an instrument, which was adopted at an election June 2, 1866. Thereupon a bill for her admission passed congress July 27, 1866, which was held by President Johnson and neither signed nor returned during the session. January 16, 1867, another bill passed and was vetoed by the president and passed over his veto on the 9th day of February, 1867.

The state constitution thus placed before congress provided for the exercise of suffrage by white male citizens only, but since emancipation had taken place and the 15th amendment was in process of adoption, an injunction was placed upon us, requiring that before admission the state legislature should agree, in behalf of the people, "that there shall be no denial of the elective franchise to any person, by reason of race or color," in the State of Nebraska. To secure this pledge, Governor Saunders convened the territorial legislature on the 20th day of February, 1867, when the fundamental condition was adopted, and President Johnson issued a proclamation March 1, 1867, declaring Nebraska a state in the Union.

There being but four days of the second session of the thirty-

ninth congress remaining, the Hon. T. M. Marquett, having been elected as member of the expiring congress, took the oath of office as the first member of congress for the new state. Three days thereafter, on March 4, 1867, began the session of the fortieth congress, with Gen. J. M. Thayer and T. W. Tipton as senators, and the Hon. John Taffe member of the house of representatives.

The following extract from the senate journal explains itself:

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

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

The senators elect were conducted to the desk of the president pro tempore by Mr. Sunner and Mr. Chandler, and the oaths prescribed by law having been administered to Mr. Thayer and Mr. Tipton, they took their seats in the senate.

MR. TRUMBULL: I offer for adoption the following resolution:

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

The resolution was adopted.

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

Mr. Tipton drew the paper numbered 1, and was placed in the class of senators whose terms will expire March 3d, 1869.

Now that I am a member of the senate, and propose some of my reminiscences for the amusement of the old, and instruction for the young, I shall adopt the pronoun "I," for directness and precision.

And I here pause upon the threshold and contemplate our surroundings.

I find Massachusetts represented by Charles Sumner and Henry Wilson. The former well read in the law, polished in letters, enjoying a world-famed acquaintance, and distinguished as the champion of slave emancipation. The latter, the John the Baptist of the toiling masses and adorning the shoemaker's bench with the senator's commission. While men could admire Sumner for his persistency and acquirements, they could love Wilson for his success and nobility of soul.

As chairman of the committee on foreign relations Sumner could not be equaled, and the great success of the military committee during the war of the rebellion was a feather in the cap of Henry Wilson. To the roll-call of Ohio responded Sherman and Wade, the former to direct the finance legislation, with an experience dating back to years in the house before his accession to the senate. "Old Ben Wade" seemed retiring from business, since there were no bombs to be cast into the slave-holders' camps, nor demands to be made for "rifles for two." With Trumbull, of Illinois, to preside over the judiciary committee, having as his associates Edmunds, Conkling, Hendricks, and Reverdy Johnson, the legal department approximated perfection.

To the standard of Kentucky rallied James Guthrie and Garret Davis; the first-named seventy-five years of age, a flat-boat trader to New Orleans, a college student, a lawyer, fifteen years a Kentucky legislator and railroad president, and secretary of the treasury for President Pierce. Mr. Davis was in his sixty-sixth year; a Kentucky gentleman of the old school, pure in life, the soul of honor, a worshiper of Henry Clay and the peculiar institution for the African's good and the safety of the Anglo-Saxon. If a stranger in the gallery asked an Indianian to point out the greatest man in the senate, the reply would be, if from a democrat, "Tom Hendricks, of course"; while the republican

retorted, "When you muster your war governors we enter Oliver P. Morton." Rhode Island was represented by William Sprague and Henry B. Anthony; the former a governor at 30 years of age, a senator at 32, and subsequently known as the husband of Miss Kate Chase.

The newer states were represented by comparatively new men, including reconstructed Tennessee. Among them Nye of Nevada was the general champion, the amusing orator, the bishop in Biblical quotations, and amidst the clinking of glasses, the festive inspirer. But as my intention is not to furnish a biography of the senate, I must pass over many of the fifty-four senators, equally worthy of mention, for during the war the states were admonished to place only on guard "the tried and the true."

Never was a body of men better acquainted with a system of legislation, for under their scrutiny and moulding influences the legal superstructure had arisen.

The war just ended had demanded a new currency and a system of revenue, and "war legislation" and constitutional modifications, and centralization of power and the fostering of the dominant political party by congressional enactments. Of the fifty-four senators seven had been elected as democrats and forty-seven as republicans; but of the latter many had been before the war democrats on the subjects of tariffs, and the construction of the constitution, and others had been whigs, agreeing with them as to the true doctrines of state rights. It was evident, therefore, that as soon as the government should be prepared to return to a peace basis again, unless the return was unanimously conceded, some republican methods would be repudiated and old cherished doctrines revived and made prominent. This defection had already commenced, and Dixon of Connecticut, Norton of Minnesota, and Doolittle of Wisconsin, were frequently joined with the opposition.

But the most conspicuous opponent of radical republicanism, during the fortieth congress and subsequently, was Andrew Johnson, president of the United States. Mr. Johnson had been a lifelong democrat, a devoted union man, of a very combative

nature, and of most uncompromising individuality. In his youth he had never gone to school, and yet he acquired a fair English education. At seventeen years of age we find him a tailor by occupation; at twenty the Mayor of Greenville, Tenn.; at twenty-seven in the legislature of the State, and at thirty-three in the State senate. He was in congress ten years, beginning in 1843, and twice elected governor prior to 1857 in which year he was elected to the United States senate.

Amidst the fury of the rebellion he left the senate to become military governor of his state, and received the nomination for vice-president in 1864. Mr. Lincoln had been assassinated April 14, 1865, and Mr. Johnson sworn into office on the 15th of the same month, only six days from the date of General Lee's surrender to General Grant.

On the 26th of May, 1865, the last army of the confederacy having surrendered, and congress not being in session, Mr. Johnson began the work of reconstructing the rebel states, according to what was known as (his) "My Policy"; and which gave ex-rebels an opportunity of controlling completely the legal white element and freemen. Congress claimed the power over the whole territory subdued by war, and stood ready to comply with the 4th article of the constitution which declares that "The United States shall guarantee to every state in this Union a republican form of government."

When, therefore that body assembled in the next session, the struggle began in earnest between the president and congress. On the second of March, 1867, an act was passed for the "reorganization of civil government in the ten rebel states," and another to "govern the tenure of civil office," both of which were promptly vetoed by the president, and as promptly passed over the veto. Thus stood the question on the day of our admission to the senate.

As General Thayer had made an honorable record in the army and had experience in Indian affairs, it was very proper that he should be assigned to duty on the military and Indian affairs committees, while he also secured an assignment to that of patents.

## SENATOR T. W. TIPTON.

1867-1875.

Thomas W. Tipton was born upon a farm, near Cadiz, Harrison County, Ohio, August 5th, 1817. His father, Rev. William Tipton, was, during fifty years, minister of the M. E. Church. His parents were pioneers to Ohio, from Huntington County, Pennsylvania. He attended common school during winter seasons, more or less interrupted by farm work until seventeen years of age. Subsequent to his eighteenth year he spent one year in a select school in Waynesburgh, Pa., two years in Allegheny College at Meadsville, and two years in Madison College at Uniontown, Fayette County, Pa., and graduated in September, 1840, delivering the valedictory.

Before graduation, as a representative of a college society, he utterly refused to appear in a joint debate, unless the faculty would allow him to argue against the "utility and policy" of the established devotion to the "dead languages," in the usual course of study. In this he displayed that trait of character, "the courage of his convictions," which stamped his personality during life and led him to change church relations and political associations in accordance with increased experience and investigation.

Leaving college and returning to Ohio for a time, he engaged in teaching and reading law, being admitted to the bar in 1844.

## CAREER IN POLITICS.

Though a Whig, he was not able to vote for Gen. Harrison in 1840, having lost his residence in Ohio, while a student in Pennsylvania. In 1844 he delivered fifty speeches for Henry Clay; in 1848 seventy-five for Gen. Taylor; in 1852, resigned a clerkship in the General Land Office in Washington, D. C., and gave four months to the campaign for Gen. Scott; in 1856 ad-

vocated Gen. Fremont as the first Republican candidate; in 1860, being in the Territory of Nebraska, could not vote for Mr. Lincoln, nor yet in 1864; in 1868 voted for General Grant; in 1872 for Horace Greeley, and canvassed extensively in the states of Nebraska and North Carolina; in 1876 canvassed in New York and Indiana for Mr. Tilden, and in 1880 in Illinois for Gen. Hancock, and in the same year was candidate for Governor of Nebraska and in 1884 worked and voted for Grover Cleveland.

In 1845 Mr. Tipton, then 28 years of age, was elected to the Ohio House of Representatives. In 1860 was a member of the territorial council of Nebraska, which answered to the state senate. In 1866 was elected to the United States Senate by the legislature of Nebraska and re-elected in 1869. In 1885 was commissioned Receiver of the United States Land Office at Bloomington, Nebraska.

From the above it appears that he cast his presidential votes for three Whig, two Republican, and four Democratic candidates, Mr. Greeley being an independent Republican endorsed by the Democratic party.

During his connection with the General Land Office in 1850, an opportunity for self-assertion and vindication drew from the young subordinate an emphatic refusal to answer questions relative to the conduct of a fellow-clerk who had fallen under the displeasure of the Honorable Secretary of Interior.

*Hon. Secy. of Interior*--DEAR SIR: Before I could answer your interrogatories I would have to sink the dignity of the man in the subserviency of the slave. Respectfully,

T. W. TIPTON.

#### CHURCH RELATION.

At a time when slavery was making its last desperate stand against freedom in the territories, and blood was freely flowing in Kansas, he made an effort to lay aside his political armor and enter the M. E. pulpit. Being then in his 38th year, a public speaker of much experience, allowing no man to think or act in his stead, he soon found what an utter failure he must become

in attempting to submit to the surveillance of presiding elders, or in approving the manipulating strategy of the episcopacy in ministerial assignments.

Soon, therefore, when called on to explain the mode of administration over his charge, and requested to be silent on the current topic of the times, his answer to the former question was: "My official members do as they please and I sustain them, and I do as I please and they sustain me." And to the latter: "I could not promise that to my father in his shroud." To a congregation he said: "While I occupy this desk you will have a free preacher, and all my words shall be free speech, and when you can no longer endure it, you may install a slave in my stead, and substitute for the Bible the Books of Mormon or Koran of Mohammed."

While between him and his people there was the most perfect accord, he deemed it prudent to decline orders, and requested the Conference to make up the record, "Discontinued at his own request," and at once adopted the democracy of the Congregational church government.

Coming to Nebraska in 1858, and elected president of Brownville College, an institution on paper, he organized a Congregational society of sixteen members, out of new and old school Presbyterians, Baptists, Methodists and Congregationalists, which was dissolved by mutual consent when the war of 1861-4 unsettled residences on the border. Eligible to a chaplaincy, he entered the 1st Nebraska Infantry in 1861 and was mustered out of Veteran Cavalry in 1865, and on the same day was appointed United States Assessor of Internal Revenue by President Johnson.

During the war he was often in charge of subsistence and transportation for loyal refugees within the Union lines, and of applications for military emancipation of slaves.

On the 13th of February, 1864, at Batesville, Arkansas, Mr. Tipton addressed the Free State Convention ordered by Mr. Lincoln.

Chaplain Tipton was mustered out of service in July, 1865,



and on the same day commissioned by President Johnson as Assessor of Internal Revenue for Nebraska. He championed the cause of immediate state organization in the political campaigns that followed, and when the state constitution was adopted and the legislature met in special session on July 4, 1866, he and Gen. John M. Thayer were made the nominees of the republican party for the two United States senatorships. The journal of the joint session held on July 11, 1866, shows that a motion to proceed to election of U. S. senator for South Platte having carried, the first ballot resulted: T. W. Tipton, 29 votes; J. Sterling Morton, 21 votes. A motion prevailing to proceed to election of U. S. senator for North Platte, the first ballot resulted: John M. Thayer, 29 votes; Andrew J. Poppleton, 21 votes. So Nebraska came into the Union with two republican United States senators.

#### PEABODY MEDAL.

On the second day of the senate session, the following March, before the organization of the senate was completed, Mr. Sumner presented resolution No. 1, "Tendering the thanks of congress to George Peabody, with a gold medal, for having donated large sums of money to states and corporations for educational purposes." During the day he called it up and asked its immediate passage, which was objected to because it had not been to a committee, and there was no evidence before the senate on which the case was founded.

On the fourth day of the session Mr. Sumner delivered a speech, highly eulogistic of the donor, who had been in Massachusetts, lived in Baltimore and made most of his immense fortune by banking in London. In this he was followed by Johnson of Maryland, one of the ablest democrats of the nation.

Mr. Tipton was well aware that an opinion obtained, that a new senator should "sit at the feet of Gamaliel" during a probation and not dare to dissent from the great leaders on the ordinary questions; but in the case before the body he saw plainly a tendency to discriminate between private citizens, and to be-

slow honors and medals where wealth was able to purchase, and he further believed that no jurisdiction should be taken by congress over any subject that was not national; and that the money from the treasury should never be taken and bestowed as gifts upon favorites. Up to this time he had not yet voted, and much as he desired to observe a modest silence, and acquire a knowledge of rules and precedents before appearing before his superiors in parliamentary knowledge and legislative experience, yet he could not consent to cast a silent vote and submit to an unfair criticism. Besides, Nebraska had not yet spoken in that august presence, and it was of the first moment that her representative should not place her in a false position.

#### NEBRASKA'S FIRST SPEECH.

His impromptu speech was as follows:

MR. TIPTON: It is not astonishing, Mr. President, that I should be solicitous in regard to the manner in which I should cast my first vote in this body. I acknowledge that solicitude on this occasion, and regret exceedingly that I feel impelled to say anything on this question at this time. Before I could vote for this resolution I should desire to understand most emphatically the position that was occupied by the donor during the time of our recent struggle for national existence. I am inclined, however, because of the source whence this resolution comes, to infer that all was right in that behalf; but I ask for no enlightenment on that point, because I am against the adoption of this resolution, not on account of any consultation with any member of this body, but from principle.

If I need any justification for my course on this occasion I desire it to be understood that, if I am the representative of any body on the floor of this senate, I am the representative of an humble constituency; with such a constituency on the frontier I have been and shall hereafter be identified; and when I know positively that I have constituents of as pure intentions in behalf of education and science and art as the grantor of this charity can be, and when I remember that some of them have done all that men could do in a private capacity, and when I see this gentleman making a munificent grant in a private capacity, I can not consent to shower on him the thanks and honors of the senate when I am not able to vote to the humblest of my

constituency who have done equally well, having done what they were able to do; and he has done no more.

I hope now that on that subject I am understood, and will be understood hereafter in all my future actions as a member of this body. So far as the munificence of this grant, as regards the amount is concerned, I concede it. Other wealthy men of our country have granted by thousands and tens of thousands, for educational purposes; and they have received the thanks of the corporations, and the thanks of states, and they will receive them again. If this grant had been for educational purposes in Nebraska I should not have come for a national endorsement for the grantor, but should have secured that from the recipients of the charity, from my own constituency in Nebraska.

\* \* \* \* \*

If this were a national gift, if it stood on the basis of the Smithsonian grant, I would, as a matter of course, be willing to vote the thanks of congress of the United States; but it stands on no national position whatever and therefore that can not be claimed for it. In making this grant the donor, I understand, declared that he did it as a duty. If it is done as a Christian charity, as a Christian duty, he has his reward hereafter, and the consciousness of it here, and I am not disposed to doubt the ability of the Almighty to reward him to the utmost, and I do not suppose it is necessary for me to help the Deity out by granting a gold medal here. I prefer to leave him to his golden reward hereafter. I think he also says he regards it as a privilege to make this gift. Sir, it is a privilege, a privilege that few men will ever have; and the benefits of the privilege are great—distinction among men here, honor after death, for having granted so much for so great a charity.

• With this view of the question, impelled to it from a sense of duty, I cannot and will not make any distinction between the giver of a dollar and the giver of a thousand, and the giver of a million, when each in his sphere and in his capacity has done all that it was possible for him to do in behalf of education, science and general literature.

On the final passage of the resolution the only votes in the negative were those of Grimes of Iowa and Tipton of Nebraska.

#### DEMOCRATIC UTTERANCE.

Eight days from this date Mr. Tipton showed his willingness to stand by a democratic utterance and as promptly to retort a republican sarcasm, while he forecast radical sentiments intensi-

ried by four years with the army. The question before the senate was, whether more than a majority of the registered votes should be required to readmit a rebel state.

MR. TIPTON: I have this to say: that the more this question is discussed the more I feel an interest in it, and the senator from Indiana (Mr. Hendricks) spoke the democratic truth when he said that such a rule as that now proposed, so subversive of the principles of democracy, would have kept a recent state out of the Union. That is true. You have never required it of the people of a territory. I represent a people who were permitted to come here, in case they could show a majority in favor of a state organization, and I will not therefore under any circumstances cast a vote by which some other constituency shall not come here by a single one of a majority. This is my democracy on a question of this kind.

The conclusion of his remarks was as follows:

Sir, we went to a loyal minority when we went with our arms in our hands to release them; and I propose to go to that loyal minority now, and a majority perhaps that would be willing to give as good attention to the poor remarks I should make as many of the senators here just at this present speaking.

I go to that loyal minority, and I say a majority of them, so help me God, shall control the destiny of the south, and the destiny of the rebels of the south. For four years we have done without the representatives of disloyalty in this chamber; for four years more we can do without the disloyal in organizing states at the south; and loyal white men and loyal black men will come to our aid in this matter. ♦

I am not willing that the disloyal, by any classification or any mathematical calculation, shall be permitted to stay at home and assist in defeating the loyal men of the north. This may be called spurious morality and philanthropy. I would suggest for the benefit of the senator from the state of New York (Mr. Conkling) that when he goes on a peddling mission with his "fine-toothed combs" he may find as much necessity for them in the purlieus of the city of New York as in the humblest freedman's cabin in the whole state of South Carolina.

#### CAUCUS RULE.

The senate convened on the 3rd of July, 1867, having adjourned from March 30, in order to supervise the actions of the

president on the question of reconstruction of the states lately in rebellion. At that time an Indian war was desolating western Kansas and Nebraska, and a portion of the senators had as much denunciation for our frontier settlers as for the murderous savages. But others than senators from the West admitted the importance of the crisis. Still there was an indisposition to act in our behalf, and a resolution was passed in caucus and offered in open senate to exclude action on all subjects at that session, excepting reconstruction. The omnipotence of the caucus was asserted by one senator as follows: "No senator can be superior to the decrees of caucus," and it was charged that men of honor must abide its decisions. To this replied Mr. Tipton:

Before the vote is taken, at whatever expense to myself in the opinion of the senate, I have a word to say. The senator from Maine asserts, as I understand, that he is warned in regard to future actions with men who differ in regard to what is honorable on a question of this kind. I was a member of that caucus. When my colleague in that caucus suggested that if we passed the resolution we might be precluded, possibly, from doing something, if an opportunity should offer, in behalf of our suffering frontier citizens and those of Kansas, I, taking that view of the question, from that moment voted against the resolution.

After voting against it in the caucus, I came into the senate. The senator from Kansas notifies the senate by a proclamation from the governor that the glorious little state calls upon her citizens, who cannot give ample protection to her own citizens, to go and help the government protect the United States property—the Union Pacific Railroad. Seeing the conditions of things there in a more precarious light than I did see them day before yesterday in the caucuses, I felt that under these circumstances I would not be true to my constituents and my state were I to allow the behests of any body, any organization, to cause me now to step aside from Kansas and her troubles, and Nebraska and her troubles, and say we will not entertain a proposition in your behalf. I should not be a man of honor if I permitted myself to act thus, and I say no senator here could claim that he acted honorably if he had gone back upon his constituency under these circumstances. I am very free to hear from any senator that he disapproves of my course, and says I am not bound by as high a principle

of honor as ever animated his breast, when with that additional notification from Kansas, I say here, neither caucus, nor senator, nor power, shall prevent me from introducing a measure, if necessary, for my own state. Charged distinctly with that, I part hands with any man, and all men, willingly.

His colleague, Gen. Thayer, being on the Indian committee, was amply able to present the question of relief with zeal and intelligence, and favored a removal of the predatory savages beyond the limits of Union Pacific Railroads; and the organization of frontier settlers into a military force for local protection. Exasperated with the sentiments of the East and insulted with the assumptions of the caucus, Mr. Tipton was in no humor to mince matters, and hence found the outside limit of parliamentary etiquette in the subjoined remarks:

#### PREMIUM ON SCALPS.

I have all faith in the secretary of war, and all faith in the chairman of the military committee of the senate, as to their good and kind intentions toward us on the frontier; and yet I do not believe that our present system of warfare is worth anything; and I mean more than is couched in that word "anything" when I utter it. It has done nothing for us on the frontier. For the last three years our people have been slaughtered every day, and this day, as it is now about the hour of half past one o'clock, undoubtedly has had its victims also.

If I could wield the legislative power of this Nation to-day, I would so remodel the whole system, that I would make it a high crime for a regular army officer to cross the Missouri River for the next twelve months; I would offer a premium for savage scalps; I would enlist the men of the frontier; I would appoint as commanders of that army the men who understand Indian warfare, if it is to be understood at all.

Our present system is inefficient. We never have successfully combatted with savages. We may worry them out by the power of this Nation; but we want an experiment at relief of some kind. And now leaving the balance that I ought not to say, for probably I should not have said what I have said in this latitude,—it is true, however,—I yield to my colleague.

## REPLY TO SENATOR WILSON.

Immediately the chairman of the military committee entered his protest against the sentiments of the senator from Nebraska, as in his opinion equally as far from Christian civilization as savage warfare. To which Mr. Tipton replied:

The senator from Massachusetts understands me in this: that so far as tribes will be bound by treaty stipulations, we will act in the utmost fairness with them. The murderous tribes now plundering and desolating our frontier will be bound by no treaty. They have no faith to keep with us. They cannot be intimidated but by an exhibition of power. You cannot speak to them about the inhumanities of life. You cannot utter to them one single word of Christian civilization. All is powerless but an exhibition of power on the part of the government. Until you can cause them to fear and tremble in your presence; until they understand that you will deal with them just as they are dealing with you, you cannot save the lives of your women and children; and when it comes to that I would authorize war upon these savages that cannot be approached. I would save the lives of our Christian women. God help the country, and the reputation of the country, when a senator is to stand in his place here and dare not be permitted to talk of the massacres, and worse than massacres of the women of his constituency, and not also to talk about premiums on savage Indian scalps.

I trust I understand the amenities of Christian society. I trust I understand something of Christian civilization. Why, certainly the light of Massachusetts has visited us long since upon that subject, and we are trying to practice puritanism as best we may be able to apply it to practice even in the very far West.

Our people are in their cabins today; they are in their dirt-covered hovels today, and they are looking from their loop-holes for some relief, and therefore I stand here proudly to vindicate the doctrine, with regard to those Indians who can hold no faith with you—premiums, anything, paid in gold for those savage scalps.

Such was the condition of affairs in the West in June, 1867, that General Sherman said, writing from Fort McPherson, Neb., to the secretary of war: "Fifty hostile Indians will checkmate three thousand soldiers." He said in an order: "We must act

with vindictive earnestness against the Sioux, even to their extermination." The result in congress was a commission ordered to attempt a treaty.

In the foregoing and a few other casual utterances counter to popular prejudice, and discarding mere conciliatory policy, appeared the senator from Nebraska, upon the skirmish line of parliamentary discussion, at the end of the first session of the 40th Congress.

This session was the most peculiar of any that had ever preceded it, inasmuch as it kept in perpetual session, by an adjournment from time to time. Meeting on March 4th, 1867, and on the 30th of the same month adjourning until the 3rd of July and on the 20th of July adjourning to the 21st of November and continuing to December 2nd, being the first day of the second session. The object being that no harm should come to the republic during a recess, from aggressive acts of President Johnson.

#### PRESIDENT JOHNSON'S MODE OF RECONSTRUCTION.

The basis on which he attempted to reorganize the rebel states provided that the persons taking part therein should have taken an oath of allegiance to the United States, according to his amnesty proclamation, and were qualified as voters according to the laws of the state before secession. And the convention or legislature should have power to "prescribe qualifications of electors and the eligibility of persons to hold office."

This left it possible for the rebels then in power to perpetuate themselves in office, through the formality of a convention and a new election, unless they were ruled out by the 14th amendment to the Constitution of the United States. Once in power again, the Freedmen were at their mercy, as to the elective franchise. As a result of this mode of reconstruction, senators and representatives for Congress were mostly taken from a class of men who had held office under the Confederacy; from those also who had abandoned seats in the Congress of the United States to levy war against the government, while legislative and state officers



were mostly taken from the ranks of the army of the Confederacy.

Persons of that class could not take the test oath, and hence could not have been admitted at Washington, even if the reconstructed states were approved. Having appointed governors at his pleasure, and settled the amounts of their salaries, and having declared peace and recognized states, he went so far as to assign Agricultural College scrip to North Carolina, assuming functions belonging to Congress. And yet the President had held very different views on rebels coming to the front in reconstruction. At Nashville, Tennessee, June 9, 1864, he said:

I say that traitors should take a back seat in the work of reconstruction. If there be but 5,000 men in Tennessee loyal to the constitution, these true and faithful men should control the work of reorganization and reformation, exclusively. If a state is to be nursed until it again gets strength it must be nursed by its friends, and not smothered by its enemies.

So marked had been his radicalism, fears were entertained, on his accession to power, that he would be impracticably severe, and being from the south, the men lately in arms had much to fear; but when he began to champion a course so much more to their taste than the plan of Congress, their spirits revived.

#### REBEL CONFESSION.

On this question Senator Tipton used the following language in a speech delivered in Congress in February, 1868:

I do not wish to be uncharitable, and am therefore inclined to pause just here, and dwell upon the fact that, if left alone, the penitent rebel and the unrepentant would neither of them be asking or desiring to-day the privilege of voting. On the day of surrender they would have said: "We entered the war against you, determined to destroy the American Union; we hated the idea of nationality; we cherished the fancy of state sovereignty; we adored the institution of slavery as a system of power and wealth, a concomitant of aristocracy, and the proper cornerstone of civil government. The appeal of our Revolutionary fathers in behalf of universal freedom were all discarded; and when men of the North were exiled from the South,

or warned not to enter it with hopes of hospitality, if they came cherishing the doctrines of Jefferson on slavery, we yielded a hearty approval. We turned our pulpits against the doctrine of universal brotherhood; we expurgated our literature; we put our orators and poets under bonds to be true to our prejudices and desires; and during all these four years of war by assassination, by conscription, by starvation in prison pens and dungeons, we have bankrupted earth for expedients of destruction. Have mercy upon us and allow us to retire to obscurity. If life and property are granted, we will ever remember your great and astounding magnanimity; but with all our national mistakes, and national sins, do not expect us to aid, and cherish, and build up through the ballot box, the late object of our vengeance. With the blood of the avenging angel on our door-posts, we cannot, in less than a generation, forget this calamity. Perhaps we have loved our states too blindly; but without doubt we have hated the government of the Union with a perfect hatred. You have administered your government without us; your ways are not as ours; besides we had sworn each to the other 'to die in the last ditch,' rather than live again under the hated stars and stripes; and now your principles are to triumph, which we do not understand. But if they redeem our desolate land; if they build up our ruined cities; if they bring commerce to our silent harbors; if they again erect the school and college; our children may some day yield that obedience which we refused. If there are any among us who can embrace your constitution; if any who can spend their time and means in sustaining your Union party by swearing truthfully that they 'never gave aid or comfort to the enemies of the country,' in your discretion let them do so."

That these men so lately in arms should be placed on probation until congress had approved of loyal state governments has been advocated by Johnson himself. He has said, "My judgment is that he (the rebel) should be subjected to a severe ordeal before he is restored to citizenship."

A fellow who takes the oath merely to save his property, and denies the validity of the oath, is a perjured man and not to be trusted. Before these repenting rebels can be trusted let them bring forth the fruits of repentance.

#### CONGRESSIONAL PLAN OF RECONSTRUCTION.

The congressional plan provided for military supervision during the process of reconstruction, and for a constitutional con-

vention of delegates, elected by the "male citizens 21 years old and upward of whatever race, color or previous condition"; and the constitution to affirm the same of the future voters, and the legislature to adopt the 14th amendment to the United States constitution. This plan discarded alike the state organizations that were overthrown, as well as those established under the Confederacy, allowing the military power to use them for provisional purposes only. The oath of office required the voter to swear that he had not been disfranchised for participation in any rebellion or civil war against the United States.

Mr. Tipton's fidelity to the congressional mode had been amply tested before his appearance as a senator, since he had been a federal office-holder, and learning that he would not be recommended to the senate for confirmation unless he adopted the policy of the president, he declined to do so, preferring to go out of office rather than give up his political convictions.

#### HAVEN OF NATIONAL SAFETY.

A few days before the House of Representatives appeared before the bar of the senate with articles of impeachment against the President, Mr. Tipton occupied the senate with a long and carefully prepared speech, covering the whole ground of debate, concluding as follows:

Mr. President: The only path of duty for us to travel is that marked out by the light of Christian civilization. We are pledged by the spirit of our institutions; by Pilgrim vows and Pilgrim faith, by interpositions of Providence from the hour of the Mayflower peril to the fall of treason's banner, to do, by our legislation, all and everything demanded by the strictest rules of Heaven's justice. When we attempted to evade a settlement of the slavery question after the American Revolution of 1776, we gradually commenced to illustrate the proposition, "Whom the gods would destroy, they first make mad." When we denied its inherent criminality and turned the Bible precepts aside, and with the emblems of bread and wine enticed Christ's humble poor to the table of communion in order that the soul driver might, with greater accuracy, cast the lariat over the head of his property, we were invoking Heaven's vengeance and mortgaging the blood of a whole generation. When

we decided to try the virtue of extorted tears, and sweat and blood, as a fertilizer for the virgin soil of the mighty West, and sought to consecrate Kansas and Nebraska to the dominion of the bloodhound and the lash, we were only preparing an amphitheatre for the greatest moral and physical contest humanity ever witnessed or valor ever crowned.

Retribution is written all over the later pages of our national history. And now comes the era of compensation: Liberty proclaimed through all the land: the swarthy sons of Africa pleading from the platform, the forum, and rostrum the cause of universal rights, and quoting in the ears of defunct aristocracy the severely true precepts of a long abused, but now triumphant democracy. By all the concentrated rays of history written in blood, I see one only path of safety for my native land, and that is universal justice.

You may sail whatever sea you choose, and shift your sails to any point you please, and whether in the calm or storm you reach the goal, there can never be peace or safety only in the haven of universal justice.

We may tamper with conscience and make concessions to the wounded spirit of a once domineering people and lie down to dream of Lazarus in Abraham's bosom and Dives in hell; we may shut our eyes and close our ears, steel our hearts and hush our voices, and then look out again upon a carnival of death, hearken to an ocean tone of woe, and die despised, traitors to country, God and man.

But if we seek only justice, then our work shall live and grow and swell into more magnificent proportions as future cras rise, and culminate in the perfection of truth and duty.

#### IMPEACHMENT OF PRESIDENT JOHNSON.

At the impeachment of President Johnson, about the 22d of February, 1868, the excitement at Washington City was at fever heat. On the 21st of the month the president of the United States had ordered the removal from office of Edwin M. Stanton, Secretary of War, in direct and deliberate violation of the law, and on the same day a resolution for his impeachment was introduced in the house of representatives, while on the 22d the president had sent for General Emory to learn what change had been recently made among the troops about the city; and had informed the general that the law requiring him to receive the

President's military order through the general of the army was unconstitutional and in violation of Emory's commission. The impression obtained that the army was to be used to oust Stanton and defy congress during the time intervening between the above dates and the 30th of March following. An order for the president's impeachment had passed the house—the house had appeared at the bar of the senate and delivered articles of impeachment, and filed a replication to the answer made by the president's attorneys. Among the managers of the House were such distinguished members as Bingham of Ohio, Gov. Boutwell of Massachusetts, Generals Butler and Logan and Thad. Stevens of Pennsylvania.

The president was defended by Ex-Attorney General Stanberry of Kentucky, Judge Curtis of Boston, Nelson of Tennessee, Evarts of New York and Groesbeck of Cincinnati. The array of talent could not be easily duplicated in the country. In the examination of witnesses Butler and Evarts took a leading part, and their intellectual struggles for the mastery and advantage in excluding and introducing testimony were highly exciting. General Butler's opening argument, prior to the introduction of testimony, occupied three hours and was a concise history of English and American impeachments, including laws and precedents, and constitutional provisions, together with an analysis of the articles before the court and with a statement of the forthcoming testimony.

The senate organized as a court was presided over by Chief Justice Chase of the supreme court of the United States. In his opening speech Manager Butler said: "Now, for the first time in the history of the world, has a nation brought before the highest tribunal its chief executive magistrate for trial and possible deposition from office, upon charges of maladministration of the powers and duties of that office."

The articles of impeachment were eleven in number. The first one charged the removal of Edwin M. Stanton, Secretary of War, in deliberate violation of law.

The second and third set forth the illegal appointment of his successor, "ad interim," there being no vacancy.

Numbers 4, 5, 6 and 7, charged a conspiracy to "intimidate by threats" and "to seize the war department by force."

Article 8 charged an intent to get control of the disbursements of the moneys of the war department; and the 9th that an attempt was made to influence General Emory, commander of the department at Washington, to receive military orders, otherwise than through the general of the army (Grant) as the law required. The 10th and 11th articles charged the president with "degrading his high office" by abusive speeches, denying the authority of congress and attempting to render null and void its legislation.

In answer,—as to the removal of the secretary of war, the president admitted the fact, but averred that he believed the act protecting the secretary from removal, unless the senate consented, was unconstitutional, and he hoped to carry the case to the supreme court. He interposed a general denial to 3, 4, 5, 6, 7 and 8, involving threats, conspiracy, etc. As to article 9 he admitted that he tried to satisfy General Emory that the law and order in question were unconstitutional and not in accordance with the general's commission. As to the 10th and 11th articles, he denied that he had done or said anything "indecent or unbecoming," or that he had been guilty of a "high misdemeanor" in office, having only exercised an allowable "freedom of opinion and speech."

The law in question limited the terms of the cabinet officers to the terms of the presidents by whom they were appointed, and for one month thereafter, subject to removal, by and with the advice and consent of the senate. It further provided that for special cause during the recess of congress, such officer might be suspended and the case reported to congress within twenty days after its assembly, and if the senate refused its concurrence, the officer was returned to duty. "Every removal, appointment or employment" made in violation of the act, was made a criminal offense involving a fine not exceeding ten thousand dollars, or five years' imprisonment, or both, at the discretion of the court.

It was argued by the counsel for the president that Mr. Stan-

ton was not the appointee of Andrew Johnson but of Mr. Lincoln, but Johnson had adopted the officers of Mr. Lincoln's cabinet, and when he resolved to get clear of Mr. Stanton, he treated him as his own appointment, by suspending him and reporting to congress within the legal twenty days, having placed General Grant temporarily in charge. As soon, however, as the senate refused to concur in the removal General Grant vacated and Mr. Stanton took possession again of the war department. Subsequently, the senate being in session, February 21, 1868, the president notified the secretary of war, "you are hereby removed," but as Mr. Stanton had been returned to duty by the action of the senate, he refused to vacate, unless the senate concurred in his removal, which would not be likely to occur.

At the same time Adjutant General Thomas had been appointed secretary of war "ad interim," and demanded possession of the office and made threats of force; but an order to use the army to oust Stanton, would have to pass through General Grant's hands; and none was issued by the president, for he denounced Grant for having already shown his sympathy for Stanton and congress, by promptly retiring from the war department in favor of the secretary. General Thomas having threatened to kick Stanton out—to "break down the doors and call on Grant for troops," he was promptly arrested and put under bonds to keep the peace, and when he complained that the arrest was made before breakfast time, Mr. Stanton furnished the whiskey and they drank together.

As General Grant was charged with the duty of supervising military reconstruction, he stated his own position to the president, in the following language: "I had fears the president would, on the removal of Mr. Stanton, appoint some one in his place who would embarrass the army in carrying out the reconstruction acts. It was to prevent such an appointment that I accepted the office of secretary of war 'ad interim,' and not for the purpose of enabling you to get rid of Mr. Stanton, by my withholding it from him in opposition to law."

## STUMP SPEECHES.

In proof of article 10, charging an attempt to bring congress into "disgrace, ridicule, hatred and contempt," reference was made to a speech at the White House, on a distinguished occasion, as follows: "We have seen hanging on the verge of the government, as it were, a body called or which assumes to be the congress of the United States, while, in fact, it is a congress of only part of the states." The second specification charged the delivery of certain "intemperate, inflammatory and scandalous harangues" at Cleveland, O., from which we extract the following: "But I tell you what I said. I called upon our congress that is trying to break up the government—[a voice, 'You lie,' and cheers]. Not so. [Hisses.] 'Don't get mad, Andy.' Who is he? What language does he speak? What religion does he profess that he can come and place his finger upon one pledge I ever violated, or one principle I ever proved false to? [Voice, 'New Orleans.'] 'Why don't you hang Jeff Davis?' [Shouts and cries of 'Down with him.'] Hang Jeff Davis? [Voice, 'Hang Wendell Phillips.'] Why don't you hang him? [Give us an opportunity.'] Haven't you got the court? Haven't you got the attorney general? Who is your Chief Justice who has refused to sit on his trial? [Groans and cheers.]. I am not the Chief Justice; I am no jury. ['Don't get mad.']. I am not mad. [Hisses]."

This bandying of epithets—this throwing of mud with an infuriated drunken mob, just after he had been received by the people in civic processions and with all the honors a great city could bestow, and while a magnificent banquet was being prepared, was certainly the most humiliating exhibition of a chief magistrate ever made before the American people. From its great length, it seemed an effort to overcome the rabble, and carry away the honors of billingsgate. Specification 3 set forth the speech at St. Louis, on a grand reception to himself and cabinet, and was a counterpart of the affair at Cleveland. The running fire continued from the second sentence to the end of the outdoor harangue. The interlarding exclamations were: "Bully for



you! Hurrah for Andy! Good" [groans and cheers]—"Stick to that! Kick them out! Go it, Andy!" To the charge of traitor he exclaimed: "Judas, Judas Iscariot, Judas! There was a Judas once, one of the twelve apostles. O, yes, and these twelve apostles had a Christ, and he never could have had a Judas unless he had had twelve apostles. If I have played the Judas, who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? [Hisses and cheers.] These are the men that set up and compare themselves with the Savior of men, and everybody that differs with them in opinion, and to try to stay and arrest their diabolical and nefarious policy is to be denounced as Judas. ['Hurrah for Andy' and cheers.]"

On this occasion of speechmaking the president and cabinet had been attending the ceremonies on laying the corner-stone of a monument to Stephen A. Douglas in the state of Illinois.

After able arguments, the vote of the senate was taken on the 11th, 2d and 3d articles, which showed thirty-five senators for impeachment and nineteen in the negative. But as the affirmative failed to register thirty-six, or two-thirds of all, the other eight articles were abandoned, and the result declared in the negative. The senators from Nebraska, believing the president had no right to assume the duty of the supreme court and declare a law unconstitutional, voted for impeachment.

#### GREEK MEETS GREEK.

The occasion being one of such solemn import the distinguished attorneys but seldom indulged in pleasantry or sarcasm. But on one occasion when Mr. Stanberry put a question in a particular way General Butler said: "Sometimes this rule has been relaxed in favor of very young counsel [laughter], who did not know what a leading question was, not otherwise. I have seen very young men make mistakes by accident, and I have known the courts to let them up and say, 'We will not hold the rule, if you made an accident.'"

To which Stanberry retorted: "The gentleman says I am an

old lawyer, long at the bar. I hope I never have disgraced that position. He intimates that I have resorted to the tactics of the Old Bailey court for the purpose of making factious opposition. I scorn any such imputation."

The only fanciful passage of words took place between Manager Boutwell and Mr. Evarts in their final speeches. Mr. Boutwell said: "Travelers and astronomers inform us that in the southern heavens, near the southern cross, there is a vast space which the uneducated call the hole in the sky, where the eye of man with the aid of the powers of the telescope has been unable to discover nebulae, or asteroid, or comet, or planet, or star, or sun. In that dreary, cold region of space which is only known to be less than infinite by the evidence of creation elsewhere, the Great Author of celestial mechanism has left the chaos which was in the beginning. If this earth was capable of the sentiments and motions of justice and virtue, which in human mortal beings are the evidence and the pledge of our Divine origin and the immortal destiny, it would heave and throe with the energy of the elemental force of nature and project this enemy of two races of men into that vast region, there forever to exist in a solitude eternal as life, or as the absence of life, emblematical of, if not really, that 'outer darkness' of which the Savior of man spoke in warning to those who are the enemies of themselves, of their race and of their God." To which Mr. Evarts made reply: "Truly this is a great undertaking, and if the learned manager can only get over the obstacles of the laws of nature the constitution will not stand in his way. Nobody knows where that space is but the learned manager himself, and he is the necessary deputy to execute the judgment of the court. [Laughter.] Let it then be provided that in case of your sentence of deposition and removal from office the honorable and astronomical manager shall take into his own hands the execution of the sentence. With the president made fast to his broad and strong shoulders, and, having already essayed the flight by imagination,—better prepared than anybody else to execute it in form,—taking the advantage of ladders as far as ladders will go, to the top of this

great Capitol, and spurning then with his foot the crest of Liberty, let him set out upon his flight [laughter], while the two houses of congress and all the people of the United States shall shout '*Sic itur ad astra.*'" [Laughter.]

## JUDICIAL OPINION.

As Senator Tipton relied upon the 1st, 2d, and 3d articles of impeachment for the establishment of a misdemeanor, an extract only from that portion of the opinion need be produced. Such opinions, when produced, were filed and published by order of the senate.

By every reasonable rule of construction it seems perfectly plain that Mr. Stanton has not been removed by force of the civil tenure act, and consequently is entitled to its protection, which was accorded to him by the senate when they restored him from suspension by their vote of January 13, 1868. Having attempted to accomplish that independent of the senate which he failed to secure when admitting the constitutionality of the act by yielding to its provisions for suspension, the president has certainly been guilty, as charged in the 1st article, of a "high misdemeanor in office." The plea which he makes in his answer, that he does not believe the act of March 2d, 1867, constitutional, cannot avail him, since, when congress passed the act and laid it before him for his signature, he having vetoed it, it was then passed over the veto by three-fourths of each branch of congress—the provision of the Constitution being that a bill passed by two-thirds of each house over the president's veto "shall become a law." Having thus become a law, he had no discretion but to enforce it as such; and by disregarding it merited all the penalties thus incurred. He is not to be shielded behind the opinion of his cabinet, although they may have advised him to disregard the law, since their only business is to obey and enforce the laws governing their several departments, and neither to claim or exercise judicial functions. The plea of innocent intentions is certainly not to vindicate him for having violated a law, for every criminal would be able to plead justifiable motives in extenuation of punishment, till every law was broken and every barrier of safety set aside. It has been argued that as Mr. Stanton has continued to occupy the War Office, and the removal has not been entirely completed, the penalty for removal

can not attach; but Mr. Johnson receives General Thomas as Secretary of War at his cabinet meetings, thus affirming his belief that Thomas is entitled to be accredited as such. It should be remembered in this connection, that it is a high misdemeanor to attempt to do an act which is a misdemeanor.

The removal of Mr. Stanton, against law, would be a "high misdemeanor," and a persistent effort in that direction, issuing orders, withdrawing association from him and accrediting another, does in my opinion constitute a "high misdemeanor."

By article 2 he stands charged, during the session of the senate, with having issued a letter of authority to Lorenzo Thomas, authorizing him and commanding him to assume and exercise the functions of Secretary of the Department of War, without the advice and consent of the senate, which is charged to have been in violation of the express letter of the constitution and of the act of March 2, 1867. If the president, during a session of the senate, can remove one officer and appoint *ad interim*, so he may remove any or all, and thus usurp departments and offices, while the people seek in vain for the restraining and supervising power of a prostrate and insulted tribunal.

Believing that the stability of government depends upon the faithful enforcement of law, and the laws of a Republic being a transcript of the people's will, and always repealable by their instructions or change of public servants, I would demand their enforcement by the president, independent of any opinion of his relative to necessity, propriety or constitutionality.

#### PROBATION ENDED.

Inasmuch as Nebraska had been admitted as a state of the Union after complying with a "condition precedent," Mr. Tipton felt no hesitancy in demanding as much from each of the reconstructed states. But as soon as a compliance was obtained, he protested against any further probation, while some senators seemed to look after new sources of delay and party advantage. In the matter of the claim of Mr. Sawyer, of South Carolina, for admission to the senate he said:

In all my meditations on the subject I fancied, years ago, during the progress of the war, that it would be enough to live for, if I should be permitted to have an opportunity

of witnessing, not as a member of this body, but as a citizen of the United States, the return of senators from states so recently in rebellion.

I supposed their return would invoke a degree of enthusiasm and ardor, an extending of hands and opening of hearts, and an utterance on our part that would show that the consummation was one which was worthy to have received a treasure of money and a treasure of love. And now we stand here and higggle when South Carolina, the first to leave us, and one of the last to return, presents herself, and we ask for precedents, forsooth. I believe that the senator who presents himself here for admission is as loyal as I am, and I think I am loyal enough for all practical purposes. I stand here, therefore, heartily, freely and devotedly to welcome this additional representative from South Carolina.

#### VIRGINIA.

After the state of Virginia had adopted a constitution in strict compliance with the act of congress, and for that purpose, and an effort was made to send her back for new pledges, Mr. Tipton vindicated her in a speech, claiming that she had done all that was required of her; and specified the adoption of the 13th amendment, which abolished slavery; and the 14th, which established citizenship, and excluded from future representatives in Congress such as resigned to go into the rebellion and made payment of rebel debts or claims for slave property impossible, and declared the public debt of the United States should never be questioned. He gave her further credit that, "so far as Virginia is concerned, she has done her part in the adoption of the 15th amendment also," conceding impartial suffrage.

#### MISSISSIPPI.

February 11th, 1870, the contest was bitter in the case of Mississippi, but a single paragraph is enough to show how ardent an advocate she had from the new state of Nebraska.

You say that in some future time, between now and the sounding of Gabriel's trumpet, you are afraid Mississippi will undertake to change her law on the subject of education. Is that any of your business? Can you say to my

little State of Nebraska that she shall never change her laws on the subject of education? She may change them when she pleases and she will ask nothing of you or this congress, and after she has changed them she will be amenable only to the constitution of the United States.

And if 30,000 majority of colored men, if a colored party in Mississippi, linked hand in hand with a large white republican vote, is not able to take care of their educational interests, then appoint an administrator for them and leave the State out until she can take care of herself. No, sir; it is a magnificent farce; it is a consummation of radicalism run mad to say that you will not trust a people who have done everything and a little more than some of you desired them to do.

Mississippi sends here what Ohio cannot do, what Massachusetts cannot do; she sends a colored senator. Is that not enough for you? And yet you say to her, "Are you in earnest?"

#### GEORGIA.

But the most persistent contest for party advantage arose in the case of Georgia, two years after her members were admitted to the house of representatives; but prior to the admission of her senator. An act of her legislature unseating twenty-five colored members, which her supreme court declared unconstitutional, had caused the senate to delay the admission of the Georgia senators. Just then the time was approaching for the re-election of State and legislative officers, but those in power, seeming to fear their ability to be re-elected, asked congress to declare the government of Georgia provisional, and to allow them to hold two years more without a re-election.

Fortified with the constitution of the State, the laws and journals of her legislature, the messages of her governor, the history of her judiciary and of her financial department, Mr. Tipton entered into the discussion utterly regardless of the political bearing of the question.

To the numerous arguments offered in behalf of new terms without an election, he said:

The truth is that in the state of Georgia there are aspirants in the republican party for all the prominent offices in the State. Their anticipations have not been realized.

They tell us if we do not perpetuate their power justice cannot be done the colored voters. I desire the triumph of the republican party in Georgia, but, sir, notwithstanding that, I am here the sworn representative of a State, and it is my business to look into the constitution and the laws, and not sit here for the purpose of doing that which is most agreeable to my own desires in their behalf, but to enforce the constitution of the United States and of Georgia, as far as we may legitimately. Within those lines I will perform no duty whatever under an influence here or from abroad.

Efforts were made to influence independent senators by the administration newspapers of the city, and by Georgia carpet-baggers, who claimed that the president desired their perpetuation in power. In the final disposition of the case, an independent republican and democratic vote sent Georgia home, to go to the polls, as provided by law, and obey her constitution.

But it was not till the 30th of March, 1870, that Texas came back, as the last prodigal of the confederacy, and reconstruction was complete; while on the same day publication was made that the 15th amendment to the United States was adopted.

The more enthusiastic citizen fancied this the dawn of the political millenium, but the thoughtful one could discover a dark night and a rough sea. To bring back the national government to the theory and practice of peace measures, after years of war and military reconstruction, was to become a Herculean task.

#### FINAL RESULTS.

Senators were divided upon numerous questions (now vital), which during war could be ignored as only side issues. The advocates of centralization of power were reinforced by twenty new associates from the reconstructed states. Leaders who had heretofore conceded much to liberal republicans, could now defy them, while the small band of reformers found their co-workers in the democratic minority.

Soon, also, an imperious majority found their new allies, the

carpet-baggers of the south, through ignorance, mistakes and crimes, were disgracing themselves, and bringing reproach upon the party, and the president which had appointed them. Distinguished senators who had been standard-bearers in every hour of the war were commanding a halt, and a "right about face." Senator Trumbull, of Illinois, the Ajax of the judiciary committee, exclaimed: "Show me that it is necessary to exercise any power belonging to the government of the United States in order to maintain its authority and I am ready to put it forth. But, Sir, I am not willing to undertake to enter the states for the purpose of punishing individual offenses against their authority committed by one citizen against another."

Senator Hamlin, who was elected vice president with Mr. Lincoln, seeing that congress had become the national incorporation mill, with which to grind our special acts of incorporation for the "favored few," raised a note of warning. Mr. Hamlin said: "It belongs to that class of legislation which for long, long years was excluded from the halls of congress; and the sooner we return to that rule and exclude every species of legislation from congress that appropriately belongs to the states, and may be fully exercised by the states, the better." They who were anxious to rid the party of the cormorants of corruption were admonished by the venerable Simon Cameron, who said: "It is not our business to expose our delinquents, for that belongs to our opponents."

The war governor of Indiana, Mr. Morton, proclaimed his intention to legislate for the republican party. Charles Sumner, the greatest living American, in the opinion of foreign nations, was degraded in the senate for his opinions, excluded from the White House, and censured by the legislature of Massachusetts; but outlived the storm of passion, saw the resolution of censure expunged, and a message announcing it spread upon the journal of the senate, then gathering his official robes about him, retired to his chamber whence he was carried to his grave.



## THE ISSUE ACCEPTED.

Early in December, 1874, Senator Trumbull, of Illinois, introduced a resolution for examining into all the expenditures of the government, and the reducing of the number of office-holders and the examination of applicants for office, and the separation of the government patronage from the machinery of party. His resolution was the exact copy of one adopted some years before, which at that time was regarded necessary, efficient and innocent; but a committee had lately discovered such widespread extravagance and corruption, resulting in part from war demoralization, that unscrupulous politicians protested against a full and searching examination. The senators who were urging this investigation had not yet declared themselves independent of the republican party; but it was becoming evident that a breach could not long be avoided unless the tyranny of imperious leaders could be abated.

The court organ, the *Chronicle*, claimed that "the purpose of the investigation was to cast dirt upon the administration"; while the leaders near the throne exclaimed, "Behold the enemies of the republican party!"

The democrats of the senate sympathized with the investigation movement, but refrained from discussion, delighted with a republican controversy which might inure to the advantage of democracy.

Despising double dealing or prevarication, Senator Tipton accepted the issue, drew the sword and threw away the scabbard. **Mr. Tipton:**

Yesterday evening the honorable senator from Indiana (Mr. Morton) said, "I am not mistaken about the whole drift of this debate. It has been to show that there is corruption existing under this administration, and gross corruption." Certainly, that is just what I mean when I enter into this debate; but to the other part of the proposition of the senator from Indiana I plead not guilty; that the drift of the debate is a reflection on the republican party. No, sir. I believe that the republican party is worthy yet to be redeemed from the curse that rests upon it to-day on account of the mistakes of the administration, and the corrupt and downright plundering of dishonest office holders.

But I do plead guilty to that other charge, that there is corruption, deep and damning and festering, all through this administration of ours. I believe it, and I have uttered it.

At this date in the discussion Senator Wilson, of Massachusetts, admitted that millions of people were receiving the impression that there was a desire on the part of senators to cover up and shield the shortcomings of the administration. Other senators denied everything, among them the senator from Nevada, to whom Mr. Tipton replied:

#### CHAPLAIN'S CYCLONE.

The honorable senator from Nevada (Mr. Nye), with all his blandishments of external oratory for which he is so famous, treated us with a high-flown description of the purity of the party at the present time, and also congratulated the country that so little of speculation had occurred. He caused me to remember the prayer of the chaplain from your desk. Sir, on the first morning of the present session, when he thanked the Supreme Ruler of the universe that after the cyclone—he called it the cyclone [laughter]—had passed over the land there was more left than was taken. [Laughter.] I come here to plant myself beside the chaplain and to change the tenor of the prayer, and refer it to my party; and I am thankful that although the cyclone of corruption has been passing over it there is little more left than was taken. [Laughter.]

#### OFFICIAL REMOVALS.

There being no democrats in office, every time a change in the republican senators took place, republicans had to be removed, even without cause, to supply places for new applicants. Of this policy Mr. Tipton said, when Mr. Hitchcock was elected, "And here I stand, saying to my colleague, go forward, enthrone your friends, bury mine out of sight; only permit me to close my ears and bandage my eyes so that I shall not hear the crack of the rifle that drops them to the dust, or see their bodies swing from the political gibbet. [Laughter.] If it was proper here to-day, I would make respectful mention of those gentlemen by name, in order that they might go upon the records, and if there is no political salvation for them otherwise,

save them in the *Globe*." [Laughter.] Of an amendment offered, which would take all the vitality out of the original resolution, Mr. Tipton said: "Mr. President, they bring us in their resolution, a political corpse, shrouded and confined, hereafter to be animated with a very lamblike soul, which shall only receive its retrenchment authority when the honorable senator from New York (Mr. Conkling), standing by its temporary tomb in the majestic attitude of a Republican Deity, shall infuse life into it, and bid it go forth."

As a justification for pressing an investigation the facts were announced that lately a defalcation had been discovered in the treasury of nearly half a million in the accounts of a single disbursing officer, and that a single witness pointed out to a committee fifty thousand dollars paid out for no service whatever, and that bribes were received, as a matter of custom, by custom-house officials; and that many persons were carried on the pay-rolls, as a matter of party favor, who never performed labor.

Sir, this report is not a very old one. I presume the memory of the gentlemen on the other side can run back that far—March, 1871. While we have such a report as this on record, and while the very first clause of the resolution of the senator from Illinois provides for looking into that state of affairs, the senator from Nevada (Mr. Nye), with all that placidity which characterizes him, comes in and says: "The occasion is passed by; all is lovely and the bird of Jove soars heavenward." [Laughter.]

The thought that five senators could seriously damage a great party, having a clear majority of more than fifty in this body, was so supremely ridiculous that it could not escape the speaker.

Is there not a majority of us here? Or, where we are all on one side, can we talk about majorities at all? These democratic members I look upon as here simply by our kind permission. [Laughter.] Would they have any rights to seats in the senate of the United States unless they subscribed to our creed? which I trust in good time they will all do. [Laughter.] I say we are a majority here, and we

can organize the committee, therefore, so that neither the senator from Missouri nor any other senator can get such a degree of control as to injure the republican party.

#### INDEPENDENT SENATORS.

At that time the five senators who were seeking a reform inside the party, were Sumner, of Massachusetts, Trumbull, of Illinois, Schurz, of Missouri, Fenton, of New York, and Tipton, of Nebraska. And in one year from that date they were known as liberal republicans, advocating Horace Greeley for president against General Grant.

The most offensive thing imaginable, to an honorable-minded man, was the threat of discipline from the White House, which was disposed of as follows:

I was informed that according to the manner in which offices were awarded on the rule of fidelity to party, if I did not desist I would be read out of the party in the city of Washington. My simple response was, "Washington has nothing to do with me; let the authorities in Washington mind their business and I will take care of mine." May I not as an honest republican suppose that there might be a senator on this floor better qualified to control the destinies of this nation than the intellectual colossus who now sits in the White House. [Laughter.] And yet if I hold an opinion of that kind, am I to be denounced as entirely opposing the interest of my party. Has it come to this, that we have only one standard-bearer and only one man under whom we can marshal and be loyal?

The terrible fear of exposure of profligacy and corruption, and the insane ravings against party purification, evoked the spirit of ridicule, as follows:

When it is proposed to give power to send for persons and papers, senators who had lived heretofore apparently for no other purpose, having no visible means of occupation except sending for persons and papers, throw themselves into an attitude of perfect horror. Grasping the constitution of the country they exclaim, "What! send for persons and papers when this blessed document declares that men's persons and papers shall not be subject to unnecessary seizure?" No, that is so much for declamation and so much for the *praises* and the intelligent men in the back country. [Laughter.]

## IRONICAL.

Irony was also a very potent instrument in the senator's attack:

The president has spoken in behalf of reform. I stand by his side on the platform of reform. I think the senator from Illinois is ranged upon the same platform, if I understand him. I think the senator of Missouri has been there occupying it so long that, if a platform could be cultivated, he might as a pre-emptor take possession of it. Is there a little arrangement by which the president is to commit his party to reform in his message; and then is there an understanding that his special friends in the senate will hold back in the traces and let him have the glory of reform and they never let the people have the benefit of it? Of course there is nothing of the kind intended; but I fear the gentlemen will be placed in a false position, and being a lover of humanity I would not willingly see them slaughtered."

Before the debate was closed, the result was clearly outlined, namely, that the resolution should be amended till perfectly harmless, as to criminals, and that no liberal republican should become its chairman. The debate was long, bitter and merciless, in which Edmunds, of Vermont, and Conkling, of New York, with Sherman of Ohio and Nye of Nevada, applied the brakes, while Trumbull, Schurz and Tipton manufactured steam.

Sir, I have done what I could to present the views which I have on this subject; but if we are overruled here, we have the consolation of knowing that, perhaps, clear-headed honesty, pure-hearted integrity, unskilled in the wiles of the politician and the necessity of hard-pressed partisan leaders, may sometime come to the conclusion that though we lose the cause to-day, we shall yet gain it in that better time coming.

## LEGISLATIVE, MILITARY AND OFFICIAL USURPATIONS.

On the 9th day of February, 1872, Mr. Tipton addressed the senate on Sumner's amendment of the bill for the removal of legal and political disabilities, his theme being Legislative, Military and Official Usurpations. After giving a hearty assent

to the declaration of a senator from Connecticut that the obnoxious amendment tended to "consolidate all authority in this nation into one imperial government," he adopted the proposition of a senator of the state of Maine, that it was "without warrant in the constitution and undertook to regulate the personal, social, religious and domiciliary rights of the people."

He then proceeded:

Mr. President, the amendment of the senator from Massachusetts is offered for the purpose of securing to all citizens, irrespective of race, color or previous servitude, the right to all the benefits of common carriers, of hotels, of the theatres, of the churches, of the schools, and of such other institutions as are organized or chartered by the states, or as are supported by taxes and as are of similar character. Our laws, as your laws, Sir, guarantee to every man, without respect to his color, the privilege of first-class transportation wherever first-class transportation is sought—the transportation of goods, of wares, of merchandise—as freely for one class as for another. I hold, therefore, that there is no necessity in the first place for any national legislation for the purpose of guaranteeing that which we already fully and unqualifiedly possess.

In regard to the hotels, it is the same; and every one of the citizens of Nebraska who is injured by a deprivation of rights on the part of the railroads, on the part of any common carriers, or on the part of the hotel keepers of the State, has an action for damages, and the courts are open, ready to award all that may have been suffered in damages.

So far as our theatres are concerned, we have never come to the conclusion yet that if our theatres should establish rules and regulations by which one portion of our community should be excluded and another portion admitted, it was possible to ascertain by any standard of damages we had ever set up just how far a freeborn American citizen should be entitled to damages in case he should not be admitted to witness an exhibition of the performance of "the Black Crook!"

We never have come to the conclusion yet that it was necessary that the national government should legislate in regard to who should be admitted to the communion of our churches, or what should be the rule of exclusion there.

I therefore enter my protest against all this species of legislation, whether it be upon subjects specified in the amendment of the senator from Massachusetts, or whether it be involved in any other bill touching this same species of rights.

He claimed that by this most fallacious and pernicious course, in utter disregard of the reserved rights of the people of the states, the army had appeared at the polls, and assumed to direct state, municipal and national elections.

Mr. President, I read from the message of Governor Geary, of Pennsylvania, to the legislature of that state of 1871, page 38, to show how far, in the opinion of the executive of a State, we have already transgressed while marching on the road on which we seem to be traveling this morning:

“The employment of United States troops at elections, without the consent of the local and State governments, has lately received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the States, which was not contemplated by the founders of the general Government, and if persisted in, must lead to results disastrous to peace and harmony.”

The above Republican authority was followed by a Democratic utterance. In his message of January 3, 1871, to the Legislature of New York, Governor Hoffman sustained the Governor of Pennsylvania in his denunciation of Federal interference in State elections, and in referring to the same law which Governor Geary had denounced, said: “Under color of this act, the president and other United States officials claimed the right to supervise the entire election, not only for representatives in congress, but for State and local officers.”

The concluding words of Governor Hoffman’s message are maxims of wisdom and gems of truth worthy of everlasting remembrance:

“To depend for the peace and order of localities”——

I quote this as especially applicable to the condition of the States over which we propose to extend this legislation to-day:

“To depend for the peace and order of localities on the Federal Army is not self-government: to substitute the regular soldier with his musket as a peace officer in place of the constable with his writ, is not to preserve the peace, but to establish the condition of war; to surrender elections to the control of the president, supported by armed forces, is to surrender liberty and to abandon a republic.”

So say I in regard to this legislation here, that to appeal to congress is not to support self-government: to rely upon the national arm to enforce the law in regard to the rights of the people as to common carriers and hotel keepers and churches and cemeteries is not to rely upon the inborn

rights of the American citizen for protection, but is to go away from his local government, away from his local legislature, and to seek outside of the pale of his own State and his own legitimate legislative province the protection of the central power of the Union.

At this point of his speech, Mr. Tipton presented a list of the names of fifty-four supervisors and special deputies appointed by Judge Woodruff of the United States Circuit Court of New York, to enforce the above mentioned law, which was read by the clerk of the Senate. These officers were divided among jail-birds, penitentiary convicts, thieves, burglars, robbers, keepers of low dives and houses of ill fame, showing beyond a possibility of a doubt that a law was considered infamous when such degraded characters were called on to enforce it.

#### ARMY.

Mr. Tipton called attention to the fact that the army had adopted the doctrine of the supreme authority of the military over the civil power, as illustrated after the great fire in Chicago; in which a military commander, in utter defiance of the Governor of the State, and without shadow of law, organized troops and held control against the protest of Governor Palmer, which was in the following words: "That the duty of the president is to see that the laws of the United States are enforced, and that of the Governor of Illinois is confined to the enforcement of the laws of the State." The Governor declared "The disastrous fire in Chicago did not relieve the state of Illinois from any of its duties, nor transfer any of them to the Government of the United States." But notwithstanding all his efforts to vindicate the dignity of the State, Governor Palmer asserted, more in sorrow than in anger, "Military officers seem to believe that, under our system of government, it is a part of the duty of the officers of the army to superintend the administration of the local governments." Said Mr. Tipton, "The point I make is this, that when we have legislated so recklessly, the army has followed us equally as heedlessly and



Federal office-holders, taking example, have set themselves up also, with as much despotic arrogance as the military has ever assumed."

OFFICIAL CORRUPTION.

On official corruption he quoted largely from the Message of Governor Warmoth, of Louisiana, January, 1872, in which that Republican Governor said:

In a time of profound peace, without any competent authority, or the least necessity, and without consultation with or the consent of the State authorities, the United States officials here, in violation of law, convoked a political convention in the custom-house in New Orleans, and this against the wishes and in the face of the solemn protest of a large majority of the convention. The doors of the custom-house were locked and barred for a day, and the whole business public who had interests there were excluded. United States deputy marshals, selected in many instances from rough and lawless characters, were especially deputized for the occasion, armed with loaded revolvers, and stationed within the building and around the United States court room designed for the convention. The United States marshal previously declared that they should be so stationed within the convention itself.

The United States troops were drawn up in the custom-house. Their very presence was an alarming attack upon the right of public assemblage, and upon every tradition and principle of American liberty. I cannot suffer it to pass by without entering against it my solemn protest, and inviting you most seriously to join with me in asking the national Government to investigate the outrages of its subordinate officers and to punish the guilty parties.

In addition the Governor detailed a greater outrage, as follows:

At the moment of the assembling of the House of Representatives a number of United States marshals armed with warrants from a United States Commissioner, based on a frivolous affidavit of members of the conspiracy, suddenly arrested eighteen Representatives, four Senators and the Governor and Lieutenant Governor. The revenue cutter *Wilderness* has been employed to take the conspirators beyond the jurisdiction of the sergeant-at-arms.

## SAN DOMINGO.

Having submitted a vast array of evidence which could not be questioned, and never was, with a lively remembrance of the struggle, just then passed, over the effort to annex San Domingo, when New York landsharks and White House officials used war steamers to intimidate Hayti, Mr. Tipton closed his discussion, as follows, referring to General Grant:

In forming a treaty he was "the Chief Magistrate," in declaring war he was "the Congress of the United States," and in "using all his influence privately" to forestall the Senate decision as per agreement of Babcock and Baez, he became a lobbyist in the outer halls of the Capitol.

Thus, Mr. President, do we see to-day not absolute anarchy running wild in our own country at home, but an utter disregard of the States, and utter disregard of the will of the people, the setting up of Congress in its legislation high above the authority of the people's constitutions; the army vying with Congress and the office-holders vying with the army in doing whatever may seem good to them in their judgments in order to accomplish the ultimate but impossible object of the elevation again of a Chief Magistrate who has thus united with the army and Congress and office-holders until the nation revolts, and will yet register its edict of revolt.

After the churches and schools and cemeteries were released from the penalties of the Sumner amendment, the bill was passed, to supervise common carriers, hotels, theaters and other places of amusement, the Nebraska Senator voting in the negative. In a few years his vote was vindicated, by a decision of the Supreme Court of the United States, declaring the law unconstitutional.

## TEMPEST IN A TEAPOT.

Fifty years ago the cry went out from Washington that a democratic president, Mr. Van Buren, had "gold spoons" upon his table at the White House. The country was horrified, and the orator who described the digression from primitive simplicity to European aristocratic extravagance, was ever after known as "Spooney Ogle," his name being Charles Ogle, of

Pennsylvania. Never since government was established on earth was there such an exciting campaign as that of 1840. The Whigs nominated General Harrison, and adopted the emblem of the log cabin, decorated with coon skins, hard cider barrels, latchstring hanging out and chimney half burned away. The political cyclone was irresistible, and Hail Columbia and Yankee Doodle were shelved for an introduction to a tempest in a teapot.

On the 7th day of January, 1874, the question of repealing a bill regulating congressmen's salaries, passed in a preceding session, was before the senate. The law in question had placed salaries at \$7,500 per year, but had taken away excessive mileage, put a limit on stationery and left members without the franking privilege. Previously a senator from Oregon might receive \$7,500 in pay and mileage, where one from Maryland could only draw \$5,000, his mileage being so small. The law had been made to act back to the beginning of the session and thus raised the salaries of that present congress. But as congress was the only power that could establish salaries, the question of when an act should take effect was one for their own discretion, and in this case they followed universal precedent. It was not a party vote that had established the laws, but the democratic party were attacking the republicans for extravagance and a portion of the republican press was preaching economy and hence they vied with each other in denouncing the new law as a "salary grab." Some senators who had always received their pay in this manner before became suddenly virtuous and turned the "back pay" into the treasury, others promising their constituents that if forgiven they would vote for the repeal of the law, and others asked to be instructed so they could do the will of their political friends. In the next general election, after the new enactment, the party in power lost members of congress and assembled at Washington to make speedy atonement.

To this state of affairs Mr. Tipton alluded in the subjoined extract in reply to a correction made by a senator from Iowa:

What causes me then to have an oblivious condition of mind on this subject, results from the fact that during all the campaign I understood by the public press, and the public press must be respected, that the senator from Iowa was making an atonement for the past, and would come here in hot haste and get here about twenty-four hours probably before the senate would convene, in order to get a bill in first on this subject to put him right before the country. I thought probably, therefore, that he had something to atone for, as he was in such hot haste, and I should not be astonished, from the manner in which his bill came here, if he had privately suggested to the chaplain of the senate to be as brief as possible for fear somebody else would cut under him and get another bill in first.

Mr. Tipton believed from the first that, unless a change was made in salaries, poor men were doomed to stay at home, and millionaires occupy the senate and house; and hence when a proposition came up to take back by future legislation what members had received by express law there was no alternative but to use recorded facts, "without fear, affectation or favor."

#### SENATORS ON THE RACK.

In order to show that the retroacting clause of the law was not the cause of the public clamor he pointed to the fact that, from the foundation of the government to the present time, every such law had acted back upon the congress in which it was passed. Mr. Tipton:

I say, therefore, unhesitating and positively, that the attack upon the integrity of congress, of being thieves and plunderers of the treasury, was not on account of any peculiarity of the law. Did any man dare before last spring charge the present vice president, Mr. Wilson, with being a salary grabber and back-pay plunderer? Never! and yet it is upon record that in 1856 his extra pay amounted to \$2,168. Time rolled on, and in 1866 again he received back pay, \$2,805, and with the back pay of those two laws, amounting to \$5,000, in his pockets, he was triumphantly elected vice president of the United States.

How had it fared with other gentlemen? Have the people of Ohio attempted, at any time, to drive from his seat the gentleman who has just addressed the senate (Mr. Sherman)

because in 1866 he received back pay to the amount of \$2,805? No! Rather they have given him their confidence, and left the pay attaching to his personal goods and chattels.

How has it fared with the honorable senator from Rhode Island, Mr. Anthony? In 1866 he received \$2,805 back pay, and he has received the constant unfaltering affection and sustaining influence of his constituency.

The honorable senator from Michigan, Mr. Chandler, in 1866 received \$2,805, and instead of being denounced for having back pay has received the appellation of the War Senator of the United States.

Where is Hendricks, of Indiana, once a member on this floor, who received \$2,805 in 1866? He is the honored executive of the great state of Indiana.

Go to the cabinet of the president.

Is there one there who has not pocketed his back pay?

The Postmaster General in 1866 received \$2,805, and from that time to this has been honored, or has reflected honor on the state of Maryland.

The Attorney General has \$2,805 paid him as a senator.

The Secretary of State, who has carried himself so well in his high office, received \$2,237 as a senator in 1856.

I say, therefore, that I cannot for one moment believe that it is owing to the retroactive feature of that law that members of congress have been denounced.

The financial condition of the country was far better than in 1866. Mr. Tipton believed that the fact that certain senators hastened to denounce the law and turn their extra portion under the law into the treasury, had given them credit for conscientiousness to which they were not entitled and cast discredit on their honest associates. He said:

Almost the first man to present himself was our honored vice president. Under the pressure and clamor he returned \$4,448. Then, as a matter of course, they would go to the honorable senator from Indiana and say, "Now sir, your chief, the vice president of the United States, has made a clean breast of it; he has returned to the treasury \$4,448; he did it on his own conscience; he felt that a wrong had been perpetrated; and as he expected and desired happiness hereafter, he felt that he would not be entitled to it if he entered heaven with this amount of blood money upon his skirts. Now, if you have drawn yours, will you not return it also?" That is the manner in which the appeal was made. Poor fool, was he, who made the appeal! Did he not know

that our vice president had never given it back as a matter of conscience at all? that he smiled at the idea of conscience because he happened to have in one vest pocket \$2,178 of back pay under the law of 1856 and \$2,800 under the law of 1866? He retained \$5,000 and returned \$4,800; and yet it answered; it was the vindication, it was the tub thrown to the whale; it was the purchase of popularity, which the people said would accrue if he would please set the example just this once. "Please fork over now; under charge of 'salary grabber,' please disgorge." That will give us an opportunity of appealing to other senators. And senator after senator walked up and said, "Present your contribution box," and deposited his pay.

The people were deceived, there was no conscience in the act.

Having followed the precedents of seventy-five years and duplicated the votes of senators who had cast them on two different occasions before, Mr. Tipton felt that new senators were treated in an infamous manner when abandoned by those of whom he had received instruction; and hence he uttered the following:

Mr. President, if the people had not been misled, they might have said this frankly: "Gentlemen, you have followed the precedents that we have set for seventy-five years; but hereafter we would prefer that a new precedent should be established on the subject." Under these circumstances we could have met them and discussed calmly and dispassionately the propriety of a new precedent; but when men approached us, and denounced us for an act of infamy, when we could retort, "your precedents were our guide," they would have observed a different course had they been misled.

Mr. President, after the charge had been made of corruption among the highest officials of the government; after the Credit Mobilier investigation had gone forth the people were ready to receive anything that slander might dictate or a mistaken fancy furnish.

Some of the most popular senators failed of re-election, and though they went down frowning, came up smiling in future campaigns and always having a vivid appreciation of the phrase—"After that—the fireworks." The members from Nebraska in the senate voted for the law, when passed, and received

their pay under it and Mr. Tipton voted against repeal, concluding a speech with the following:

“I shall vote against all amendments, and especially most heartily against the amendment of the honorable senator from Indiana (Mr. Morton). If his popularity in the state of Indiana bears any comparison to the magnitude and magnificence of his physical contour, he needs no such species of legislation as this to hold him in the cords of affection; but if there is a standard that is to regulate prices in congress for members from Indiana, I beg him to recollect that though he is here the concentrated and embodied manifestation of health, perhaps a less salary than ordinary, might attach to the remains of such a citizen as had escaped or been left from the ravages of the Wabash ague.”

#### MR. TIPTON'S FAREWELL SPEECH.

On the 12th day of January, 1875, one and a half months before the expiration of his term, in the 43d congress, the omnipresent Louisiana case was before the senate. Senator Howe, of Wisconsin, had the floor, and was to be followed by Mr. Tipton, and he to be succeeded by General Logan, of Illinois. But inasmuch as some of the General's constituents were in the city and desired to hear him, Mr. Tipton yielded to his request and gave him the right of way, especially as he promised to give the Nebraska senator “something to stir him up and to answer.”

For two days the general ranged the field of discussion and, like Olympian Jove, commingling earth and heaven, dealt out eulogies upon friends and defiance and political death to all opposers. Mr. Howe closed his speech by comparing the Republican party to a sailing vessel,—“If the ship goes down before the voyage is ended, I propose to go down with it.” The peroration of the general was in the same strain, while his inspired vision was cheered by the motto flaming from her side,—“Freighted with the hopes of mankind.” Following such a display of oratorical pyrotechnics, Mr. Tipton essayed to satisfy the general that he had succeeded in “stirring him up,” and inasmuch as the Nebraska senator had previously spoken upon the Louisiana case in all its bearings, he was de-

lighted with the "free and easy" range allowable in following the general, and was ready to decorate the statue of tragedy with the garlands of comedy. Quiet being restored, he proceeded.

#### INTRODUCTION.

Mr. President, I feel grateful, in view of the speech of the Senator from Illinois (Mr. Logan), that he did not go into the rebellion. What a power he would have been against us if he had ever landed there! I am happy that he entered early into the cause of the Union and stood by the flag throughout the war. I am happy of another thing, and it is this, that Demosthenes died so early so that he cannot come in competition with the honorable Senator for the garland of universal approbation as a close and logical orator. [Laughter.]

Sir, the honorable Senator from Illinois yesterday told us that he was a sailor and gave us a delineation of what was a sailor's duty. I have since discovered that he was not only a sailor, but that the highest evidence that we have of his nautical ability is simply the manner in which *he sails in*, and further, that the kind of vessel that he has commanded for the last two days is a mud scow, a dredge boat, only fit to operate upon the Missouri or the murky Mississippi washing his own State. [Laughter.]

I have further, however, to congratulate him on the amount of aid that came to his relief on yesterday. The honorable Senator from New York (Mr. Conkling) visited the Senator on the floor yesterday, I suppose to give him aid and sympathy and to prompt him where it might be necessary. That was all right and proper. And while I had a little feeling on the subject for a moment, thinking this was ex-officiousness on the part of his friends, I was consoled with the remembrance that after the 4th of March that honorable Senator will be checkmated in this body by a democratic colleague.

I believe that the honorable Senator from California (Mr. Sargent) also visited the honorable Senator from Illinois, stepped into the wheel-house in order to suggest something in regard to the navigation of the vessel. I allow him what enjoyment he can gain from assisting in navigating the vessel at the present time, for he, too, is to be checkmated after the 4th of March with an independent republican colleague from the state of California. Then there will be some other gentlemen navigating crafts.

I also discovered yesterday, Mr. President, that the hon-



orable Senator from Minnesota (Mr. Wind-om) felt it necessary to do something for the benefit of this Illinois navigator; and therefore the honorable Senator (Mr. Wind-om) advanced and furnished him with the *wind* at a time when he seemed to be in a critical condition. [Laughter.] And when the day had far disappeared, and when the hour for *hitch*-ing up the boat had come, before she was yet up to the shore, my colleague over the way, Mr. Hitch-cock, advanced and seized the cable and carried it out on shore, and thus they landed the gentleman's craft last evening, and then he commenced to wood and water for another sail to-day. From the length of time that the vessel has run to-day, I fancy that the wood has been of the product of the Mississippi Valley, cotton wood, and produced very little valuable steam.

He told us yesterday, if I remember correctly, that he would discuss the subject in a just and honest and legal manner. Mr. President, if his notes had been written on *legal cap* he might have made some claim, and just that much, to a legal argument.

All our opponents seem to have taken to the water lately. The honorable Senator from Wisconsin (Mr. Howe) told us the other day that he, too, was on a ship, and he told us he was going down with the ship. I do not doubt his veracity; I think that is a fact [laughter], and all I have to say is the greater pity for the ship, unless he has heretofore been a pirate, and then it serves her right to let them go down with her.

But there seems to be no safety on land since the October and November elections, for balloting is generally done on land. The honorable Senator from Illinois thought he needed the aid of other friends this morning. After he had put in evidence here everything but Webster's Dictionary, and would have put that in only it changes the subject so often—[laughter]—after he had done that he calls upon the Senator from New Jersey (Mr. Frelinghuysen) and asks him if he has any old letter about him or anything of the kind that he would furnish. [Great laughter.]

The VICE PRESIDENT: Persons on the floor of the Senate will preserve order or the floor will be cleared.

#### FRAUDS.

Mr. TIPTON: Mr. President, the honorable Senator from Illinois made yesterday and to-day the point, with a great degree of force and energy, that certain audacious editors are charging that there have been frauds committed in this country. So far as that question of frauds is concerned,

frauds at the ballot box, frauds of other characters. I have this to say: I take the statement of the honorable Senator that he is capable—and he demonstrates in the manner in which he has done it the fact that he is capable—of grappling with the question of fraud, for I have at my desk a congressional report with the evidence of one who was examined in this Louisiana case; and after the man had sworn that he had committed frauds too great for belief, only for the apparent honesty of the witness, when he was interrogated by the honorable Senator as to where he learned ballot-box stuffing, "Why," said he, "General, in your State and your district." [Laughter.] Therefore I have no doubt but that the honorable Senator is very well prepared to discuss the question of fraud.

#### CAUCUS TYRANNY.

Mr. President, the honorable Senator from Illinois has been very much excited because somebody has talked about the oppression of the republican party. Very well; he only can speak, I suppose, for the body that he is connected with in this chamber. Two years ago he gave you his opinion of the tyranny of the republican party in the Senate, and if he had been connected with the army he might have discussed the character of army officers; if he had been connected with office-holders outside he might learnedly have discussed their characters. But he was intimate with the Senate and he knew that the Senate stood here the great correcting instrumentality of the republican party of the country, and he turned his attention to the Senate; and I will give the country the benefit to-day of his deliberate opinion on the subject of what the republican party was just two years ago. The honorable Senator then said in a speech in this chamber: "By calling your little meetings and seeking to direct everybody no man can be an independent man in this Senate." I think his course in this debate has illustrated his opinion of it two years ago. "No man," said he then, "can be an independent man in this Senate."

#### A HELL OF A FELLOW.

Here a vast amount of official testimony was produced showing that the same policy of coercion was invoked again at Louisiana which was attempted against Georgia, Mississippi and Virginia. Mr. Tipton then said:

The witness testifies that they got up affidavits before the election was over, and filled them up in blank, and carried them out over the whole country; and one of the witnesses

swears that General Sypher's brother wrote to him and said, "The General is lacking about three hundred votes, I think"; and then he starts out to supply the deficiency, and after he comes in the board is in session, and he enters with thirteen hundred forged and perjured certificates; and when he comes up with that armful of certificates and lays them down before the august and honest returning board of Louisiana, they ask him, "How many?" "Why," said he, "thirteen hundred." "Why," said they to him, "Jaeques, you're a hell of a fellow." [Laughter.] Said he, "George, if you want any more, I can have you some by to-morrow morning at ten o'clock." [Laughter.]

#### UNDER THE FOOT OF A FEDERAL JUDGE.

The President sent them the military. What came of that? You know what came of that. Judge Durell, the aged and venerable—for they say he is too old to impeach now, and he goes free—Judge Durell put on his legal cap and came to the conclusion, as soon as they told him that the president allowed the army to aid the marshal to enforce the mandates of a court, that he would allow them to do the rest. Then he says by his action, "Let it be so; let the troops be stationed in the state house of Louisiana." Where did he make the decision? He never had a court organized to do it; he never had a clerk near him to put the seal of the State to it. He went into his garret, and there, I hope without even the light of a tallow dip, in darkness—and yet he thought he saw very clearly—said, "Let the military at two o'clock go into the state-house and occupy it." No, he did not fix the time; he left it to their discretion, because he thought they could not get there before three; but they got in at two. The morning dawned, and the Army of the United States had control of a state-house; and a set of unmitigated political villains, cutthroats of the first water, had concocted a list of members to go in under the dictation of the United States. They walked in; they took possession of that hall. Then came a protest long and loud; but no, that legislature promised to send a republican to sit over there where Kellogg had abandoned his seat and they proposed to send another republican for six years. We waited. They set their mill to grinding and then produced two senators in a short time. But the people of Louisiana, where were they? The Senator from Wisconsin (Mr. Carpenter) said they were under the foot of a Federal judge. That Senator is not a liberal republican; that Senator is not a democrat in his political affiliation. He is the Vice President of the United States *pro tempore* whenever our worthy presiding officer is

absent. The highest honors in the gift of the Senate of the United States are showered upon him. He said here last summer,—and how sad he said it, how tenderly he said it,—“They put the state of Louisiana under the foot of a Federal judge”; and there were my countrymen and there were your countrymen. Had they one particle of American spirit about them, how long would you expect them to remain under the foot of a Federal judge? The time came; the army of the United States was withdrawn and a glorious revolution took place which shall make the names of the actors immortal in all time to come. All as one man rose up; they struck for the rights of a State under the foot of a Federal judge. Thank Heaven, not long. They rose in their might, and had the honorable Senator himself been governor of Louisiana he too would have been in ignominious flight under the protection of Brother-in-law Casey in the custom-house. It was a people rising up who were under the foot of a Federal judge. I glory in their patriotism. I stand here to claim what honor I may in being the advocate of a people who disposed of an act of tyranny, forgery, and perjury, but never broke in spirit for a moment—waited until in God’s good time an opportunity should offer.

#### PRESIDENT LOANS THE ARMY.

When he gave them the army two years before, it was precisely on this same basis. They said to the President, “There are rumors that there may be difficulties, and we therefore ask you for the use of the army.” Here he says they satisfied him that there might be difficulty and that they might want an army; and as he had an army, in the kindness of his disposition to his political friend, the governor of Louisiana, he says: “Certainly keep the army there and perhaps an opportunity may offer when I may be able to use it.” He seems to have desired that his soldiery should not rust out for want of use, and that whenever there is an opportunity for them to do something they should be on hand, that the governor should have the privilege without any requisition of the President, according to the constitution, to use the army. Therefore we have it understood that that use of the army was given upon the same old basis of “Use it at your pleasure and return it when you are done with it.” How does that agree with the Constitution of the United States?

#### STATE ELECTIONS.

Here the startling doctrine is announced for the first time officially in the history of this country that the United States

courts have jurisdiction over state elections. If state elections are not exclusively the privilege of the people, then what are our liberties worth? You tell me I may cast my vote as a freeman. After that vote is cast it must be counted. That vote for a state officer must be counted and ascertained by the authority of the individual state. After that vote has been ascertained by the authority of the individual state, then the persons elected under it must be permitted to hold their offices; and if a contest arises, the State courts are the only tribunals to which the question can be referred for adjudication; it may be perhaps by *mandamus*, it may be perhaps by the writ of *quo warranto*; but in all cases it must be to the court of my own individual state. If I am elected a member of the legislature, I have the right under the constitution to be the judge, with my fellow members, of who are eligible to seats in that body.

#### CALL OFF THE DOGS.

When it was charged that the Speaker of the Democratic House of Louisiana had called for protection of Federal troops, Mr. Tipton disposed of the charge thus:

But if General De Trobriand had called at the private residence of Speaker Wiltz and if General De Trobriand had been on a hunting excursion, as southern gentlemen sometimes are, and if his pack of hounds had followed him to the premises of Speaker Wiltz, and after he entered the parlor, and, while he was engaged in conversation with the speaker, if his hounds had raised a disturbance with the watchdog of the speaker's mansion, what would the speaker be likely to do? He would ask him politely if he would please step to the hall and call off his dogs; and that is all Speaker Wiltz did. He found the hounds, the political hounds, of this officer of the army belaboring and setting upon his officers of the peace in the lobby, and knowing that the owner of the dogs could do more with them than anybody else, said he, "General De Trobriand, will you please step out into the hall and call off your dogs?" [Laughter.]

#### OLD AND NEW.

The principal part of these old democratic leaders drifted into the republican party, and now I could point them out all around these seats. Why, there is scarcely a man here, excepting some of the very young Senators, but was formerly of the old democratic party. They carried the abuses of the old democratic party into the republican party, and

the new democracy, the superior democracy of the Cincinnati and the Baltimore platforms, have had to combine against these older democrats for their political destruction. In the State of Massachusetts Benjamin F. Butler was the old democratic representative of the republican party. The young democracy, the Cincinnati-platform democracy, gave him his quietus in the last fall election. The honorable Senator from Illinois (Mr. Logan) is the leader of the republican party of the Senate and of the United States. He was for years the bone and sinew, the brains, the will, and the authority of the old Bourbon democracy. The Cincinnati-platform democracy laid the prospects of that Senator in the shade by electing a young, new democratic Legislature.

#### PLAYING ON THE BONES.

I do regret that a man of his position before the country should deem it necessary to attack the stricken people of the South in the manner in which he has during this whole discussion. Senators from the South have been so attacked, they have been so denounced, they have been so pressed (if you look for the pressing to the reports that will go out of these speeches), that I scarcely know how they will be able to face a chivalrous, bold and fighting constituency; and I have fancied that the object was to take advantage of the circumstances under which they were placed here. I did feel that a great injustice was done to the Senator from Georgia (Mr. Gordon) the other day, when there seemed to be a studied effort to irritate and to goad that faithful representative. At that very time he had sent a dispatch to the people of Louisiana in which he had called upon them in words positive and unequivocal, "Bear all your tribulations; suffer, even suffer to manacles; but resist not the authority of the United States." While the honorable Senator from Georgia, in the spirit of the Cincinnati platform—of amity, of friendship, and healing of wounds, the spirit of conciliation, the spirit of magnanimity, the spirit of chivalry and of honor—was thus attempting to throw oil upon the troubled elements, that he should thus be attacked was to me most astounding, especially as he had just placed the fetters of peace upon hands that illustrated his valor in battle. The people of the country will understand it. Men are not to be badgered now from the North any more than it was once said, in the days of slavery, that they were not to be badgered from the South. We now stand upon a common platform, we now occupy the same position, and the people will apply the corrective. The people at the polls will give it the quietus; and the people of the North everywhere are

determined that this everlasting tirade, this ebullition of hate, this pouring forth of blood, this varnishing of the skulls of a previous war and keeping them for future use, this playing on the bones in the Senate of the United States, this shaking of the skeletons before the Senate and the country shall cease.

Here followed a searching analysis of centralizing legislation, in which it was shown that almost every function of states rights was assumed by congress; though the Lincoln republican platform of 1860 had declared, it was "The right of each state to order and control its own domestic institutions, according to its own judgment, exclusively."

#### CARPET-BAGGERS.

What do I propose as a remedy for these troubles? I propose in Louisiana that you call home your army. What would be the result of that? Such a state of things would finally come about as exists in Georgia, where white men and colored men all unite in sustaining Stephens unanimously for a seat in the House of Representatives. Call home your army, and the first result will be the triumph of the conservatives politically in Louisiana. Very well. Colored men for a year or two may not hold office; but the colored man that has been in the ricefields of Louisiana, the colored man who has toiled in the sugar plantations of Louisiana, will not be harassed by a carpet-bagging politician as their governor; and I mean that in no offensive sense. All those gentlemen who are here and who are from the South understand me in that. I suppose we are all carpet-baggers in this country. New England has carpet-bagged all the West and Northwest, for her population is everywhere. That is legitimate. But this offensive carpet-bagging system, the pouring out all our political lazzaroni on their shores, is what I protest against.

#### EXEUNT OMNES.

Finishing his second day's speech Mr. Tipton called attention to the great political upheaval which had advanced democratic interests.

It was so, Mr. President (Mr. Scott in the chair), in your own State of Pennsylvania. You had been the author of thirteen volumes, containing reports of outrages in the South. That document had gone all over Pennsylvania. You had at least probably one hundred thousand majority for Hart-

ranft. It was an immense multitude that no man scarcely could number and expect to live. The books were carried in peddlers' packs all over the State. They were read for thirteen nights in succession, one volume every night, at the miner's cabin, around the doors of the furnaces, among the poor impoverished laborers in the mines of Pennsylvania; but they saw through the flimsy disguise. They simply went to the polls on election day and registered their edict that a party that proposed to live on blood when they were scarcely able to live for want of bread should go to political pandemonium; and that edict stands registered at the present time.

I leave this question with the senate. I am in favor of the passage of the resolution of the Senator from Missouri (Mr. Schurz), in order that the judiciary committee, in a cool, fair, manly and dispassionate manner, may look into the subject, and I trust without partisan bias be able to come to the conclusion that there is a government of the people in Louisiana in abeyance; that the duty of this government is to call home her army, and no longer aggravate and exasperate the people of that State.



## SENATOR JOHN M. THAYER.

March 4th, 1867—March 4th, 1871.

John M. Thayer settled in Omaha, Nebraska, in the fall of 1854, a few months after the territorial organization. He was born in Bellingham, Norfolk County, Massachusetts, January 24, 1820. Possessing a good education and hopeful of the future, with a laudable ambition to succeed, he naturally challenged early attention, gained the confidence of his associates, and found the field of enterprise wide open for occupancy. Belonging to the legal profession it was not strange that visions of legislative honors should have an enticing influence, and that in 1857, he was found a candidate for congress in a "free for all," before the organization of parties, in a case where four aspirants divided among them 5,600 votes, each receiving 1,000, but Fenner Ferguson having the highest number in the hundreds. Again in 1859 and then in 1860 his name was placed before the Republican nominating convention, but Samuel G. Daily, an original abolition republican, became the nominee and delegate. He was elected to the territorial council of 1860-61, and subsequently to a constitutional convention. In the council he was author of a bill to abolish slavery in Nebraska. In 1867 he entered the United States senate for a term of four years and in 1875 was appointed governor of Wyoming Territory.

Inasmuch as the entire eastern front of Nebraska was first settled, bordering on the Missouri River, where numerous Indian tribes had originally roamed at will, the peace and quiet, the lives and property of emigrants were often at the mercy of savage marauders.

So early as May, 1855, we find Gen. John M. Thayer one of a commission to hold a council with the Pawnee chiefs, under appointment of Governor Izard.

In July of the same year the governor commissioned General Thayer to raise troops and give protection to the settlers against the depredations of the Sioux.

In the summer of 1859 he led a force against Indians in what was denominated "the Pawnee war," the results of which were reassuring to the emigrants, and a lesson of power and authority to the Indians. An article by Major Dudley in the second volume of Nebraska Historical Society reports contains the following: "One figure, too, stands out prominently in all this history connected with every military affair or expedition, the first brigadier general of the territory, colonel of its first regiment to take the field in defense of the Union; brigadier and brevet major general of United States Volunteers, and then, after the war, United States senator, and now the recently elected governor of our state, John M. Thayer."

While it is neither appropriate nor intended to incorporate a military history of Nebraska with this brief sketch of General Thayer's services, references must necessarily be made to the fact that he was active and persistent in the organization of the First Nebraska Infantry, afterward cavalry, becoming its colonel and leading it in marches and skirmishes prior to its participation in the battle of Fort Donelson, where on the 15th day of February, 1862, it received its first "baptism of fire." As colonel commanding the 2d brigade in General Lew Wallace's division at the battle of Pittsburg Landing, Tennessee, known also as Shiloh, he submitted a very minute, comprehensive and accurate report of the participation of his command in that most important and sanguinary contest. After stating the circumstances under which it took position in line of battle on that memorable Sunday night, he gave a graphic description of the steady retreat of the Confederate line from "5 a. m. to 5 p. m.," before the steady advance of the Union army, reinforced by Buell's command. He said, "I cannot speak in terms of too high praise of the officers and soldiers under my command. Their conduct was most gallant and brave throughout. They fought with the ardor and zeal of true patriots. It gives me pleasure to speak of the different regiments and their officers. Nobly did the First Nebraska sustain its reputation, well earned on the field of Donelson. Its progress was onward during the whole day in face of a galling fire of the enemy, moving on

without flinching, at one time being an hour and a half in front of their battery, receiving and returning fire, its conduct was most excellent." Having in detail mentioned the Twenty-third Indiana and the Fifty-eighth Ohio, surgeons and officers of his staff, he "congratulated the general upon the part his division took, and upon the success which attended all his movements in the memorable battle of Pittsburg Landing." From this time on until in July, 1865, when his active military career closed, he is seen commanding a brigade of Iowa troops and leading a storming party in the battle of Chickasaw Bayou, then in the battle of Arkansas Post where his horse was shot under him, and through the siege of Vicksburg, and appointed "Major General of Volunteers for gallant and distinguished services"; with Sherman in the battle of Jackson, Mississippi, and with General Steel in Arkansas in command of the Army of the Frontier and ending with a command at Helena, on the Mississippi river, and retiring to civil life, brevetted a major general.

#### MAIDEN SPEECH OF GENERAL THAYER.

The duties of the military and Indian committees were so congenial to Senator Thayer, on account of a long army service and the deep interest his constituents had in the latter, that he was soon before the senate with bills, reports, and incidental remarks. On the 26th of March, 1867, three weeks after his admission to the body, a question was raised by a friend of the California Pacific Railroad as to the progress of the Union Pacific from Omaha westward. Thereupon General Thayer, with accuracy of statement and collected demeanor arrested the attention of the senate.

MR. THAYER: I would not trouble the senate with any remarks on this question except for the fact that this road runs through the entire state which I have the honor in part to represent, on this floor, and in justice to the company who have had the building of this road. I feel it my duty to give utterance to a few words. I was surprised yesterday when the resolution was introduced by the honorable senator from California—not that he intended any injustice to the Union Pacific Railroad Company.

But from my knowledge of the facts, I am compelled to say that even instituting an inquiry on the subject, implying that there is a neglect, does them greater injustice; for I stand here to say that no improvement, in ancient or modern times, was ever prosecuted with such untiring energy, with such tireless force, and with means such as that company has used. Three hundred and five miles of continuous road were built last year, and they were only stopped because it was beyond human energy to prosecute work this winter. Now, sir, this has been the most remarkable winter in the west that that distinguished personage, "the oldest inhabitant," has had any knowledge of. There have been snows such as have never fallen before. They have stopped the progress of all works. But while this company have been stopped they have not been idle. They have been concentrating at the end of this three hundred miles of road an immense amount of material which they are now about to use. They have been getting iron out there in immense quantities, and engines and all paraphernalia of a railroad, just as fast as the means of communication have enabled them to do."

In these few remarks his colleagues discerned that the new member from the West had not lost the polish of New England, in assuming the duties of pioneer life.

In a few days thereafter the records show Mr. Thayer engaged in an Indian war discussion, in which he had to arraign the report of a congressional committee, correspondents of the *New York Tribune* and *Boston Journal*, and an interview of the chairman of the Indian committee, together with numerous allegations made by senators in debate. With undisputed facts, and invulnerable arguments he met all comers and charges, and then appealed to the sense of the senate in the following compact sentences:

I stand here to say to the senate, speaking in behalf of every class of the community on the border, speaking in behalf of every industrial pursuit, that nothing can be more abhorrent, nothing more dreaded by them than an Indian war. Why, sir, until these hostilities upon the frontier everything was prosperous there; the commerce on the plains had risen to an immense magnitude; we could talk about the commerce of the Plains, as well as you could talk of the commerce of the seas and the lakes.

These men went out upon the plains and did business in the mountains. You could go in no direction across these wide plains that you did not see long caravans of trains bearing merchandise from all the points of the Missouri to all the territories in the mountains and away to the north-west.

It is the main source of our income; it is the market for our productive industry; and to send it forth to this Nation that we frontiersmen are in for a war to make money, is the most atrocious calumny of the nineteenth century.

Continuing in a more subdued and humorous strain, we have the following:

My dear sir, the very gamblers and thieves which Chicago, and St. Louis, and New York, and Cincinnati, and Boston, and Philadelphia failed to hang dread an Indian war. We have some of that class of people there,—I am sorry for it,—but it is because you in the East have not done your duty and hung them. They fled out there to escape but they do not represent the border. My friend from New York (Mr. Conkling) suggests that they do not come from New York. If so, it is because they treat them so kindly there that they do not have to run away. They vote the right way in New York City. [Laughter.]

Senator Morrill of Maine having been very active in the discussion and full of the poetic idea of "Lo, the poor Indian," and deeply anxious that at least some stray rays of civilization's light might dawn upon the far West, received a cordial invitation to visit and be convinced.

I tell him as a friend, frankly, without prejudice, that he would come back with different ideas as to that section of country.

He talks about Christianity and civilization. Why, sir, from whence did the people of the border come? Many came from New England. Men have settled there, whom I have the honor now in part to represent, whom he has heretofore represented on this floor. The people of the border are "bone of your bone and flesh of your flesh." Sir, I have seen a Christian people there coming from their humble cabins, meeting at cross-roads or by-roads in an improvised school-house, and I have seen them there raise the voice of thanksgiving and the song of praise to Almighty God, and worship Him with as much feeling and as much

sincerity as is manifested by those who worship in the gorgeous temples of your eastern cities.

You will find there an humble Christianity, but it is as pure as that which dwells in the East.

At the conclusion of a long and exhaustive speech, when a senator from Wisconsin offered an amendment for the removal of all Nebraska Indians to the Indian Territory, those who have charged Nebraska's persecution of Indians upon us, were astounded by the senator's concluding periods.

They commenced within six weeks after the settlers have crossed the Missouri River, and settled on lands which had been ceded to the United States, to steal their cattle, and in the second raid killed two or three. But those days have passed. Since those Indians have been placed upon reservations there has been entire peace and quiet. There is good feeling between the Omahas, the Pawnees and others, even the Sioux, a band engaged in the Minnesota massacre, who are now located in the northern corner of Nebraska. They are on friendly terms with the whites; no collision, no clashing whatever. We do not ask to have those Indians removed.

I tell the senator from Maine that there is a condition of peace and quiet between the people and the peaceable Indians, and you may go among those tribes today and they will point to the white people, the settlers on the border, as their friends. Why, sir, but a few weeks ago some of them fearing an incursion, or a raid of the Sioux, came into Omaha for our protection.

Thus at the end of the fortieth congress, General Thayer had "won his spurs" on themes general to his condition as a western representative.

At the first session of congress after the election of General Grant, Senator Thayer presented Bill No. 1, to repeal the act which had restrained President Johnson from making removals, and for the violation of which he was impeached. Senator Edmunds offered bill No. 2 to amend the same act, and Senator Williams an amendment for its suspension during Grant's term of office. In the house of representatives General Butler, of Massachusetts, also presented a bill for its repeal. Many old senators were loath to see the bill repealed, although they had supported it as only for a temporary purpose.

Some feared they might seem to be currying favor with General Grant, and others that they might be supposed to have lost confidence in its utility. But General Thayer "slept upon his arms," as at Shiloh, and kept his war paint bright, and illustrated the maxim: "In peace, friends; enemies in war."

Many denied that the law refusing to allow a president to remove certain officers, without consent of the senate, was merely directed against Andrew Johnson.

To this General Thayer replied:

This man Johnson thought proper to abandon those who elevated him to power. He determined to violate, and did violate, all the pledges he had made. He did forswear the principles upon which he was elected, and joined the political enemies who had fought him from the commencement of the Rebellion. Then he undertook to sweep from power and place those who had sustained President Lincoln, and who had sustained the principles upon which Mr. Lincoln's administration went into power. It was then, and not till then, that it occurred to members of this body to originate the tenure of office law. No senator will rise in his place here and assert that he had contemplated such a law as this until the treachery of Andrew Johnson was patent to the world. Therefore I say it was an exceptional law.

To the theory of suspending the law, he paid his compliments in the most direct and positive manner.

I say if the law is just and right as a permanent statute you are wrong in proposing its suspension. My honorable friend from Michigan (Mr. Howard) says it will be the highest compliment that we can pay to President Grant. My friend from Michigan, I know, enjoys a joke.

And then my honorable friend from New York (Mr. Conkling) joined in and said it will be suspended in effect until the end of the next session of congress, and that will leave him a year. If you mean to show confidence in General Grant, why did not the committee, why did not the friends of suspension, substitute the words "the 4th of March, 1873"?

The senator from Missouri (Mr. Schurz) having denounced the distribution of patronage as a curse to a party, met the following retort:

I know it is fashionable to denounce and to decry patronage and the spoils of office; but point me to a senator on this floor who has not sought to exercise the right of dispensing patronage to his political friends and supporters.

When General Grant sent the names of his first cabinet officers to the senate, he included among them A. T. Stewart, merchant prince of New York, who was ineligible, being an importer of merchandise, and therefore could not be secretary of the treasury; and hence his name was withdrawn and the mistake acknowledged. Senator Thayer took the prompt act of submission to law as an evidence of the new president's prompt and faithful enforcement of law in the future, and closed a long and able speech with the following sentence:

In that act of moral courage, of moral power, and of moral grandeur, he appears nobler than when he stood on the ramparts of Vicksburg, its conqueror, or when he received the surrender of the Confederate army of northern Virginia on the Appomattox.

#### ARLINGTON.

In sight of the National Capitol and south of the Potomac River lies Arlington, once the estate of Washington Park Custis, adopted son of General Washington. General Robert E. Lee, of the Confederacy, having abandoned this venerable homestead, to join the rebellion, it was confiscated in 1863, and 200 acres set apart as a national cemetery in 1864. Within it repose the bodies of 16,000 soldiers, while the bones of 2,111 unknown rest in a granite sarcophagus, 220 feet in diameter and 30 feet deep. On the 13th day of December, 1870, Senator McCreery of Kentucky offered a resolution for the relief of Mrs. Robert E. Lee, looking to a settlement of her claim to Arlington. Fiery discussion became contagious, and it was soon evident that the resolution would not be received. Among those participating in the debate, Senator Thayer took a prominent part. He declared that he was somewhat in doubt while listening to the resolution and the sentiments uttered by the honorable senator from Kentucky, whether to give expression to his feelings, or to vote in silence. He proceeded:



A stranger in this chamber, for the last hour, would hardly have supposed he was in the American senate. He would rather have imagined that he was in the Confederate congress at Richmond, six years ago, when eulogies were pronounced upon Stonewall Jackson. I had predicted during the last three or four years that the time would come, if the policy of congress was not rigidly carried out and adhered to in the southern states, when the leaders of rebellion would sit in these seats, and encomiums would be pronounced upon their acts. In one respect the day has come sooner than I had anticipated. I listened to him carefully, and not one word did I hear falling from his lips in condemnation of treason.

Mr. McCreery said:

The melancholy tidings of the death of General Thomas, and the accents of sorrow which his surviving friends poured forth the national grief at his irreparable loss, are still fresh in our recollections when we learned that yet another of the great actors in the drama through which we have passed had breathed his last.

To this General Thayer responded:

The linking together of the names of Thomas and Lee was unfortunate. It is true they were associates together in early life. Both educated by the United States to be its protectors when assailed, both took a solemn oath, written down by the angel, that they would forever be its defenders, against foreign or domestic foes. The one—Thomas—nobly, sacredly, grandly kept his oath. He fought for the flag of the Union and was faithful to the end. He has passed away. His name is inscribed on the rolls of immortal renown. The other was faithless to his solemn vow. With perjury in his soul he raised the black standard of treason and through all the scenes and vicissitudes, the dangers and trials and battles of four years, he fought with his best energies and his best efforts to destroy the Union whose flag he had sworn to defend forever.

It became evident to the senator from Kentucky that he had sown the wind and was reaping a cyclone, and inasmuch as his political and personal friends desired him to withdraw the offensive paper, he would have done so, but the rules of order made it impossible; besides the Nebraska soldier had his guns trained upon it, and was closing his lines, by gradual approaches. He continued:

The senator from Kentucky had no word of condemnation for this foul, glaring, damning treason. General Lee is held up as a model of virtue and right and truth to the youth of the American Nation. This is what we witness here to-day. The proposition is made, and we are discussing the question of its reception, whether the graves of twenty thousand heroic dead, who died that the Nation might live, shall be opened and their dust gathered up and scattered along the way to be deposited somewhere else, to make way for the widow of the traitor, whose hands were chiefly instrumental in taking the lives of that army of martyrs who sleep on the heights of Arlington. That is the spectacle which we now witness in the senate of the United States, before six years have passed away from the laying down of the arms of the rebellion. The graves of those men who gave their lives that we might sit here today to legislate for the American people, that we might sit here in common with the people of the Union in the enjoyment of the blessings of the Union purchased by their blood and their lives are to be opened; an act of sacrilege is to be committed, in order that this property may be given back to the widow of Lee. Sir, as an American citizen, as a senator of the United States and as a soldier in the war for the Union, I enter my solemn protest against it.

On a final vote to grant leave to introduce the resolution leave was denied, there being four in the affirmative and fifty-four in the negative. There was no evidence, however, that the three voting with Mr. McCreery approved of his resolution. Being a member of the military committee the Nebraska senator was always on the alert as to the rights and honors of soldiers.

Hearing that the attorney general had given an opinion that the states would have to agree to continue the national cemeteries within their limits and might demand pay for the ground, he offered a resolution of inquiry, and said:

I have been led to believe, and I still believe, that those who fell fighting for our national existence earned a full and unqualified title to the resting places where their bodies sleep. If they are to be disturbed on the refusal of the legislatures to give their consent, I desire to know it; or rather, I will say, I am opposed to asking the consent of any legislature or anybody else to secure the undisturbed possession of the soil inclosed within those cemeteries.

They died in the defense of their country, and their resting places are hallowed spots. Sir, I am ready, for one, to say that if need be we will fight through another war to hold forever sacred the graves where our heroes sleep.

On the question involving the reconstruction of Virginia and Georgia, the senator indulged in a discussion covering the whole ground of secession and constitutional restoration—of democratic and republican records—diagnosing the disease and prescribing the political remedies. Notwithstanding all the two states had done in responding to the demands of congress, he desired further indemnity for the past and greater security for the future.

For congress he had words of eulogy, and for her champions garlands of perpetual renown.

For the first time in our history it struck down the prop of despotism, the doctrine of caste of race, or color, and declares the broad, philosophical, supremely just, and only true republican principle—the complete equality of all men in the possession of all civil and political rights. It invested a race with the order of citizenship, it invested a race with the rights of manhood. By its command that race, bowed down with the wrongs of centuries, stood forth erect under the broad panoply of eternal right.

So much was the republican party divided upon questions at issue and the democrats silent that the General said:

I have remarked that a portion of the members of this body, those who belong to the opposite political faith, have remained entirely silent. They seem to be as serene and composed as a summer's morning, or, to be still more poetic, as calm and unruffled as the waters of a moon-lit lake.

Turning upon his witty friend from Nevada, he said:

Mr. Nye described with affecting pathos the hardships inflicted upon this long-suffering, patiently waiting state of Virginia. She has waited till her locks are wet with the dews of night. Sir, let me say to that honorable senator, there are many people in Virginia today who are tired of waiting, waiting for that protection which this great government of the United States has vouchsafed to every citizen who respects its authority and obeys its command.

After a twenty years' calm, war having "smoothed his wrinkled front," and the sulphur of battle been replaced by the odor of flowers, and the great generals of the past having answered to roll call of death, and the rival orators of reconstruction just waiting to join the silent procession, all efforts to portray the stormy past by mutilated extracts must be as unsatisfactory as an attempt to represent the Pantheon of old by a single block of Roman marble. The closing speech upon Georgia was worthy of the place and occasion.

The fruits of this legislation will reach on through the ages. Our task will be ended, our mission will be fulfilled, only when every other citizen of every state, of every hamlet within our wide border, be he poor or rich, be he humble or exalted, be he white or black, and of every religion and opinion, and of every nationality, and every color or doctrine, shall be in the full and equal possession and enjoyment of every blessing which a beneficent government can bestow. Then we may witness the ushering in of the reign of universal justice, of universal liberty, and of universal law. These shall be the crowning glories of the Nation. Then shall every citizen, wherever he may dwell between the oceans, feel and know that he is indeed and in truth a child of the great Republic. Then may all exultingly exclaim, "This is my country; this is my nation."

## SENATOR P. W. HITCHCOCK.\*

March 4th, 1871—March 2nd, 1877.

Mr. Hitchcock moved that the senate take up Bill 680, "To encourage the growth of timber on the western prairies."

This with him had become a pet measure. The bill was his own. Grand in conception, economic and benevolent in design and bold in fancied execution. An effort to supply a defect of nature, to modify the rigors of climate, to add health, comfort and gain to the citizens, was worthy of a fair and honest experiment. Mr. Hitchcock stated the object of the bill as follows:

It provides that any person who shall plant, protect and keep in a healthy growing condition for five years, one hundred and twenty acres of timber, the trees thereon not being more than eight feet apart each way, on any quarter section of the public lands of the United States, shall be entitled to a patent for the whole of the quarter section at the expiration of five years on making proof of such fact by not less than two credible witnesses; but only one quarter in any section is to be thus granted.

By amendments from the committee on Public Lands, the number of acres was reduced from 120 to 40, and the space between trees extended to 12 feet.

Mr. Harlan of Iowa moved an amendment extending the time of cultivation to ten years and sustained it with an argument.

MR. HITCHCOCK: There is clearly no time to discuss a measure of this importance at this period of the session. I had hoped and intended to prepare some remarks on this question, which I thought, and still think, deserves the careful consideration of the Senate. I am surprised at the style of the remarks made by the senator from Iowa. It is evident that he does not desire the passage of the bill at this time. But, Sir, preferring that the bill shall pass, even with this amendment rather than it shall fail entirely, I will accept it.

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\* For the record of Mr. Hitchcock as territorial delegate, see ante, page 100.

An effort being made to limit the privilege of the bill to such only as had less than 160 acres of land, Mr. Hitchcock said:

The senator from Mississippi totally misapprehends the object and intention of this bill. The object of the bill is to encourage and develop a growth of timber west of the Missouri River.

It will take capital, it will take money, to plant, cultivate and protect forty acres of timber for ten years, as the bill now provides. A man without capital can get his land now without money under the homestead law.

The object of this bill is to encourage the growth of timber not merely for the benefit of the soil, not merely for the value of the timber of itself, but for its influence on the climate.

The bill was passed as thus amended and was operative for twenty-two years.

#### COLORADO.

On the 24th day of February, 1875, the senate proceeded to the consideration of a bill for the admission of Colorado, as a state. Mr. Hitchcock, having the bill in special charge, and the session being within eight days of its close, was anxious to see it passed without amendment, which might cause its defeat in the House of Representatives for want of time.

Feeling that sufficient population and ample material resources existed, but that no very recent census had been taken, his ingenuity was tested in the condensation of statistical estimates and historic facts. Knowing the temper of the senate, when time was short, and each one anxious to pass special measures, he combined directness with brevity, as in his opening speech.

Mr. President, at this period in the session, with the calendar filled with a long list of bills which have received favorable action at the hands of the different committees and which are pressing for the formal and favorable action of the Senate, I believe that no extended discussion of this bill is needed or would be justifiable.

There is, I apprehend, and can be, but one possible objection and but one possible question to be considered and but one point upon which opposition can be made to the present admission of Colorado. That question is in regard to her

present population. Upon that point the Committee on Territories believe from the best information which they were able to obtain that Colorado to-day contains a population of one hundred and fifty thousand. Of course this must be based to a great extent on statistics and estimates, as no official formal census of the Territory has been taken for the last five years.

The population of the Territory, by the census of 1870, was about 40,000. There are some comparative estimates which can be made from the statistics of the Territory at that time, and statistics since that time which go to show the ratio of the increase of population. For instance, the revenue of the postal department in 1870 was twenty-nine thousand and some hundred dollars. The revenue of the same department for the year 1874 was \$102,000, nearly four times the revenue derived from the postal service in the year 1870.

I think there is no better, no surer test than that. The increase in the population is represented perhaps as accurately by the increase of revenue of the postal service as in any other way. So in other respects. At the time the census of 1870 was taken there was not in the territory a single line of completed railroad, and now there are 735 miles built at an estimated cost of about \$30,000,000. So that it is probable that no territory has been admitted with the aggregate of wealth, the aggregate of business, the aggregate of commercial importance that Colorado has at the present time. Since the original constitution was adopted twenty-four states have been admitted to the Union. Of these, Texas, Maine and West Virginia were separated from other states or admitted as independent sovereignties, as in the case of Texas. Consequently twenty-one states have been admitted from a territorial condition since the government was founded.

Of these twenty-one, but two were admitted as states which had at the time of their admission a greater population than Colorado now has, and these were Michigan and Wisconsin, each of them having, I think, a population of about 200,000; Minnesota having a population of about the same amount that Colorado now has, and the others, such states as Illinois and Ohio, having only about one third the population which Colorado now has. Situated in the center of the continent, extending from the 37th parallel of latitude on the south to the 41st parallel of latitude on the north, and from the 25th meridian of longitude on the east to the 32d meridian of longitude on the west, embracing an area of 106,000 square miles; with a vast mineral wealth hidden away in the recesses of her lofty mountains and her lovely

valleys: with a climate wonderful for its healthfulness, with a soil capable by irrigation of producing an agricultural product sufficient to support a population of at least two millions of people; settled with inhabitants, hardy, brave, enterprising, loyal, and intelligent, Colorado is ready to throw off the swaddling clothes of a territory and assume position as a sovereign and independent state.

Objection seemed to spring up all over the senate, to various provisions of the bill. Mr. Sargent of California protested against allowing 5 per cent upon all sales of public lands made prior to the admission of the State.

MR. HITCHCOCK: The honorable senator from California, in the name of economy, proposes to strike out two words, the usual words which have been in other enabling acts, and which have allowed other incoming states to obtain 5 per cent on the proceeds of those public lands, which had been sold during their territorial existence.

Now I think it would not be very becoming in the United States to select Colorado as a conspicuous instance of economy. As a matter of economy, I am sure it is better that this bill should pass in its present form than that the Territory of Colorado should continue to be governed at the expense of the United States.

The State of Nevada put in her assertion that she had not received the same 5 per cent. fund, but was promptly answered, that she had not a sale of lands prior to her admission; but did receive it on subsequent sales. Mr. Edmunds desired six months to intervene between the forming of a constitution and its adoption.

Mr. Hitchcock could see this in no other light than an effort to postpone the admission of the State; but the amendment was, however, adopted. Numerous others were offered, and but a few passed.

After keeping up a very prolonged and successful running debate, with such antagonists as Sargent of California, Stewart of Nevada, Edmunds of Vermont, Hamilton of Maryland and Bayard of Delaware, Mr. Hitchcock's labors were consummated in the passage of the bill, and in 1876 Colorado became the Centennial State.



## COLORADO EXPENSES.

In the first session of the 44th Congress on a bill to allow \$20,000 for certain Colorado expenses, in reply to the venerable senator (Mr. Morrill of Vermont) Mr. Hitchcock said:

Mr. President, I have heard of saving at the spigot and spending at the bung-hole: I have heard of such things as men being "penny wise and pound foolish," and I think if we want to make a conspicuous example of that kind of economy, this senate should, after having so recently voted to endorse and assume the payment of \$15,000,000 of bonds to pay for paving the streets of this city, to pay attorneys for defending the officers of this government, and to pay reporters for reporting those proceedings, vote to strike out this section. I think that would be an eminently proper thing for this senate to do. But, sir, I think that this senate can afford, probably without ruining the government, to make this appropriation of \$20,000 to pay the expenses of the members of the convention to frame a constitution for the State of Colorado. Colorado is just becoming of age, she assuming the responsibility not only of self-government, but of bearing her equal fair share in the government of us all; and I believe that ordinarily prudent policy dictates that we should not receive her in a niggardly manner.

## NEW MEXICO.

Having in charge a bill for the admission of New Mexico, as a state, at the winding up of a long discussion, Mr. Hitchcock very successfully punctured New England's vanity in the following manner:

Mr. President, the State of Rhode Island, the very years which the senator quotes, at the last two elections, polled how many votes?

The State of Rhode Island polled in the year 1872, 13,442 votes, about 3,000 less than were polled by New Mexico, in the last year, with no contest; yet the State of Rhode Island is represented on the floor of the other House by two members. Therefore, by the senator's own argument, the injustice we do here is that we do not give the Territory of New Mexico two members instead of one in the other House. Very much has been said in regard to the agricultural resources of New Mexico. The honorable senator from Maine said he thought there was not more than one out of an hundred acres of arable land. Even if there were

but one acre out of an hundred, it is far greater in proportion than in the states of New England.

The valley of the Rio Grande, running all the way through the center of the Territory. I venture to say has greater capacity for agricultural production, and will produce more in one year, than the whole territory of New England will or has in a century.

#### INDIAN WARFARE.

The Senator's conclusions respecting warfare with Indians partook of the deductions of experience and actual knowledge.

Mr. President, I want to tell the honorable senator that the men to fight Indians are the men who know the Indian character, the men who are on the ground, and there are plenty in the immediate vicinity of these Indians, who not only are acquainted with the Indian character, but have had military service in the field heretofore.

Recruits from your regular army are enlisted in the streets of your great cities; they are men who have never seen Indians, and they are men unaccustomed to ride.

#### UNION PACIFIC.

In the last elaborate speech of his senatorial term is found the following extract:

Mr. President, it is my fortune to reside upon the line of the Union Pacific Railroad. It was my fortune to see the first spadeful of earth ever thrown upon the grading of that road, and to be somewhat familiar with the history of its construction, with the method of operation, and with the beneficent results which have come to the country and the world from that construction and operation. The construction of a railroad across the continent, from ocean to ocean, marked an era in the material prosperity and development, not of this continent only but of the world. Existing for a quarter of a century or more only in the brain of enthusiastic dreamers, it remained for the statesmen who controlled the destinies of the country in the dark hours of her struggle with armed rebellion to crystallize that dream into a practical enactment; and it remained for the daring enterprise of the capitalists and business men of that time to carry out the enactment to a glorious consummation.

Like everything human, no matter how excellent, it had its imperfections. It was marred and scarred by the connection with it in its early history of sordid men, who

saw nothing in it better than a means of adding to their wealth and their gain; and like everything human that is successful, it had no sooner become a success than it became, and still is, the object of continued bitter and persistent attack.

During the process of its construction the country rang with plaudits of the magnificence of the enterprise and approval of the courage and energy with which it was prosecuted. No sooner was it completed than the country rang, as it still rings, with denunciation of it as a mighty fraud and swindle. I assert, Mr. President, and I do so without the fear of successful contradiction, that assuming that not one dollar of the principal or interest of the bonds which were advanced by this government to this railroad had ever been or ever would be paid except by the transportation which this company affords to the government, and saying nothing of the vast and almost measureless secondary consequential advantages which this country has received, and is receiving, and is destined to receive, this country has received every year, in transportation alone, twice the amount of the interest which she has paid upon these bonds; that she has received a fund which so far exceeds the interest she has paid upon these bonds that it will, prior to the time when the bonds become due, amount to a much greater sum than the amount of the bonds.

Sustaining his views of the subject he quoted at length from senators' speeches when the original Union Pacific bill passed, and also from a House report showing that transportation over the plains before 1862 was costing the government from five to seven millions annually, whereas the annual interest on bonds would be one million per year.

#### REFORM SCHOOL.

The last matter of business accomplished by him twenty-four hours before the expiration of his term, was the passage of an amendment to an appropriation bill.

MR. HITCHCOCK: I have been for six years a member of the District Committee, and I am somewhat familiar with the appropriations which have been made in the name of charity to this district, and I believe of all the appropriations made there are none that have produced more beneficial results from a small expenditure than the appropriations which we have made annually for the reform school.

They have out there to-day a farm of 150 acres. There are about 200 boys kept on that farm, at a very small expense. They need more land in order to employ the boys wisely and well. They need it in order that they may get a front upon the east branch, so they may obtain ice. They need it to prevent neighbors who will interfere with the welfare of the boys getting possession of the land.

#### TERRITORY OF THE BLACK HILLS.

His amendment being adopted he might have retired satisfied that an honored service had closed with a parting tribute to "sweet charity"; but by long association and labors, the territories had become to him children of an older growth pleading for their patrimony.

At the end of a tedious night session, on the morning of the day of adjournment, he moved to take up a bill for organizing the Territory of the Black Hills.

MR. HITCHCOCK: If I may be allowed a single moment, I wish to state, that I think if we can reach a vote on the bill, no senator can particularly object to its passage through the senate. It will gratify me exceedingly if it can be passed through the senate, at least, at the close of my term as a senator.

There being no hope for it in the House, at that session, and every senator being burdened with unfinished business, its fate was to "pass over."

But in view of his persistent and intelligent efforts in behalf of the territories, Mr. Hitchcock merited a monument of Colorado granite, adorned with New Mexican silver and Black Hills nuggets, decorated with garlands from tree-cultured prairies, and inscribed to an honest service closed with a parting tribute to "sweet charity."

## SENATOR A. S. PADDOCK.

March 5th, 1875-81 and 1887-93.

The oath of office as a senator of the United States was administered to Mr. Paddock in a special session of the senate March 5th, 1875.

Mr. Morton, of Indiana, a prime factor in the Republican party, almost amounting to a political dictator, moved the admission of P. B. S. Pinchback as senator from the state of Louisiana, on an election two years previous, and from one of two rival legislatures. The case having gone over to the first regular session of December, 1875, Mr. Paddock made it the subject of his maiden speech, having only previously occupied the attention of the senate with a few incidental remarks relative to the expenses of the admission of Colorado as a state.

Having promised that if the contest were purely political, or reduced to a choice of the "lesser of two evils" he would sustain the present applicant, he then set forth in most unequivocal terms his view of party duty in the existing emergency.

Mr. President—As it is mainly an issue between Mr. Pinchback and the law, I shall vote for the law as I understand it. Albeit, I have not arisen to make a legal argument. That indeed, sir, would be a work of supererogation on my part after the weary years of very able discussion that have already been given to this question. I shall not so consume the time nor so abuse the patience of the senate. I desire only to say a few brief words in a spirit of the utmost kindness, sincerity and candor to my republican brethren in the senate and out of it as well. In my opinion, sir, the republican party will not be strengthened by the admission of Mr. Pinchback under the election upon which he bases his claim. A suspicion, almost a conviction, sir, pervades the public mind everywhere that this selection was altogether a farce. Indeed, sir, very many republicans, some of them in this chamber, more of them outside, who have carefully examined all the law and all the evidence, anxious to discover therein the proper warrant of authority for Mr. Pinchback's admission to a seat in this body, have been forced to the conclusion that it cannot be found.

Moreover, sir, the whole case is so closely related extrinsically to a condition of political affairs in Louisiana which is admitted on all hands to be so deplorable, while in and of itself, it has so few of the elements which the people are sure to require before they give to it their approval, and it is withal immediately environed by complications so un-republican in character, that in my humble judgment we had better let it alone entirely. I say this, sir, with the utmost deference for the opinions of the very able patriotic senators here who think otherwise. And, sir, I wish it to be distinctly understood that, in what I may say upon this question, I disclaim utterly any intention to impugn the motives or to criticise the action of any senator upon this floor. I accord to all what I claim for myself: a conscientious desire to discharge faithfully an important public duty.

In further uttering a note of warning, he said:

The people admire genuine manhood in the individual; they demand its fullest aggregation and development in a political party. The republican party learned this long ago. By its own acts alone will it be judged at the bar of public opinion and receive the approval or condemnation of the public as it may deserve.

As the blood of the emancipated race flowed in the veins of the Louisiana senator elect, Mr. Paddock declared he did not believe the admission of that officer would advantage the negro population.

They can make no greater mistake, sir, than to insist that the republican party, their natural ally and friend, shall take part with them in aggressive political movements which may be attended by many irregularities and surrounded by illegal complications.

The supremacy of the republican party, sir, must depend altogether upon the acceptability of its policies to the intelligent and the law abiding people of the great North. They, sir, will give much to the colored people of the South for defensive, but nothing for offensive warfare.

This initial effort of the new senator from Nebraska "drew the fire" of several distinguished political marksmen, who indulged in the phrase—"our lecturer," and evoked from General Logan, of Illinois, the declaration—"I do not feel like sitting

here and being lectured by a republican on account of the vote I shall cast." The resolution of admission was never adopted.

Having entered into a defense of his party it was an easy and natural transition to the defense of emigrants and of his own constituents in the vicinity of Indian reservations.

#### PIONEERS VINDICATED.

MR. PADDOCK: There ought not to be a single day's delay in considering this question. It seems to me that the senate ought to take up the matter to-day and conclude it. The fact is patent to all that these people are already there in large numbers, and that there is bloodshed, carnage, and destruction of life and property by this savage tribe which contests the advance of civilization.

Action ought to be, and must be, had at once, and while I am up I must be permitted to say that it has been a very fashionable thing here to reflect upon the brave and enterprising people on the frontier who have sometimes pushed forward into the so-called Indian country; but it should be remembered by our friends in the East that our friends on the frontier are only following the illustrious examples that have been set long before. They are only doing that which was done by the Pilgrim Fathers when they landed on Plymouth Rock, and by those who afterwards, following their example, went into Pennsylvania, Ohio, Indiana, Illinois, Iowa, and other sections, repeating the history that had been made before.

It is utterly impossible to restrain the American people when opportunities are presented to advance their fortunes. The same spirit of enterprise impresses all, whether they reside in New England or Nebraska.

#### IMPEACHMENT OF BELKNAP.

During the 44th Congress Senator Paddock was called upon to sit as a member of a High Court of Impeachment, for the trial of W. W. Belknap, who as Secretary of War during General Grant's administration, in 1876, was charged by the house of representatives with having corruptly received large sums of money for appointing a post trader at Fort Sill.

The case finally turned upon the plea, that before the case was filed in the court of impeachment (the senate) Secretary Belknap tendered his resignation, which was accepted by Gen-

eral Grant, and therefore became a private citizen, and not amenable to removal from office.

When the name of Senator Paddock was called he responded:

Believing that neither the written words of the constitution nor the spirit of our republican institutions warrant the impeachment of a private citizen when impeached, and further believing that the questions of fact go hand in hand, always inseparable, to final judgment, without reference to the facts as charged in this article, I vote "not guilty."

With the opening of the 45th congress it was evident, from his committee assignments, that Senator Paddock would have ample opportunity for a vast amount of work, being made chairman of the committee on Agriculture, and second upon that of Public Lands and Enrolled Bills, and third upon that of Post Offices and Post Roads.

Early, therefore, he is found in an animated contest with the senators of Colorado and the greatly distinguished Judge Thurman, of Ohio, relative to the Union Pacific Railroad and branches.

#### AGRICULTURE.

But by far his most elaborate and critical effort was his speech upon agriculture, as the foundation of national wealth—as to the number of our population employed by it, and its reasonable demands for government aid. In a single year, when our total exports amounted to \$739,971,739, the amount resulting from agricultural products equaled \$536,038,951. This discussion involved the protection of crops and fruit from destroying insects, domestic animals from such diseases as cholera, pleuropneumonia and rinderpest; and their cheaper transportation to market and the opening up of numerous friendly ports for their reception.

The establishment of forestry as an aid and an agricultural education, and liberal enactments relative to the introduction of raw materials all came in for incidental prominence. On the latter point he said:

Now, I, myself, was educated in the political school of Henry Clay, and while I yet think that in some cases and in



some circumstances protection through high revenue tariff may answer a good purpose, I am forced to believe that for the states that are exclusively agricultural it may be on the whole an injurious policy. I speak now only of and to those states. Undoubtedly we would be immensely benefited if all raw materials used by the skilled labor of the country in the manufacture of articles absolutely necessary to the wardrobe of the farmer, the laboring man, and their families; and all articles of food, not luxuries, could be admitted free of duty.

In his opinion the exigencies of the case demanded more intelligent farmers in congress.

I say this, Mr. President, with all due respect for the 300 lawyers, more or less, who to-day occupy seats in the two Houses of Congress. All things that are possible for any one are possible for him, and yet his class rarely has direct personal representation in the great executive and legislative offices of the government. The answer is easy. It is because farmers are satisfied with giving to their children only inferior education when it is apparent that of all the youths of the land they should secure the most careful training, the most thorough, the most general instruction.

In this congress there occurred an occasion away from the dryness of statistical statement, and bitterness of political contention, in which sentiment deposited its treasures, genius wove garlands, and rhetoric twined them about the monumental shaft. The event was the memorial services in memory of Senator Morton, renowned "War Governor" of Indiana.

In Mr. Paddock's contribution of affection occurs the following:

#### TRIBUTE TO MORTON.

MR. PADDOCK: Mr. President—I never saw Senator Morton arise to address the senate during our brief service together here when I was not oppressed with the fear that it might be his last effort in this chamber. Indeed he appeared to be as one standing ever in the very shadow of the uplifted hand of the Angel of Death, ready and waiting for the always impending, the always expected blow. He rose from his chair with great difficulty and often undoubtedly with much pain. Frequently while speaking he was compelled, from sheer physical exhaustion, to resume his seat; and some of the greatest efforts of his life were made while

sitting in yonder chair. A less determined spirit would have succumbed to so serious a physical derangement; but his great intellect seemed to become clearer, brighter, more vigorous, his iron will to strengthen, his moral courage to increase, as his physical organism became weaker from the attacks of the insidious disease that was slowly but surely undermining it.

I have seen the mighty oak, with its great bole, symmetrical and strong, with its wealth of graceful limbs, with its glory of leaf and shade forming, all in all, one of the highest types of blended power and beauty, in nature a very monarch among his fellows, to whom they seemed to mutely bow as with acknowledgment of primacy. Afterwards I have seen this wonder of the forest—which nature had so lavishly expended her forces to upbuild, and which had during many generations withstood the assaults of the angry tempests, gaining in each struggle increased development and strength—suddenly rent and riven, a deepened wound upon its noble trunk pointing out the lightning's track; and yet its umbrageous canopy of limb and leaf appeared, if possible, more perfect, more beautiful than ever. I cannot tell—perhaps no one but the Great Creator Himself will ever know—whether there may not have been specially imparted to it, through some Dryad medium, something of that force of will from the source of all power which gave to that charred and broken and wounded trunk the needed strength to draw from the fruitful soil the sustaining elements necessary to the continuance of its great life. A few years later I have found this stupendous growth of nature a blasted, withered thing. A second bolt from Jove's awful hand had descended and robbed it forever of life, and strength, and beauty; for the very last time it had "flung down its green glories to battle with the wind and storm."

In respect of its inherent strength, its remarkable development, its superlative power and endurance at the maturity of its growth entitling it to superior rank among its fellows, as well as its final blight and decay, this wonderful creation of nature was aptly illustrative of the great life of the deceased senator before whose open grave we mourn. To him there was given a mental and physical organism with each faculty, each force so carefully, so perfectly adjusted to every other, the whole constituting a manhood of such symmetry and strength and power that in any sphere of life must have commanded for him superior station among his fellows. Endowments so rare were his, that of their own force, by their own momentum, they impelled him to the fore-front, to intellectual primacy, to

leadership; and this position once secured was easily held through that instinctive concession of prudence which the masses of men always make to the possessor of such faculties.

As the oak grew broader and stronger from its tempest conflicts so did this noble manhood broaden and strengthen in the encounters incident to a life of leadership among men.

#### TRIBUTE TO FRANK WELCH.

On a similar occasion Mr. Paddock paid a graceful and tender tribute to the memory of Hon. Frank Welch, of Nebraska, furnishing in the conception and style a counterpart to the beautiful simile so successfully amplified in the word portrait of Senator Morton.

Mr. President—It is with no "hollow circumstance of woe," but as one sorrows for a brother lost, as a family in sackcloth mourns when the insatiate archer, entering its charmed circle, selects for his victim the favorite of the flock, that we, each and all, in the State he loved so well, and served so faithfully, did say peace and farewell to his ashes. At length they bore him from us, and now his ashes mingle with the soil of Massachusetts. To us, sir, who loved Frank Welch—and we all did love him; to us who labored with him from the smallest beginnings in the territorial times to the days of stalwart statehood for Nebraska; there is indeed left the record of his honorable citizenship; the proud monuments of his public services, the sweet memory of his personal graces, and of his frank and generous nature, the valued example of his earnest life; and these, sir, shall be ours evermore. Remembering this, sir, with such cheerfulness and resignation as we could command we responded to the appeal of maternal affection and returned to Massachusetts the mortal casket—broken and useless to be sure—which once had held this priceless jewel. On behalf of the young State whose institutions Frank Welch helped to mould I sent greetings and grateful acknowledgments to Massachusetts for the valued services of this her son in our up-building. But remember, senators of that grand old commonwealth, his ashes are ours as well as yours. You received them from us with our love and our tears; you gave them honored sepulture. Now guard them well, we pray you; for when the last trump shall sound, and they who died for liberty on Bunker Hill and the other patriots buried there shall then, in glad obedience, come forth, no nobler spirit will appear than his whose life, commencing

in that historic place, was mainly given to the work of development and civilization which resulted in the establishment of a free and prosperous commonwealth in the distant West where only a little time before the Indian, undisturbed, "pursued the panting deer," and "the wild fox dug his hole unscared," in a land where no white man had ever dwelt and the arts of peace were unknown.

All that can be said of him in connection with the 46th congress commencing in 1879 must necessarily be compressed within the smallest possible space.

Offering an amendment to make more efficient the United States army in the suppression of Indian hostilities and the protection of life and property on the frontier, the field of discussion embraced numerous topics of general interest.

#### NEBRASKA.

A state scarcely twelve years old, with a population of 400,000 distributed sparsely over seventy-five thousand square miles of territory, seven-eighths of whom are engaged in agricultural pursuits, possessing six hundred churches, three thousand or more district schools, with more than two millions invested in common school houses and school property; a state in which the sentiment of temperance is so strong that a bill to prohibit the sale of all spirituous liquors lacked only one vote of its passage in the last legislature; a state that gives anywhere from 10,000 to 20,000 republican majority, is not the natural abiding place of law-breakers and desperadoes.

#### SOLDIERS.

We have no fear of the soldier in our state. We respect and love and give our fullest confidence to the army of the United States. A nobler, a more gallant set of men, does not live, in or out of uniform, anywhere on God's green earth.

We can never forget the great service they have rendered us in defense of our exposed border. We know the hardships they have endured, the sacrifices they have made, the dangers they have braved, in that most trying, most laborious, most important service. I do well remember, sir, that every house in our state was a house of mourning a few years since when the sad intelligence reached us that five or six companies of cavalry, the very flower of the army of the United States, commanded by the gallant Custer, had

been utterly annihilated in an encounter with the fierce and barbarous Sioux.

#### SOLDIERS NEAR THE POLLS.

Mr. President, there have been soldiers near the polls at the city of Omaha and at other points in our state at every election for ten or fifteen years. No one ever heard of a voter being intimidated there. But, sir, if our native-born citizens, or if the Germans or Irish or Scandinavians, should either of them take up arms to prevent either of the other nationalities from voting at an election for members of congress, or if either or all of them combined should turn out to intimidate the three or four hundred negro voters from casting their honest ballots at such an election, there is not a citizen of that state of any party who would not thank God for the presence of the United States troops and for a law governing their movement that would permit their use in protecting the weaker against the stronger class of voters, when no other force could be commanded to perform such duty; and no man of any sense in that state would be afraid of the abuse of such a law.

#### SERIOUS COMPLICATION.

This western section of Nebraska is one of the finest pasture fields on the face of the earth. It is within bounds to say that not less than a quarter of a million head of cattle are to-day grazing upon the nutritious natural grasses of that vast region. The pioneer tiller of the soil, the homesteader is also there.

Unfortunately these two interests conflict and therefrom bitter antagonisms have sprung which have helped to increase the complications. It is true there are two or three small military posts along the western line of the State, but these are almost of no account in preserving the peace between the "homesteader and the cowboys," who dispute with each other for the occupancy of that fertile country; between the Indian and white outlaw who steal from each other; between all these and the capitalists who have millions of dollars in herds of cattle and horses scattered widely over that country upon which the Indian, whose ponies have been stolen by the white outlaw, makes reprisals, upon which the outlaw, disguised perhaps as an Indian, makes raids, or for the general protection of these great interests which are otherwise imperiled through the antagonisms between the classes to which I have referred, our army cannot, as the law now stands, give aid to a sheriff or other civil officer, anywhere, for any purpose whatever.

## CONCLUSION.

In the interest of peace, for the enforcement of the laws, for the protection of life and property, for the purpose of insuring to every citizen of every nationality, whatever may be his religious faith, whatever his political opinions, whatever the color of his skin, whatever his occupation, whether he be rich or poor, high or low, citizen or stranger, although he may be found in the remotest corner of our state, the same privileges and immunities that may be enjoyed by any other citizen anywhere in this broad land of ours, we ask you to remove these restrictions so far as they may operate to render the army employed upon the frontier useless.

In the session of 1880, when urging a claim for an addition to the school fund of the State, demanding that lands located by warrants and those included in Indian reservations should pay five per cent to that fund, as lands sold did, the senator found an opportunity to exalt Nebraska at the expense of imperious Vermont.

## NEBRASKA AND VERMONT CONTRASTED.

Mr. President—From nothing whatever in 1854 Nebraska has grown to a population of 500,000 with an assessed valuation of fully \$100,000,000, and that, too, without assessing the vast estate of the Federal Government therein. With six hundred churches, three thousand schoolhouses, with a surplus of the agriculture of the past year over the requirements for home consumption of at least 500,000,000 bushels of wheat and corn, more than 500,000 hogs and 300,000 beeves, to say nothing of other products of lesser importance sent out for distribution to the consumers of states less favored in these respects. Moreover while Vermont paid, for the fiscal year ending June 30, 1879, only \$50,159 in internal revenue taxes for the support of the Federal government, Nebraska paid for the same year \$876,309, more than seventeen times as much as Vermont, in a single year. Since Nebraska was admitted as a state in 1866-67 it has paid more than \$4,000,000 internal revenue taxes. And while Vermont, during the last five years, has paid less than \$300,000, Nebraska has paid during the same period about \$3,000,000.

When the 46th congress closed his first term of six years, the record showed that including incidental remarks and prepared

speeches, he had addressed the senate 164 times, independent of twenty written reports and of the presentation of one hundred and twenty-nine bills, nine of which passed the senate. Being succeeded by C. H. Van Wyck, in 1881, whose term expired in 1887, Mr. Paddock devoted the interim as an active member of a commission established for the suppression of polygamy in Utah.

On his return to the senate in December, 1887, at the commencement of his second term of six years, Mr. Paddock made a vigorous attack upon the Post Office Department, claiming that the interests of the West had been overlooked in behalf of the South and East.

From a long, compact, and statistical speech we have a description in terse language of the "Average American"—

Mr. President—The average American citizen is a man of broad views, strong in purpose, intensely patriotic, aggressive and enterprising. He is proud of his country and its institutions, he demands of the governing power that it shall be the aggregate personification of what he himself is, and the party having the responsibility of administration which refuses great opportunities, when properly presented, to increase the wealth and prosperity, the power and the glory of the Republic, and spends its time in trying to save a dollar in the purchase of tape and tabs and wrapping paper, will surely come to grief when the people who are the sovereigns can reach it through the ballot box. I beg to warn our democratic friends that the deluge is at hand, and there will have to be some very lively swimming on their part or they will go down beneath the waves of popular disfavor and distrust, which their own administration has set in motion by its incompetency and its blunders.

On a bill for a bureau of Animal Industry, and to facilitate the transportation of live stock and to extirpate contagious pleuro-pneumonia, he delivered an able speech, covering the constitutional power and national necessity.

In it he said:

Mr. President, it would be impossible to estimate the importance of this subject. In a comparatively few years pleuro-pneumonia has cost the country directly and in-

directly \$10,000,000. Within ten years the losses from hog cholera have been estimated at the enormous sum of \$300,000,000 or more. We have today 125,000,000 farm animals at the mercy of infectious diseases which commonly affect herds and flocks. In western Europe a single epidemic of the rinderpest swept away 30,000,000 head of cattle, of the estimated value of \$1,500,000,000. France alone during the last century lost 10,000,000 head of cattle from malignant diseases. In the years from 1856 to 1862 lung fever and epizootic cost Great Britain over one million head of cattle worth \$50,000,000; and eighteen months in 1865-66, from rinderpest \$10,000,000 more were added to the cattle losses of the same country. The national government must deal with this matter; congress cannot shift the matter to the States. One method in one state, another system in another, and none of any kind in many, with non-co-operation between all, will not do.

At the end of this congress he had addressed the senate sixteen times—introduced forty-five bills of which twenty passed the senate and twelve became laws, and while active on the committees on Agriculture, Lands and Pensions presided over that of Mississippi River improvements.

With the opening of the 51st congress, having had eight years of experience in national legislation, Mr. Paddock was so well equipped for greater works and more extended discussion, that the merest reference, by fragmentary quotations, is all that can be given of numerous valuable speeches.

#### WESTERN MORTGAGES.

On the subject of western mortgages we have:

Mr. President—I want to record the statement here, that not to exceed 1 per cent. of the mortgage indebtedness, if so much as that, of my State, represents actual losses in the prosecution of agricultural industry. Indeed, I believe that seven-eighths of the mortgage indebtedness of that State represents purchases made through deferred payments among those engaged in agriculture, who have found it advantageous to themselves to acquire additional tracts of land, or to increase their flocks and herds. I wish to say that the representations which have been made, published and spread broadcast over the country in newspapers and in public speeches during the past year by certain pessimists



and demagogues respecting the indebtedness of the agricultural class in my State, were cruel in their character at least, a libel upon my State and its farmers, and in all respects villainously false.

#### UTAH.

Having been a member of the Utah commission, the senator took great interest in everything relating to the material interest of the Territory. Advocating an appropriation for a public building he said:

It is well known, I suppose, by the senator from Kansas, it is certainly by Western people generally, that Salt Lake is at the present time one of the most prosperous and one of the most rapidly growing cities in the West, and that it has a population to-day of fully 50,000. It is the great leader among the cities of the West, second only to Denver and Omaha of the cities between Chicago and San Francisco. It is a city which undoubtedly within five years will have a hundred, or more, thousand people.

#### INDIANS IN REPOSE.

A senator having dwelt upon hunger as the cause of Indian outbreaks, was answered as follows:

While I am up I should like to say a single word with reference to this theory of the hunger of the Indians. It is well known on the frontier by those who know something of the Indian character, and particularly the Indian appetite, that the Indian is always hungry until he is filled to repletion, which means to be filled up to his chin. Whenever there is a depression or settling down of this inside lining he immediately becomes hungry, and so whenever he appears anywhere or anybody interviews him in respect to the condition of his appetite, he is ready to state that he is hungry, if he is not full to overflowing from a very recent filling.

#### TARIFF.

In the tariff discussion of 1890, of which came the celebrated McKinley bill, Mr. Paddock sketched the rise of the Republican party, its enactment of that measure, the reign of peace demanding its modification, benign results of protection to general interests, and its vindication in the sudden and astounding growth of the western agricultural region. Yet he frankly admitted:

That the people of the West begin to think that if a number of the most protected of these industries are ever to learn to stand alone, their hands should soon be forcibly released from the skirts of high protection, to which they so persistently cling.

In accordance with legislative instructions he voted for "free lumber," and for free machinery for the sugar beet manufacturers, during their infancy. The bill as passed in the senate, having been modified in a committee of conference, received his condemnation:

As I would have voted as a republican for the bill as it passed the senate, so I shall vote now against it as a republican. I must do this regardless of consequences to myself, and in honest compliance with what I believe to be representative duty.

In the closing hours of the 51st congress, three days before adjournment, having for three years assisted in perfecting a bill for the suppression of all manner of adulterated food, drugs and drinks, the senator is found delivering a two hours' speech, being a comprehensive analysis of congressional and parliamentary reports, sustained by chemical research and the local laws of numerous states, with memorials of trade associations and dairy commissioners, Farmers' Alliance appeals and pure food associations all over the land. Although the motion to attach the Pure Food Bill to an appropriation bill failed, yet a very valuable contribution was made to the literature of the senate and the way opened up for future triumph.

#### CONCLUDING PARAGRAPHS.

Mr. President, this measure is to uphold and enforce commercial honesty, the pride of respected and respectable merchants; commercial confidence, which is the foundation of trade; business integrity, the prime basis of commerce. The demand comes finally from the great agricultural class of the country, whose products are depreciated in value by hundreds of thousands of dollars annually, while they are robbed of millions through the sophistication of the articles of food consumed by themselves and their children. I assure the senate that the men for whom my associates and myself speak will not be satisfied with hair-splitting techni-

calities of constitutional interpretation, applied to bolster up and support the swindlers and the cheats whom this measure will expose and bring to justice.

This congress of 304 days, next to the longest ever held, found Mr. Paddock at the head of the agricultural committee and eclipsing all previous records of bills, reports and speeches, presented and delivered.

The length of the session was not disproportioned to the value of the themes acted upon, nor were those which were enacted into law superior to many that remained in committee or went over on the files of the House.

During the last hours of the 1st session of the 52d congress, Senator Paddock was found again contesting with Senators Coke, of Texas, Bate, of Tennessee, and Vest, of Missouri, for the passage of his specialty, the Pure Food Bill.

He denied utterly the charges of the two former "that thousands and tens of thousands of officials would be required" in the enforcement of the law, whereas only such articles as are the subject of interstate commerce were to be analyzed. He thought his opponents were "more troubled about cotton-seed oil than about the constitution."

He repelled the assumption "that the people themselves, who had almost universally demanded it, had been moved chiefly by the desire to have inaugurated a cheap, nasty, political scheme for corrupt partisan uses." After an argument as to the constitutional power, and numerous citations from eminent authors and demands from the manufacturers for the passage of the bill he closed with a cogent appeal:

Mr. President, in conclusion I appeal to senators to help, so far as they may be able, in this particular sphere of their legislative activities, to enact this law.

In the name and in the interest of public morality, I appeal to you to set legislative bounds beyond which the wicked may not go with impunity in this corrupt and corrupting work.

Let us help by our action here to protect and sustain in his honorable vocation the honorable producer, manufacturer, merchant and trader. In the interest of the great consuming public, particularly the poor, I beg of you to make an honest, earnest effort to secure this legislation.

These. Mr. President, are the men and these the women and children for whom, before all others, I make this appeal. If you could save to these the possible one-third of the nutrition element of their food supplies which is extracted to be replaced by that which is only bulk, only the form and semblance of which they are robbed by the dishonest manipulator and trader, you would go a long way toward solving the great problem of the laboring masses—whether for them it is “better to live or not to live,” whether it is “better to endure the ills they have, rather than flee to those they know not of,” that lie beyond in the realm of governmental and social upheaval and chaos. There is a good deal in the way of comic “asides” as the momentous social drama which holds the boards at this time, and whose *dramatis personæ* are the so called common people, rapidly advances to the epilogue. Be not deceived, the storm doth not abate. It is ever rising. Its violence is ever increasing. Take heed when the people demand bread that you continue not to give them a stone, lest the angry waves of discontent may some time, perhaps in the near future, rise so high as to overwhelm and engulf for ever all that we most greatly value—our free institutions, and of the glories and hopes of our great Republic—which are not ours alone, but which belong, and, if they are preserved and shall permanently endure, will be an ever continuing blessing to all mankind.

#### OPTIONS AND FUTURES.

March 24th, 1892, Mr. Paddock affirmed that there was “a universal demand in the West for some legislation on the bill to regulate speculation in fictitious farm products,” and hoped the committee in charge of the same would make verbal report thereof. Again on the 16th of June following he congratulated the senate that the committee of the Judiciary was giving attention to the constitutional aspect of the question.

Once more, he appears on the succeeding 20th of July injecting questions into a very searching speech of Senator Vest of Missouri; and finally just before the conclusion of the 1st session of the 52d congress holds the attention of the senate with a speech upon “Options and Futures,” in which he charged that gambling in grains “made impossible the direct, free, and safe distribution to, and the storage and holding of the same at points of consumption in non-producing sections, remote from

the fields of the producer;" and that the system neutralized the conditions of "supply and demand, filling the coffers of speculators and brokers at the expense of the farmers and honest purchasers."

We have in conclusion:

"Mr. President, it will not do to trifle with this matter. This bill must not be set aside because the people who are carrying on this business demand to be let alone. This is always the prayer behind which men profiting by evil methods seek to intrench themselves.

This fiction trading is the most prolific source of dissatisfaction, disgust and apprehension that has ever existed in this country. The bases of many colossal fortunes which have been the marvel of the present generation are believed by the masses of the people to be traceable directly to this system, and the ruin of thousands of men all over the country is known to have the same origin.

The system is universally reprobated. And certainly such a system, which all mankind believe to be hurtful to legitimate commerce, to public morals, and generally prejudicial to the general welfare, ought to receive the attention of congress to the end that at least it may receive the seal of its condemnation.

Though the bill passed the senate, it met the most energetic opposition of those who believed there was no warrant for it in the constitution of the United States, inasmuch as it proposed to prohibit the business by excessive taxation, while the only province of national taxation should be "for revenue only."

And again that these contracts for future consummation were simply between citizens of the same state and in no respect of an interstate character, subject to that clause of the constitution regulating commerce between states; and that if an evil it fell under the jurisdiction of local state legislation.

They denied utterly, that the price of grain or cotton could be affected by the guessing or betting upon their prices at any future time; but that the price would be governed by the "demand and supply," going up when the demand was great and the supply small and down with reversed conditions.

As the end of his second term was approaching in 1892 his

admonition to the Democratic party in 1887 became painfully applicable to his political allies in Nebraska.

I beg to warn our friends that the deluge is at hand, and there will have to be some very lively swimming on their part or they will go down beneath the waves of popular disfavor and distrust, which their own administration has set in motion by its incompetency and its blunders.

And after the Populist ark had found its Ararat, and the senatorial succession became the prize in conflict, how expressive his words in the 52d congress:

Be not deceived; the storm doth not abate. It is ever rising. Its violence is ever increasing. Take heed when the people demand bread, that you continue not to give them a stone.

After twelve years of faithful service, on the 4th of March, 1893, his Populist successor, Judge W. V. Allen, assumed the duties of Senator.

## SENATOR ALVIN SAUNDERS.

March 4th, 1877—March 4th, 1883.

Governor Alvin Saunders was elected to succeed Senator P. W. Hitchcock, in the United States Senate, in 1877, in the 45th congress. As an appointee of Mr. Lincoln, in May, 1861, he became the successor of Governor Samuel Black of Pennsylvania, and assumed the duties of Territorial Governor. His incumbency of that office, for six years, covered the most eventful period in Nebraska history. It wound up the life of a territory, and hailed the rise of a state.

It bridged the gulf between the charred and desolate realm of slavery, and the vernal, captivating dominion of freedom. As Black was the last official of the aggrandizing South, so Saunders became the first of the dominating North. In his first official proclamation, he sounded the tocsin of war, and denounced treason and the traitor. In his first official message he urged material aid for the Union treasury, in his second felicitated the people on the steady advance of the Union arms, eulogized the Territorial troops, advocated monuments and rolls of honor, and emancipation as a military necessity.

In his message of 1865, was heralded the march of Sherman to the sea, and in that of 1866 came the joyous acclaim: "Our flag, emblem of the unity of justice, power and glory of the nation now floats in triumph over every part of the Republic."

Thus upon the pages of state history he erected the milestones of national progress. While the commerce of the old world was seeking a new passage to the new and the visions of Fremont and Whitney had been cheered with the glimpse of an iron track across the American desert, and over the Rocky Mountains, connecting the Atlantic and Pacific, in 1861, the new Governor pointed to the great Platte Valley as the future route. Two years pass by and spade in hand he "broke ground" for "the greatest internal improvement ever projected by man." while from the summit of the Sierra Nevadas he viewed the

coming of "the silk of the Indies, the manufactures of England and France and the teas of China." His message of 1864 recounted in appreciative terms the great Union Pacific charter of 1862; and in 1865 reported cheering progress toward a splendid consummation. In 1866 his bulletin announced 55 miles of track, while in 1867 it read, "Cars running a distance of 293 miles." Here official exhibits and prognostications ceased, on retiring from office; but in a short time the reportorial pencil, in other hands wrote out: "Hon. Alvin Saunders, of Omaha, Pullman passenger for San Francisco." His connection with this stupendous enterprise might of itself have satisfied the most exacting ambition; but there were other monumental shafts on which to carve a name.

January, 1861, he urged the legislature to call upon congress for the passage of a bill to secure homes for permanent settlers on the public lands, and in 1864 congratulated the body on the passage of the "beneficent homestead bill." The question of state organization received commendation, and on the 27th of March, 1867, his valedictory proclaimed exultation and thanks.

How well Governor Saunders was to serve the State of Nebraska as senator may be inferred from his personal knowledge of her perilous march amid savage attacks, national alarms and financial reverses.

On calling up the bill to establish the Territory of Lincoln, June 19, 1877, in the 45th congress, Mr. Saunders gave a brief description of the people and their wants.

#### PIONEERS.

MR. SAUNDERS: There is a thorough and clear report made by the committee and I believe no objection ought to intervene in the way of the passage of the bill for the reason that the people are fully established out there. They have now all the elements of civilization and success and everything for making permanent homes. They have churches; they have school houses; they have daily papers and weekly papers; they have more than fifty mills in the mining region. The lowest estimate of the number of people in the mining region is fifteen thousand, besides five thousand people in and around Bismarck, so that there is



no question about the number of the people and there is no question about the necessity of the measure.

These men at the Hills live more than seven hundred miles by the nearest, traveled route to the capital of their present territory, and there is only one judge allowed there and he has to go and sit with the others when they are holding what they call their Supreme Court. Now if we do not give them this organization you see the trouble there will be, you see the difficulty in carrying out their laws, of having the order that belongs to a people in a region like that. This country has been liberal to people in that way when they go out and become pioneers. We form territorial governments for them and these people only ask the same that has been granted to others. This territory is made up of parts of three other territories.

The committee's report referred to placed the value of the gold product of 1876 at \$2,000,000, and that of 1877 at from \$4,000,000 to \$5,000,000; and represented rich valleys, and heavily timbered mountains.

#### PURITY OF ELECTIONS.

In the 46th congress, an effort being made to repeal certain election laws, Senator Saunders volunteered an argument for the purity of elections:

Why, Mr. President, is all this clamor for a repeal of these laws at this time?

Has any body or set of men, anywhere, asked for it? Has any damage been inflicted upon anyone, anywhere, to call for such legislation? Has the President at any time used the army, or have the United States marshals by his order used their authority, in any way that should call forth such persistent efforts to make these changes at this time? I answer, nothing of the kind. What then does all this mean to which we have listened so patiently and so long, and which is in fact exciting the suspicion and disgust of the intelligent masses of the North? Do gentlemen on the other side know that they are suspected of removing the possibility of having a Federal officer at the polls, in order that a free use might be made of the shotgun and revolver to deter one class of citizens, and those in many instances in the majority, from exercising their rights at the polls. These unfortunates, though outnumbering their opponents in some of the southern states, are poor, timid, and unarmed. Free they are, so far as being able to call body and

soul their own, but I aver they are not free to enjoy their political rights under the constitution and the laws. The right which, under a Republican form of government, does most to make a man feel that he is a man, is partly taken from them now, and I fear will be denied them absolutely if the policy under consideration prevails.

A few years ago in the other end of the capitol might be seen on the left of the speaker's stand quite a respectable number of the dusky sons of the South who were there to represent, among others, their own race. But where are they now? Gone! Why? Is it because the colored majorities in the states referred to do not want their wishes represented in the congress of the United States? Certainly not. The reason of their absence is too well known to us and to the country to need a statement from me.

Elections as they are now conducted in the South may be fair and free, but it will be hard to make the people of the North believe it while the South is solid in support of the Democratic party, when it is well known that in several of the states the colored voters are in the majority and strongly in favor of the Republican party, as the one that struck off their shackles and let them go free.

Here he quoted from a message from the President showing why and how the civil and military power of the government should give protection in sustaining the freedom of the ballot.

Continuing he said:

I believe in a government with power to sustain itself. I believe the constitution gives the government that power. I believe the people of this country intend that this government, the creation of their own wisdom, enriched by their own sacrifices and cemented by their own blood, shall have in itself power not only to compel the respect of foreign nations, but of domestic traitors. In other words, I believe in leaving with the government to-day and for the future as much power as it had when it crushed rebellion and received its final surrender at Appomattox. I believe it is the hope and desire of every true American citizen that armed troops, or any other body of armed men, may never be seen at the polls; but at the same time I do not believe that any true and loyal citizen of the country desires to see the power lessened whereby the government is enabled to uphold and sustain itself.

Other positions taken, amplified and sustained, the following conclusion was reached:

“Let well enough alone” is a common but very expressive saying, and one that this congress might with great propriety and good effect adopt at this time. Let us wait till we are asked by somebody to change the laws which have had such peaceful and, as I believe, beneficial effects, before we strike them from our statutes.

#### TAXATION AND TARIFF REFORM.

During the 1st session of the 4th congress we find the senator heartily engaged in an argument for a reduction of internal taxes upon matches, because as he said:

They have become a necessity of the people and yet they are taxed at such a rate that the consumer pays at least 200 per cent. more than the articles cost to manufacture. The tax brings in about \$3,000,000 to the Nation. It would be a great relief to the consumer if such a tax were taken off or this law repealed. Then take off the stamp tax on bank checks and drafts. That amounts to about \$2,000,000 a year. While I am not an advocate of free trade, I am equally opposed to a high protective tariff simply for protection without regard to the article or industry to be protected.

Two months later he urged the same procedure:

At the beginning of this session I took occasion to say I was opposed to a tariff commission because I wanted congress to take hold of the matter and reform the tariff itself. Now more than one half of the session has passed and we all know that nothing will be done unless it be to take hold of the smaller items. Therefore I have made up my mind that this commission can at least do us no harm and may do some good. Hence I shall vote for the commission and try the experiment. Here for instance is sugar. We are collecting about \$40,000,000 a year on sugar, one quarter part, or one fifth part, of all the money paid for sugar by the consumers of this country; it is a tax direct on them and yet we are not touching it.

Four months later he said of a House Bill:

But the trouble is, it does not go far enough; it does not reach down to the great masses who are the producers, but who are also in many particulars the great consumers and who are therefore the heavy taxpayers.

I am not willing to defer for a moment longer than is necessary to adopt the proper legislation, the lessening of the taxes on such articles as sugar, Bessemer steel, matches, etc.

Railroad companies who purchase the steel count the cost among the other items of the expense of construction and on which they ask such earnings as will reimburse them. That the tariff on Bessemer steel is too high is proven by the fact that in England they can make and sell this steel for \$33 or \$35 per ton, while in the United States duty on the same is fixed at \$28 per ton.

Glad as I would be to see this congress adjourn and allow us to return to our homes to spend the warm season, still I would insist on the relief sought in the bill now before the senate even if I have to remain here till the frosts of the fall shall come to cool the atmosphere in order to effect it.

#### INDIANS.

The subject of Indian affairs being before the senate, Mr. Saunders engaged in a very spirited running debate with General Logan and finally wound up as follows:

MR. SAUNDERS: I think the bill referred to by the senator from Illinois is right. I voted for it. The senator seems to doubt whether he voted for it or not.

MR. LOGAN: Perhaps I did vote for it, Mr. Saunders. I did for the reason that if a half-breed had a right to trade in that country in a different way from the white men it would encourage the business of raising half-breeds among the Indians, a thing which I thought the congress of the United States ought not to encourage; and hence I proposed that the half-breeds should go through the same ordeal that a white man does before being a trader, and that he should be required to give bonds for the faithful performance of his duty, for properly obeying the orders of the agent at the agency the same as a white man.

MR. SAUNDERS: I think that was right. I want it understood that I favored that. Now, while I am on the floor I will venture to say that I agree with very much and with the most that has been said by the senator from Illinois.

I believe we have made a mistake by undertaking to teach the Indian letters in place of labor. We ought to have commenced at the other end and taught them how to work out their living and gradually brought them into letters and attempted to make good scholars of them. If there is any one subject that I ought to know something about more than some other people from other parts of the country, it is the Indian subject. I have been with them and among them and near to them all the days of my business life, and I am convinced that the course now pursued,

if properly carried out, will in the end result in good to the Indians and in no harm to the whites.

The Indians must be taught how to take care of stock, how to take care of their farms, and for that reason, I brought in an amendment last session setting apart a school house that belongs to the government of the United States, in my own state for the purpose of teaching Indians. I stated at that time that it should not be erected in the neighborhood where the Indians lived. You want to take them, as the senator from Illinois said, away from their homes, where they will not be surrounded by their people, because their parents and others around the camp will not allow them to speak our language. I am not one of those who believe we want to send all the Indians to the eastern schools and give them all book learning. Give them a trade; teach them to manufacture goods, to manufacture wooden ware and the like. They can do it just as well as any other people. They are rather an industrious people, so far as the women are concerned; they labor and make moccasins and other things for sale and do the work better, or at least as well, as any white people.

If you encourage their men in the same way, lead them out, give them property, let them call it their own, divide up the land and give it to them in severalty, so that they may have a title as we have, you will give them encouragement that they have never before had in this country.

I speak from what I know on this subject. I have visited some of the Indians in my own state, and they say, "Why cannot we have a title to our own lands, the same as you white people have? You do not give it to us." I am glad to know that one step has been taken in the bill passed by the senate a short time ago for the purpose of dividing out the lands of these people. I believe that is right.

Then, I know further that these same Indians are now being trained in the arts of farming, so that they are selling grain. I saw them myself hauling grain to Sioux City some distance from their own homes and they were taking it to market the same as white men.

Speaking of this matter of Indian Affairs, a correspondent of the *Chicago Times*, in May, 1886, said:

Another of his acts while in the senate was to secure a labor school for Indians on the Pawnee reservation in Nebraska. He was one of the commissioners appointed by the government to visit the various tribes of Indians for the purpose of passing on the advisability of turning the man-

agement of the Indians over to the war department. He saw some thirty or forty tribes in Texas, Indian territory, Missouri, Nebraska, California and other places, and at the conclusion of the trip of inspection, as chairman of the committee, reported against transferring the management of Indian affairs to the war department. The committee was divided, but that portion of the report which was presented by the chairman was adopted. That report, which recommended the teaching of the Indians to work and to earn their own living, embodied the principles under which Indian affairs are now conducted; "and today," said the governor, "there are not ten men in congress, certainly not in the senate, who would favor any change from the course pointed out in our report."

But this success did not exceed his estimate of the value to be attached to the acquisition of 600,000 acres of land added to Nebraska, by straightening the boundary line adjoining Dakota.

On the 21st day of February, 1881, Mr. Saunders called up his resolution to instruct the committee of commerce in the interest of a large appropriation for improving the Missouri River between its mouth and Yankton, Dakota. He argued the necessity of the case from the importance of the stream, "which furnishes the largest and richest valley of agricultural lands of any valley in the United States"; and from the necessity of having cheap down river transportation brought in competition with the lines of railroads; opening up a direct line of transportation between the great West and European markets, by way of the mouth of the Mississippi.

The whole question of interstate commerce in connection with railroad subsidies and their extortionate charges and favoritism through draw-backs were drawn into the discussion, illustrated by copious statistics. His imagination covered the Missouri and Mississippi with barges of grain and cattle, and swelled trans-atlantic commerce with countless American transports. In his summing up we have:

The fact is there is no transportation known to the busy world that will compare in cheapness with down-stream navigation. The Almighty made these great thoroughfares for the use of the people. No monopolies can take posses-

sion of them and occupy them to the exclusion of others who may want to use them. They may, therefore, be truly called the "people's highway."

During his term as senator he was struggling with a great financial loss, the result of the failure of New York partners. Refusing to wipe out his indebtedness by an act of bankruptcy he devoted his private means and future accumulations for several years, and when every claim was finally met at par, exclaimed: "This affords me more pleasure than anything else has ever done, and is the proudest feature of my life."

## SENATOR C. H. VAN WYCK.

March 4th, 1881—March 4th, 1887.

Senator Charles H. Van Wyck was born at Poughkeepsie, New York, in November, 1824; graduated at Rutgers College, New Jersey; studied law and practiced; was district attorney of Sullivan County from 1850 to 1856; was elected a Representative from New York to the 36th congress, serving as a member of the committee on mileage; was also elected to the 37th congress, and was appointed chairman of the committee on government contracts; while in congress served in the volunteer service as colonel of a regiment; in 1865 was appointed a brigadier-general by brevet; was a delegate to the "Pittsburg Soldiers'" Convention of 1865; was elected to the 40th congress, serving as chairman of the committee on retrenchment; was a delegate to the state republican convention, 1867; was re-elected to the 41st congress, removed to Nebraska in 1874; was a delegate to the state republican convention, 1867; was re-senator from 1876 to 1880; was elected United States Senator from Nebraska for six years from March 4th, 1881.

As a part of his personal history, before becoming a citizen of Nebraska, he is entitled to the following brief summary of a career as member of congress from the state of New York:

## VAN WYCK AND SLAVERY.

No member of the 36th congress of 1858-60 met the pro-slavery tempest and stemmed the tide more boldly, adroitly and eloquently than C. H. Van Wyck, of the state of New York. For two months the house had been unable to elect a presiding officer, and the clerk of a previous congress had to preside while slavery made its last stand for political supremacy. Republicans, made up of whigs and democrats of the free states, lacked a few votes of enough to elect John Sherman, and finally succeeded with a number of "native Americans" in electing Pennington of New Jersey. The pro-slavery leaders were mostly



of the democratic party and hence were hearty prosecutors of democratic republicans.

On this point of debate the following is collated from the speech of the New York member, March 7th, 1860.

#### DEMOCRACY.

As a democrat I believe slavery to be a crime against the laws of God and nature. From the deluge of democratic speeches I learn that the Alpha and Omega of your religion and democracy are the divinity and benefits of human servitude. In 1854 the invader commenced sapping and mining, seized the outworks, toppled the embattlements to the ground, stormed the strong fortress and obtained possession. Could it be expected that we should sit quietly by and see the acts of every democratic administration rebuked; could we hold political fellowship with those who were willing to envenom the memory of Washington, Jefferson, Madison and Monroe? Am I to be reproached as an apostle from democracy? Sir, I would rather desert a political organization than to turn traitor to my own conscience and be guilty of moral treason to my own judgment. The patent of my democracy is in the records of democratic administration, and by it I stand or fall. In 1849 the democratic party in the State of New York became a unit on substantially the basis of Mr. Bronson's letter. The slave power soon forced them from it and from the resolutions of the united democracy in that state the republicans have compiled their political catechism. I only desire the democracy to see to what indignities they must be subjected if they manifest unwillingness to bow down and worship this black Juggernaut of slavery.

#### SPLENDID RETORTS.

Mr. Davidson, of Louisiana, desired to present to the consideration of this house one of John Brown's pikes. Let me urge him to extend his cabinet of curiosities and add one of the chains and branding irons of his coffee gang, tied with the lash with which the backs of women and children are scourged, and then, to watch them, a sleek, well-fed bloodhound with quick scent trained to snuff in the air the track of the fleeing fugitive,—let him present these as the symbols, one of Brown's folly, and the other of his own high type of civilization.

You taunt us with cowardice. Go home and ask the remnant of the gallant Palmetto regiment, who received the shock of battle on the plains of Mexico, where stood the

New York volunteers, who, with them side by side, were in the thickest of the fight at Cherubusco, Cerro Gordo and Chepultepec, and when your gallant Butler fell at the head of the regiments of my state and yours, northern warriors joined yours to carry him from the field and regret that one so brave had fallen. Ask your regiment what you think of northern bravery. Gentlemen tell us in certain contingencies they will dissolve the Union. No, sirs, you will long have to march to the music of the Union, that music which is uprising from the fields where labor is repaid, and the workshops where industry is rewarded, from the machinery which, through the instrumentality of steam, is doing the bidding of man, and from the gigantic steamers that plough our rivers and lakes.

While Mr. Van Wyck met every argument, parried every thrust, unmasked every deception and moved upon every breast-work, his bold aggressiveness became so unbearable to the masters of the lash that Davis, of Mississippi (not Jefferson), exclaimed, "I pronounce the gentlemen a liar and scoundrel."

MR. DAVIS: Will you go outside the District of Columbia and test the question of personal courage with any southern man?

MR. VAN WYCK: I travel anywhere and without fear of anyone. For the first eight weeks of this session you stood upon this floor continually libeling the North and the people of the free states, charging them with treason and all manner of crime and now you are thrown into great rage when I tell you a few facts.

This speech, so very elaborate and exhaustive, established the fact that the New Yorker could neither be worsted in the argument nor bullied into silence, and gave him a strong hold upon a constituency who echoed his utterance, "You cannot, you dare not resist. We threaten not with bayonet, revolver or bowie knife, but with the silent ballot, which executes a free-man's will as lightning does the will of God."

Congress closed this session June 28th, 1860, and commenced again December 3d, 1860. During the interval the republicans had elected Mr. Lincoln president, and the disunionists were preparing for secession. Again Mr. Van Wyck appears upon the stage, and, clad in the armor of the fathers, challenges the con-

stituency of the cohorts of revolution. He charges upon them that since 1842 three fourths of the territory acquired had been surrendered to slavery and their "peculiar institution" increased in numbers and power, while they posed as the friends of the Union, "par excellence," and charged all the consequences of meditated disunion upon the anti-slavery element of the country. "The very men who then could not find words sufficiently strong to anathematize those they called traitors, now seem to be courting a traitor's doom and madly rioting in a traitor's saturnalia."

After this sentence came the "fireworks," and amid a storm of excitement he was called to order. But the lion was aroused, and to annihilate the doctrines of the fathers, "Political incendiaries would trample upon the flag and burn the temple of freedom." After impaling the leaders upon their own arguments, now abandoned, they heard the fearful truth. "You have been shorn of your strength by your own Delilah, and now in your blindness would wrap your arms around the pillars of the republic and perish in its ruin." The speech was a master effort, a sunburst in a troubled sky. History was invoked, government records displayed and the cicatrix of burning, blasting denunciation applied to the wound.

#### FIRST SESSION THIRTY-SEVENTH CONGRESS.

##### REPUBLICAN APPEAL.

The first session of the 37th congress convened July 4th, 1861, and lasted for one month. Mr. Van Wyck was made chairman of the committee on revolutionary claims, and was conspicuous in urging the adoption of free letter postage for the soldiers, and even so early in the war, an investigation of army contracts, closing with the following appeal: "I appeal to my republican friends, let us be true to our former profession and see to it that plunder and peculation shall not follow on the track of our army. Let us watch the movements of the army contractors and take care that they shall not feast and fatten upon the free-will offering of the Republic, desiring that men who are so base

as to seek at this time to enrich themselves, should be held up to the scorn of the world, never to be forgiven by the American people. Those who are pirating upon our waters under a traitor's commission of cupidity against the generous affections and benevolence of a self sacrificing nation." This appeal was based upon evidence that the army contractors and plunderers were keeping pace with the troops of the Union, and had it been safe, would have preceded them, stealing the forage and demanding its value in gold.

The second session found the New York member chairman of a committee, in hot pursuit of army contractors, their methods and frauds, and having his analytic skill supplemented by practical knowledge in the field, being colonel of a New York regiment, "the way of the transgressor was hard."

As the adornment of the base and crowning of the summit should be germane to the object and solidity of the shaft, so did his speech on monumental frauds instruct, convince and please as well in exordium and argument as in its peroration.

#### CHALLENGE OFFERED.

During its delivery a member from Pennsylvania and who had a brother in the quartermaster's department, feeling aggrieved, exclaimed, "I must have an explanation here or elsewhere." Mr. Van Wyck: "I will meet the gentleman here or elsewhere after my hour expires. I will answer him or any other man here or at any other place."

Again in the 40th congress in 1867, he appears fortified with four years' experience in exposing frauds and unmasking official delinquencies and concealment of favorites. The most adroit attacks upon the treasury or the purses of the people were alike discovered and denounced. Of a gift enterprise he said: "It contemplates taking \$1,200,000 from the pockets of the people, while the most they propose to donate to the object of charity, the Gettysburg asylum, is \$10,000." Another was thus described: "G. W. Thomas now proposes to raise \$500,000 of which \$150,000 is to be drawn in prizes, and \$200,000, principally, is to go into the pocket of Thomas." From this mere glance at his

early record it is very easy to discover his natural and unavoidable place as a Nebraska citizen and senator, where monopolies, trusts and frauds cast their blasting shadows across his pathway.

## SENATE.

Hon. C. H. Van Wyck entered the senate of the United States in 1881, as the successor of Senator A. S. Paddock; having to his credit six years' experience as a member of the House of Representatives in Congress; and the advantage of military experience and that insight which resulted from having been chairman of the committee on government contracts and of retrenchment.

To the crying demands of the times he responded as promptly as if directed by the hand of destiny, and devoted his faculties to the congenial but very unpopular work of retrenchment and reform. The few following extracts, from numerous and varied speeches, indicate an aggressive spirit, self abnegation, a will that never yields and a courage that never quails.

## TARIFF.

MR. VAN WYCK: We were promised during the last session of congress that we were to have a tariff so simplified that he who ran might read and understand it; but it seems that this same old thing must be continued; we must have a tariff here which requires an expert to explain and a lawyer to fully understand. I understand this theory of the protection of labor; but will the gentleman tell me, when he is protecting a few thousands in converting saw-logs in Michigan or Wisconsin into lumber, how many laboring men in this Nation does he strike and drain a tax of that amount out of their pockets? Do you say that to protect American labor from one to three dollars shall be taken out of the pocket of a man in the West and placed in the pocket of the owners of an industry that needs no protection in this land, an industry which has grown to its full strength, and which so far as the material is concerned must soon pass away? The difficulty here is that every single laborer, as you call him, must combine to protect one another, and against the people, who suffered from the exaction on them; and hence it is you find your glass interests, when suffering, are compelled to come up and push up the cart of the owners of pineries whose interests are not suffering.

There can be no sort of reason or argument to sustain this tax upon lumber to-day. You say you admit the log free. Is it any answer when a man is required to pay \$3 a thousand tax on lumber to tell him, "Yes; you can go to Canada and buy the lumber in the log and roll the log over to your home"?

During the long and protracted discussion of this subject, he held his own in behalf of reform with irresistible arguments, sarcastic retorts and pungent criticisms; returning to it again January 22, 1883, he closed another brilliant discussion, as follows:

Mr. President—The hundreds of thousands in the prairie states are not considered in the making up of this bill, men to whom the Nation is more indebted than to all of your railroads and other corporations, men who have taken up the flag of the country and gone into its wilderness in advance and planted it on every prairie and by every water course.

These men have gone from the old states; they have gone by thousands; having many of them shattered constitutions after service in the army; and I ask you in the name of American industry whether we shall protect the industry which has made Iowa what it is, which has made Kansas what it is, which has made Wisconsin what it is?

#### DIZZY SENATORS.

The subject being again before the senate, a few days later, gave an opportunity for the senator from Nebraska to string a succession of intellectual gems upon a golden chain.

MR. VAN WYCK: Now one word. It is a very good time now to illustrate what some few gentlemen have been trying to do in this bill. It is a bundle of inconsistencies from beginning to end—your whole tariff is. It is filled with them. I congratulate myself that my friend the senator from Connecticut (Mr. Platt) is getting upon the true Republican platform now—a tariff for revenue. I am rejoiced at that; and although I may regret a little the difference of opinion among the happy family of protectionists; yet it illustrated that this inconsistency has been going on to a very great extent, so that our friend the senator from New Jersey has really got dizzy by the repetition of the ideas of this inconsistency.

That is probably true. He is not the only gentleman

who has got dizzy since we have been discussing these great problems here.

#### WHARTON'S NICKEL MINE.

My friend from Vermont says that Mr. Wharton is an enterprising man. Certainly; he has got a mine. Who would not be enterprising if the government would get its arms under him and give him the duty that is imposed on this metal?

I presume the senator from Vermont means to say that the millions of this Nation shall be taxed for this one man who happens to own a nickel mine.

My friend from New Jersey says that this nickel mine is shut up; well let it be shut up, and closed forever, if the whole American nation must be taxed,—every man who desires to buy a little of the ore made from nickel—that the whole of this American Nation must be taxed,—merely to accomodate Mr. Wharton. I care not how respectable he may be; and his one single nickel mine, I care not whether it may be valuable or not,—it costs this Nation too much to run that individual mine for Mr. Wharton.

You will probably protect, as you have protected, the owners of the eleven Bessemer steel companies, and tax the whole United States to do it. You cannot see it there; I believe the senator from Connecticut cannot see it there; but he can see it when it is confined to only one mine, to one man, and when it lays its heavy hand upon the manufacturers of Connecticut.

When the senator from Massachusetts talks of protecting American labor, he thinks of a few thousand men and leaves out of his view the millions who go forth and toil and grapple with the soil, who receive no sort of consideration at his hands; he has no poetry for that class of laborers. It is the blushing cheek that he desires in the female operative in his factory, but he does not think of the others, who live upon the great prairies of the west.

#### A PARTY APPEAL.

A month following this discussion again he participated in a running debate with distinguished senators, and made a final appeal to his Republican friends.

I want to say to my political friends, as I think I have a right to say, what will be the effect if you issue your tariff from this congress and send it forth to the people and your pledges have not been redeemed? It is not that there is a surplus in the treasury of the United States at

which the people of the Nation complain. Oh, no; it is because you take the money from their pockets and put it there, and you issue a tariff, and the American people cannot know from actual knowledge that there has been a reduction of taxes. Then, verily, our work might better have ended before it was begun in this matter. We may amuse ourselves here, but we cannot amuse the American people in this way. They know they have been trifled with for years; they know that they have been bearing hardships which ought to have been removed, and they will know that there was no way except by a combination of interests—as the senator of Louisiana says, negotiations which have not been kept.

#### BOGUS CIVIL SERVICE.

During his first congressional term in the Senate we find him dealing out sage advice to his colleagues just as he did in the House when the Republican party, in its infancy, was becoming embarrassed with political barnacles, tramps, pirates and burglars.

I think I have a right to say that it is not prudent for the Republican party to adopt that policy which largely contributed to the destruction of the democracy.

I claim the right to occupy that ground as a Republican to-day. I choose as a Republican here, differing with my associates, to take warning from the past. I do not like to see one of these circulars sent to a poor clerk in the Treasury Department, saying to him that he is expected to contribute not less than a certain designated amount, which is two per cent on his salary, and the mockery of telling a man whose salary would not probably give bread to his wife and clothing and shoes to his children, that it would be a pleasure and privilege to him to do this thing.

Senators will excuse me for what I did when I heard that the committee went, not only to the pages of the state house, but also to the day laborer, when in some cases he could only work half time, and at full time would not receive enough to support his family, and mocked him by sending a circular telling him that "it is no doubt a privilege to give two per cent" of the little pittance which he receives.

I am not for that kind of civil service; I am free to say that; but I should like a civil service that would preserve the purity of the ballot-box and the freedom of every man who is in the employ of the government.



## CRYSTALLIZED OPINION.

On a subsequent occasion when his party had suffered a political defeat his condolence was of spiritual "wormwood and gall."

My friend, who is not here tonight, was on that committee, and when I appealed on behalf of these clerks who now exercise our brethren so much, and when I alluded to postal clerks whose pay had been reduced and said it was inhuman—I think that word has been used here once or twice—to pursue those men and force political assessments from them, my distinguished friend from Maine rose and asked very triumphantly, "Who is hurt?" [Laughter.] My distinguished friend from Iowa, only a few days ago, said that he discovered that the opinion of the people had crystallized on this question of political assessments. It certainly crystallized pretty hard when it struck Iowa pretty solidly in two or three places. Fortunately for us farther west it struck Iowa so hard that it bounded over Nebraska and landed on the Pacific slope. Crystallized! The public sentiment crystallized on the question twenty-two years ago, when by the report which was read during the last session it was shown that the iniquity of the Democratic party in that matter had found them out and the people denounced them. Let us make the laws as effective and as strong as we possibly can on this matter that these men may be protected and that the ballot box may be safe from corruption.

## SKILLED LABOR.

When it was determined to exclude from the country foreign laborers brought here under contract, and the subterfuge was resorted to of importing them under the head of "skilled labor," Mr. Van Wyck, uttered the following:

It is a very easy thing for gentlemen who desire to import labor under contract to have it "skilled labor." The man who works in the mines is a "skilled laborer," I think; the man who works in a factory is a skilled laborer. When the men were locked out of the glass-making establishments in this country there were found skilled workmen to take their places; and when the iron manufacturers closed their doors against American workmen because they will not work at reduced wages, and sometimes at starvation wages equal to those of the pauper labor of Europe, then it will be said that it is "skilled labor" that is to be brought under contract from foreign countries. So I move that those words be stricken from the bill.

## STEAMSHIP SUBSIDY.

On a proposition to grant a \$400,000 subsidy to the Pacific Mail Ship Company, in order to encourage commerce, protecting an "infant industry," which had been paying dividends for a great many years, the senator swept away the flimsy disguise.

If there be citizens of America in Japan and China and Australia needing mail facilities they are served today; they are served by the service which this wealthy corporation is enabled to give them. That is all that is desired in those waters, I presume. For years they have been reaching those ports; for years they have been amassing sufficient money in the carrying of commerce to declare liberal dividends.

## CONGRESSIONAL GRATITUDE.

In attempting to discharge the duty of a reformer and protect the Treasury from legalized pillage the Senator had often to place gallantry in abeyance and discard for the moment all conditions of adventitious circumstances of sex or social position. Accordingly several years after \$57,000 had been appropriated to cover all the expenses attending upon General Garfield and his burial; and after the pension of Surgeon-General Barnes (one of the attendants) had been raised from \$30 to \$50 per month, and an item in an appropriation bill offered Mrs. Garfield an additional \$5,000 on account of meritorious services of her husband, Mr. Van Wyck moved to strike out the amount.

The severity of the Senator's logic caused him to pay the debts of the government from the treasury, and to draw upon his own funds for gratuities and charity.

## ANNUAL CLERKS.

Occasionally his lessons of economy and equity were specifically directed to his colleagues.

MR. VAN WYCK: If there is any justice or honesty about the distribution of this part of the patronage—or plunder, as it should more properly be termed,—patronage if we choose to call it by a milder term, because probably one-half the persons employed about this building are not necessary—we should act equally. We have doubled the ex-

penses connected with the running of this part of the Capitol beyond what is actually necessary.

It is significant that we have here clerks of committees carried on the annual roll to-day when there is no pretense of necessity or duty for them. Why do the appropriations committee, who watch everything so carefully, suffer this to pass out of their grasp and fasten committee clerks on the treasury, when there is no necessity for them? We have messengers at \$1,400 a year and the compensation of others is increased and so is that of the clerk of the appropriations committee. I should like the senate, if possible, to be consistent on one line or the other, either, on the basis of honest equality for all the committees or on the basis of economy.

If it is a donation, if it is a gift, a matter of favor to a senator, having charge of a committee, let it be uniform. That is all.

#### MORMONISM.

MR. VAN WYCK: The point of my amendment is as to the necessity of this cumbersome and expensive commission being still further continued in the service of the Government. A board of army officers can discharge this duty equally as well, and save expense to the treasury, if that is a matter ever to be considered; but I suppose not.

Under the general desire and supposed necessity to keep on depleting the treasury, probably that will not be an argument in favor of my amendment. But I insist that we can trust the President of the United States to select three army officers who can discharge the duty of registering the voters and counting of the votes, and then act as a returning board. Undoubtedly the President would be careful to send men of good moral influence among the Mormons, and he will be careful to select army officers who have not duplicated their pay accounts too often so as to raise money to gamble in cards and in stocks. And then if the President is under the necessity of taking some officers who have been in the habit of frequenting Washington, I think we can trust him to select those men who have not become too incurably fixed in polygamous habits here in Washington, so that we would get reasonably pure men.

The senator's amendment contemplated saving \$25,000 on the salaries of five commissioners, and a large amount in rents, stationery, transportation, etc.; but it failed to receive an affirmative vote.

## SUNDAY OFFICE WORK.

At the third meeting of the Senate, March, 1885, in executive session, for the confirmation of the appointees of President Cleveland's cabinet and officers, Senator Van Wyck introduced a resolution directed to the new Secretary of the Interior, asking for information relative to the patenting of certain lands to the Texas Pacific Railroad, "whether the clerical force employed worked nights and Sunday so that they might be completed before March 4th." The Secretary, who should have worked the Sunday force March 3d, had become a Colorado Senator the next day, and was present to respond to the resolution.

MR. VAN WYCK: Mr. President, it will be considered by the American people a matter of sincere regret that an administration—a successor to those commencing a quarter of a century ago to break the power of organized capital and check the aggressions of the greatest monopoly that ever cast its blight on this continent—should have clouded its good name far more than word or act of its enemies in the last day of its existence; that in the last agony of dissolution its final act should be at the dictation and in the interest of corporate wealth, whose power has grown to be as omnipotent and whose aggressions as deadly as those of the one overthrown. Beginning for the establishment of universal rights, it has traversed all zones to the highest elevation, only to be hurled in the end to the antipode of abject and humiliating surrender in the face of the Nation to a more tyrannizing monopoly than dominated the Republic in former years. Breaking the bonds of slavery, it subjugated the Nation to the fetters of corporations.

Why should clerks work night and day and insult the religious sentiment of the Nation by working on Sunday? What the necessity, public or otherwise? This Republic was not to perish on the 4th of March; its continuity was not disturbed by changing the executive; there was no suspension of powers and duties; all business proceeded as heretofore. Did other of the executive departments work their forces nights and Sundays to have the incoming administration start with only new business? Was it dangerous to trust the representatives of the people in the next congress? Was there danger that the rights of settlers on these lands would be recognized and the public domain protected by the incoming administration? If so, then it evidently has not been installed too soon.

## THE GOVERNMENT.

During the last congress of his senatorial term, having called upon himself the indignant exclamation of a Senator, "Let him back out of what he said yesterday," the defiant Senator from Nebraska retorted:

Our democratic brethren arraigned us very severely only last fall and have been doing it for several years past. They arraigned us in many matters, for the wasteful expenditure of money and wasteful extravagance in giving away the public domain. The government is not here. I would say to my friend from Connecticut: It is not in your little commission; it is not in your executive departments; it is at the hearthstones and homes of the people of Connecticut, and Missouri and Kansas and Nebraska. There is your government to-day, in the hearts of the American people; and when their representatives here, when their executive departments of congress fail to live up to what they believe to be the true principles of government, then they rise up as they did twenty-five years ago, when they turned the Democratic party out of power and as they did last fall when they turned the Republican party out of power. They are the government; there is where the government is.

But we have been taught to believe that there must be no word said against, no arraignment made of officers of the government, no reflection on the administration; no attempt to criticise those in power; and yet it was said by an eminent senator, that this body is suspected of being controlled by monopolies; I think that was the point then. Is not that a serious charge? This is a branch of the government, and yet it is suspected. And the senator from Connecticut brings that sacred, holy halo around the administration, and wants to have it so bright and brilliant that the common vision will not undertake to peer and look beyond it.

## DEMONETIZING SILVER.

The chairman of the Judiciary Committee having declared no parties in the Senate or outside attempted to demonetize silver, Mr. Van Wyck responded:

Some years ago national banks in New York made an attempt to demonetize by ostracising silver, but as they were the immediate creatures of the law they shrewdly calculated the hazard of that venture. Now the wedge is to be entered in a different shape. Capital is arraigning itself

against the law, the almost universal sentiment and prosperity of the people—a bold, deliberate strike, done with malice aforethought against the interests of the masses, the interests of labor. Severe penalties are denounced against those who debase our coin. Why should not adequate punishment be provided for those who are seeking not only its debasement but its complete overthrow?

Capital, by its extravagant and illegal demands, is arousing the storm it professes to dread, and when it succeeds, as surely it will, in forcing a stern and active protest, it will then appeal for protection to the government whose laws it has set at defiance.

#### ECONOMY.

Having moved to increase the pension allowance of minor children and being met with the cry of economy, the Senator said:

Oh, yes, it is all very well; but this cry springs from the money center. It does not come from the great muscle of this land that pays the most taxes. The people who toil are not finding fault with what you pay out for pensions. The complaint does not come from the workshop, or the farm, or the counter. Oh, no; but the money centers have become alarmed; you see it in the great city of New York. An elegant statue was proposed to be erected, and a great city with its host of millionaires cannot find money enough to build even the pedestal to hold it, and they appeal to others for aid; to the men who drive the street cars, who work for sixteen or seventeen hours per day, and who then do not get money enough to break their fast. They are appealed to to raise money enough to complete a pedestal to receive the great work of Bartholdi. There is not a minor child on the pension roll but would ask my friend from Illinois and my friend from New Jersey and my friend from Kansas to stop just long enough to protect this very class.

#### WASHINGTON MONOPOLIES.

From the experience of the last three or four years one thing is evident, that three great powers in this city control—own, I might almost say; probably control would be nearer the truth—the congress of the United States. Three corporations, I would say to my friend from Iowa, substantially own the congress of the United States. It is not necessary for the senator to be alarmed. I do not mean owned in a commercial sense, but controlled to the extent of either doing or refusing to do what the corporations

demand of congress. That is all there is of it. That is the beginning and the end. Take the Washington Gaslight Company, the national banks, and the railroads, steam and car, no matter how little and insignificant, even a bob-tail line, they control the congress of the United States to-day, and have done so for some few years past.

On the supposition that congress gave railroads the right to occupy streets without providing a mode of assessing damages, Mr. Van Wyck said:

They were thrown on their common-law rights. Congress, so liberal in bestowing these privileges, I presume did not think it was wise to protect the citizens of Washington having residence upon either side of the streets, which they generously turned over to the occupation of the railroad corporations, and I think the senator will find that these citizens were driven to the courts in order to obtain redress. So it seems these mammoth corporations can take congress by the throat, and although it sits nine months in one year, and three in the next, the great representatives of the American Republic tremble before these huge corporations, and the only remedy for the individual, the citizen (who has no protection by reason of any self control on the part of the people here or any regulation of their own affairs) is that he must go to the courts single-handed and alone to deny the right of a railroad company to enter the highways and streets and destroy the value of his property and make it useless.

#### TREASURY SUPPLIES.

The surplus is becoming somewhat problematical. The senator from Connecticut secured the passage a few days ago of two bills—twins, I think they were called—evidently appearing about the same time and running their race about the same time; twin bills, twin in point of time and amount, each \$8,000,000, and twins for effecting the same object; that was to get some steel manufacturers to make steel, and yet not a gun built out of the \$16,000,000.

True, \$1,000,000 were appropriated for a gun factory, and the other millions for the production of steel; and after we get the steel, and the steel is a success, and the *steal* out of the treasury is a success, and the manufacture is made, then they will consider the question of making the gun. It is a steal on the government, as the senator from Kansas suggests. [Laughter.]

MR. RIDDLEBERGER: How do you spell it?

MR. VAN WYCK: That will be referred to the civil service commission. The people are asking that the surplus shall be dried up; and not that indiscriminately, and without any regard to the public interests, the treasury shall be thrown wide open and have the draining process there.

When the people of this country are asking to be released from taxation they point to the treasury being full to overflowing; so that there may be some relief in internal revenues and customs, duties and taxes; and the point is to stop the mouths of the people by taking away, or drying up that argument, so that they can be told, "The treasury is empty, and therefore this taxation must go on." This is the way you propose to drain the treasury and empty it of its resources.

#### ELECTION OF SENATORS.

In the expiring days of his senatorial term of six years, he delivered a most exhaustive speech upon a proposition to amend the constitution of the United States so as to secure the election of the United States senators by direct vote of the people.

Having examined the causes which made senators originally subject to legislative conditions, he claimed that a crisis was approaching in which the people would recall the delegated power and wield it through the omnipotence of the ballot box.

Mr. President—When capital, in defiance of the constitution and laws, can demand payment of debts in gold coin only; when the upheaval of labor can be repressed by indictments and fine or imprisonment for a conspiracy; when the more dangerous conspiracy of capital, in Black Friday, in control of the coal fields of the East; when a syndicate or one man can purchase seventy coal mines within a radius of fifty miles of Saint Louis, and no protest is heard, no courts or indictments, at this communism of wealth, this anarchy which threatens, not individuals, not a party, but the entire Republic; when throughout the northwest the virgin soil is being exhausted to raise grain, make pork and beef, the producer receiving hardly the cost of production, and when the product reaches the seaboard so encumbered with railroad and other charges that meat three times a day, our former boast, is often denied the laborer; when to the relief of the Nation comes the president of a powerful road, with the exhilarating and comforting assurance that this great unrest, this persistent demand of labor for reward sufficient to furnish substance, this clamor of producers that grain shall return in price enough to pay the



bare price of production is only an indication of unusual content and prosperity and a promise of greater beneficence and glory to be spread over the Republic; when the tenant class is yearly increasing; when three-fourths of all the farms in the Republic are mortgaged; when the additions of wealth are largely to those who count possessions by thousands of millions, and labor must return thanks for the privilege to toil for reward which hardly provides board and clothing, there is a crisis impending. Could those leaders who have placed the Republican party in peril, stripped it of its usefulness by denying living principles, compelling the active present to feast only upon the memories and reminiscences of the past, draw nearer to the hearts and hearthstones of the masses, seek to give a genuine protection to honest labor, there would soon be "life in the old land yet."

You remember when Sumner charged slavery with being the great crime against nature. Corporations have taken the place of slavery. Unfortunately there is no Sumner to arraign it, while it is being strangled by those intrusted with its care and perishing in the face of the very generation—the actors and theatre of its greatest achievements. Corporations and their servants, like slavery and its masters, can learn nothing by experience; blinded by pride, impelled by avarice and greed, will listen to no suggestions, make no concessions in recognition of justice and right until disaster gathers about them. The democracy carried slavery and fell, although in falling it did not entirely perish.

The Republican party has carried monster corporations equally as unrelenting and exacting, and is reeling, stumbling and falling with the terrible load. And the humble warner waving the signal flag of danger is run down and crushed as an enemy in the path of bloated, unrelenting, and unreasoning power.

Shades of Sumner, Lincoln, Seward, Chase, and the great army of martyred heroes, who we trust are not allowed to suffer pangs because of the political debasement which must be endured by the remnant of the grand Union Army at the spectacle that the Republican party has lost the popular branch of the government, has lost the executive. And now, reckless, nerveless leaders tell us there is a crisis, as they madly beat the waves threatening to submerge the last feeble, frail resting place; and in their insane folly talk about straight, reliable partisans to be elected in defiance of the express demands of the people to save what is left in the upper branch of congress. In the same spirit and in the same hope they talk of the horrors of an overflowing

treasury and blindly suppose relief will come to the people by draining it out rather than stop unjust and oppressive taxation, which fills it by draining the pockets of the people.

Year by year the party becomes weaker even here. The desperate remedy is prescribed that the influence and wealth and tools of huge corporations shall be invoked to overthrow the people and secure a temporary victory while the leaders appear as unconcerned as to the real cause of danger and safety as was Nero when he fiddled at the destruction of Rome. During this time waning power is departing from the senate and in their desire to save they contribute to the certainty of defeat.

And thus it becomes more necessary that those occupying seats in this body should receive their commissions directly from the hands of the people. A political crisis is approaching, when, driven from the popular branch, from the executive, the last resting place of a once great party, which had done more for mankind and made a larger chapter in history than any preceding, can alone be secured on this cold and majestic eyrie only by not allowing the Republican senators to be elected by Democratic votes—a wisdom equal to the ostrich which thinks its body secure by hiding its head in the sand.

## SENATOR CHARLES F. MANDERSON.

March 4th, 1883—March 4th, 1895.

Charles Frederick Manderson, Brevet Brigadier General, United States Senator from Nebraska, and a lawyer by profession, was born in Philadelphia, Pennsylvania, February 9, 1837. He was the son of John Manderson, who was born in 1799 in County Antrim, Ireland, of Scotch-Irish ancestry and emigrated to America when a small child, and lived nearly all his life in the city of Philadelphia, where he was well known and where he died in 1885, at the age of eighty-six years. The mother of Charles F. Manderson was Katherine Benfer, who was born in the city of Philadelphia, was of German extraction, and died in that city when our subject was a small child.

Charles Frederick Manderson received his education in the public schools of Philadelphia, and, when of proper age, was admitted to the High School of that city, an excellent institution, and under the general direction of Professor Hart, who was president of the faculty. At the age of nineteen he removed to Canton, Ohio, where he studied law and was admitted to the bar in 1859. In the spring of 1860 he was elected city solicitor of Canton, and was re-elected the next year.

General Manderson was married at Canton, April 11th, 1865, to Rebecca S., daughter of Hon. James D. Brown, a lawyer of prominence, who died at Omaha, Nebraska, in 1871. His wife's maternal grandfather, John Harris, was one of the first settlers of the state of Ohio, and a lawyer who achieved high professional standing and renown in the early history of the State.

On the day of the receipt of the news of the firing on Fort Sumter, Mr. Manderson enlisted as a private with Captain James Wallace of the Canton Zouaves, an independent company of which he had been corporal. Mr. Manderson and Samuel Beatty, an old Mexican soldier, then sheriff of Stark County, received permission from Governor Dennison to raise a company of infantry in April, 1861. They recruited a full

company in one day; Manderson being commissioned as its first lieutenant, and Beatty captain. In May, 1861, Captain Beatty was made colonel of the 19th Ohio Infantry, and Manderson was commissioned captain of Company A of the same regiment. He took his company into western Virginia, among the first troops occupying that section, taking station at Glover's Gap and Mannington. The 19th Ohio became a part of the brigade commanded by General Rosecrans in General McClellan's army of occupation of Virginia and moved up the Kanawha valley. The regiment participated with great credit in the first field battle of the war, known as Rich Mountain, on the 11th of July, 1861. Captain Manderson received special mention in the official reports of this battle. In August, 1861, he re-enlisted his company for three years or during the war, and in this service he rose through the grades of major, lieutenant colonel and colonel of the 19th Ohio Infantry, and on January 1st, 1864, over 400 of the survivors of his regiment re-enlisted with him as veteran volunteers. The battle of Shiloh, during which Captain Manderson acted as lieutenant colonel, caused his promotion to the rank of major and he was mentioned in the reports of General Boyle and General Crittenden for distinguished gallantry and exceptional service. General Boyle, commanding the brigade, says in his report:

Captain Manderson deported himself with cool nerve and courage and personally captured a prisoner.

He was in command of the 19th Ohio Infantry in all its engagements up to and including the battle of Lovejoy's Station on September 2nd, 1864. At the battle of Stone River or Murfreesboro, his regiment lost, in killed and wounded, two hundred and thirteen men out of four hundred and forty-nine enlisted men taken into the engagement. It won distinguished renown and exceptional mention for its participation in this great battle and the official reports gave particular credit to its charge in the cedars, which checked the enemy's advance upon our right and restored the line of battle to one that could be maintained. General Fred. Kneller, who commanded the 79th Indiana, said in his official report:

It may not be improper to remark that the behavior of my regiment, which had but few opportunities for drill, and had not been long in the field, may be attributed in a great measure to the splendid conduct of the 19th Ohio, Major Manderson commanding, the effect of whose example was not lost upon the officers and soldiers of my regiment.

Major Manderson was promoted to be lieutenant colonel and colonel for his conduct at the battle of Stone-River. General Grider, commanding the brigade, says:

The command was splendidly led by its officers, among whom was Major Manderson, who exhibited the utmost coolness and daring.

During its three years and its veteran services, the 19th Ohio Infantry participated in the following campaigns and battles: Shiloh, siege of Corinth, action near Farmington, movement from Battle Creek, Tennessee, to Louisville, Kentucky, Perryville campaign, Crab Orchard, Stone River, Murfreesboro, Tullahoma campaign, Liberty Gap, Chickamauga, siege of Chattanooga, Orchard Knob, Mission Ridge, Knoxville campaign, Atlanta campaign, Cassville, Dallas, New Hope Church, Picketts Mills, Ackworth Station, Pine Knob, Kulp's Farm, Kenesaw, affair near Marietta, crossing the Chattahoochee River, Peach Tree Creek, Siege of Atlanta, Ezra Chapel, Jonesboro, Lovejoy's Station, Franklin, Nashville, and pursuit of Hood's army.

During the Atlanta campaign, Colonel Manderson commanded a demi-brigade composed of the 19th Ohio, 79th Indiana and 9th Kentucky.

The brigade commander says of the battle of New Hope Church in his official report:

The second line commanded by Colonel Manderson and composed of the 19th Ohio, the 79th Indiana and the 9th Kentucky, advanced in splendid style through a terrific fire. Officers and soldiers acted most gallantly, the regiments of the second line particularly, which advanced in admirable order over very difficult ground and determinedly maintained their ground against very superior numbers. Conspicuous for gallantry and deserving of special mention is Colonel C. F. Manderson of the 19th Ohio.

While leading his demi-brigade composed of the 19th Ohio,

9th Kentucky, and the 79th Indiana in a charge upon the enemy's works at Lovejoy's Station, Georgia, on September 2nd, 1864, Colonel Manderson was severely wounded in the spine and right side, which produced temporary paralysis and great suffering and rendered him unfit for duty in the field.

General Kneflar, commanding the brigade, says officially:

I cannot say too much of Colonel Manderson, who was severely wounded and always conspicuous for gallantry and skill.

General Wood, who commanded the division, says of the charge upon the enemy's works:

It was gallantly made and we lost some valuable officers, among them Colonel Manderson.

The ball being extracted and much disability arising therefrom, Colonel Manderson was compelled to resign the service, from wounds, in April, 1865, the war in the West having practically closed. Previous to his resignation he was breveted Brigadier-General of Volunteers United States Army, to date March 13th, 1865, "for long, faithful, gallant and meritorious services during the War of the Rebellion." This distinction came to him on the recommendation of army commanders in the field and not by political influence.

Returning to Canton, Ohio, General Manderson resumed the practice of law and was twice elected district attorney of Stark County, declining a nomination for a third term. In 1867 he came within one vote of receiving the nomination for congress in a district of Ohio, then conceded to be Republican by several thousand majority.

In November, 1869, he removed to Omaha, Nebraska, where he still resides and where he quickly became prominent in legal and political affairs. He was a member of the Nebraska State Constitutional Convention of 1871, and also that of 1875, being elected without opposition by the nomination of both political parties. He served as city attorney of Omaha, Nebraska, for over six years, obtaining signal success in the trial of important cases and achieving high rank as a lawyer. For many years



CHAS. F. MANDERSON.





he has been an active comrade in the Grand Army of the Republic, and for three years was commander of the Military order of the Loyal Legion of the District of Columbia. He was elected United States Senator as a Republican to succeed Alvin Saunders, his term commencing March 4th, 1883.

He was re-elected to the senate, without opposition, in 1889, and with exceptional and unprecedented marks of approval from the legislature of Nebraska. His term expired March 3, 1895. In the Senate he has been chairman of the Joint Committee on Printing and an active member of the following committees: Claims, Private Land Claims, Territories, Indian Affairs, Military Affairs, and Rules. Many valuable reports have been made by him from these committees, and he has been a shaping and directing force in legislation of great value relating to claims, the establishment of the private land-claims court, the government of the territories, the admission of new States, pensions to old soldiers, aid to soldiers' homes, laws for the better organization and improvement of the discipline of the United States army and for the improvement and better methods for the printing of the government.

In the second session of the 51st congress, he was elected by the United States Senate as its President *pro tempore* without opposition, it having been declared by the senate after full debate to be a continuing office.

The following letter antedates Mr. Manderson's second senatorial election.

STATE CAPITOL, LINCOLN, NEB., Jan. 1st, 1889.

*Hon. Charles F. Manderson, Washington, D. C.*

DEAR SENATOR: The political situation in Washington seems to demand your presence at your post of duty, to look after pending legislation and the interests of the people of this State, which you, in part, so ably represent.

Your honorable and consistent record in public life, your untiring and zealous work in behalf of the Republican party and its principles; your labor for the old soldiers, and the glorious fight you have made for the National Republican cause in the State and Nation, we fully appreciate and desire to thank you.

We further say to you, with all the sincerity that the

human heart can give forth, that while you are thus detained at your post of duty, we will also be at *ours* and see to it that you are triumphantly elected to the National Legislature as your own successor.

Each wishing you a happy and prosperous New Year, we remain,

Yours obediently,

(Signed by 101 members of the Nebraska Legislature.)

Mr. Manderson was sworn into office, as a senator for Nebraska, on the 3rd day of December, 1883, in the last session of the 48th congress; and was in due time assigned, for committee duty, to those of Private Land Claims, Territories, Transportation Routes to the Seaboard, and Claims.

Having busied himself mostly with the investigation of questions that pertained directly to his own state and region of country, for the space of three months, he was fortunate in the selection of a theme on which to make his first oratorical effort before his deliberate and dignified associates; a theme on which the soldier's patriotism could dominate the lawyer's acquisitions in sustaining a military verdict. He stated the question at issue, as follows: "Adopting the language of the advisory board, it asks that the Congress shall annul and set aside the findings and sentence of the court-martial in the case of Major Gen. Fitz-John Porter and restore him to the position of which that sentence deprived him." His introduction was very conciliatory:

Gentlemen of distinguished ability occupying places at both ends of the capitol, lawyers of great erudition whose reputation is national, soldiers of distinction whose names are "as familiar in our mouths as household words," have spoken and written upon the theme until it seems almost worn threadbare.

The plea of the novitiate for kindly recognition was delicate and beautiful:

Here in the face of the world, for nearly a quarter of a century, has progressed a contest where the stake was dearer than life—a struggle to vindicate impeached honor, to clear smirched loyalty, to brighten tarnished reputation. What wonder is it, then, that the interest continues and that even the fledglings of the senate show desire to record the reasons that prompt their votes for or against this bill?

And then how adroitly "the fledgling's" locality was defined:

When the court-martial assembled, in the fall and winter of 1862, with General Hunter as president and Generals Hitchcock, King, Prentiss, Ricketts, Casey, Garfield, and other distinguished military leaders,—I was of the army of the West, far removed from Washington, and where by reason of our distance and the fact that we had usually sufficient on hand to keep us very busy, we knew but little of what was going on in the armies of the East.

But it had become a matter of history that General Grant, and others, had at last joined the advocates of General Porter and in this preliminary skirmish that obstruction must be reduced.

The first article presented to me, and carefully read, was the paper of General Grant, "An Undeserved Stigma," published in the *North American Review*, and this was followed by the letters of General Grant, Terry, and others; then the defensive pamphlet of Mr. Lord, and the report of the majority of the Committee on Military Affairs of the senate.

But a judge could not rest with the defendant's side of the case alone, and hence Mr. Manderson carefully reviewed the testimony of the United States; and if the banner of General Grant was to lead the Porter procession, there was another likeness, of clear-cut features before which uncovered heads bowed "The experienced lawyer, the sound jurist, the great patriot, the compassionate man—Abraham Lincoln—reviewed the action of the court."

Anxious not to appear ungenerous in anything he said:

I would gladly join the ranks of those who, from a desire to do justice as they see the course of justice, or from motives of mercy as they see it right to be merciful, will take the stain of over twenty years' duration from this appealing old man; but under the facts and law, as I see them, whether this proceeding be one of judicial review or the exercise of clemency, this bill should not pass.

There having been a great asperity in this behalf, and the Nebraska senator desiring to cover no concealed feeling beneath a judicial robe, the following disclaimer was uttered:

I do not say that Fitz-John Porter deserved death. I do not believe he was either a traitor to his country or a coward. Of what offense I believe him guilty, under the proof and all the proof, whether taken before the court-martial, or the advisory board, I will seek to show before I get through.

Having established the dignity of military courts, as created by constitutional provisions, illustrating with opinions from treatises on military law, the conclusion was deduced, "A court-martial is the proper and only tribunal for the trial of military officers." This proposition was ably sustained, excluding congressional interference by reference to supreme court decisions, opinions of attorney generals and distinguished military writers, culminating in the declaration, "If congress controlled entirely, the military system would then turn to despotism."

The senator then proclaimed an axiomatic truth—"Obedience, strict, prompt, unquestioning, active, whole-souled, painstaking, willing, cheerful obedience is the highest duty of the soldier." Supplementing this with the language of Hough in his *Precedents on Military Law*, and of Dr. Hart's treatise and of O'Brien on *American Military Law*, and testing the exculpatory evidence of General Porter by these accredited doctrines, he reached the conclusion that Porter held his superior officer (Gen. Pope) in contempt.

He was jealous of his leadership. He dreaded a victory that would advance him further. He did not desire defeat to our arms; but he was not anxious to see Pope win a victory. Ah! the curse of this jealousy among the leaders of the armies of the East. McClellan, Hooker, Burnside, Meade, Pope—all fell as its victims. I thank God that the generals of the armies of the West knew not the base feeling. Generous rivalry there was between the divisions and corps comprising the armies of the Tennessee and the Cumberland, but amongst great leaders,—McPherson, Logan, Sheridan, Thomas, Grant, Sherman, there were no heart-burnings from jealousy, hatred and ill will. [Applause in the galleries.]

An army incident, certain to touch a patriotic chord, to condemn a tardy step, and show the star of Western fealty in the ascendant, furnished a splendid conclusion:

Mr. President—But a few months before the day when Porter rested idly in the shade while the loud-mouthed cannon gave to him unheeded invitation, a far different scene was enacted in the West, and I would like to hold it up in contrast. The capture of Fort Donelson had opened a clear pathway by water and by land to our forces, and Grant, with his army, was near Pittsburg Landing. The glorious victory of Thomas at Mill Springs, the fall of Bowling Green and the surrender of Nashville had cleared Middle Tennessee for the marching columns of Buell. Along the beaten roads during the pleasant spring days they moved. On April 6, with the impetuous Nelson and the gallant Crittenden in the lead, the head of Buell's army approached Savannah on the Tennessee River. The day was nearing its close and the tired men were longing for camp and rest. Suddenly the faint sound of a distant gun. Another and another in quick succession. The straggling lines of troops instinctively gather in more compact form. Without command to that effect the marching step quickened. The sullen boom of the artillery was more distinctly heard as the distance lessened.

The fact was apparent. Our brothers of the army of the Tennessee were engaged. The battle was on, but miles away and across the deep and rapid river. A long and wearisome march had been made that day by these divisions. Tired and hungry and likely to so remain, for there were no cooked rations in their haversacks and the wagons miles to the rear and not likely to come up. The leaders of these commands need no orders to hasten on and let the rest be taken after the battle is lost or won. The "sound of the guns" is all the order needed. The "old sea dog" Nelson, taking to water, naturally, I suppose, leaves the main road and leads his division over a shorter one through swamps. Crittenden hurries on to Savannah. The waiting transports are loaded to the guards. The river is crossed and Grant's gallant troops, disheartened by the long day's fight at fearful odds, welcome with glad shouts and tears of joy the leaders and men to whom the din of arms is an invitation and "the sound of the guns" an order. The rich reward is that on the next day the battle of Shiloh is continued and won, victory is wrested from the jaws of defeat, and the rebel retreat to the south goes on. [Applause in the galleries.]

Mr. President—I oppose this bill because of the law and the facts; because of the dangerous precedent and the bad example; because it is destructive of discipline and injurious to the well-doing of our army; because I believe it to be eternally right to do so.

The delivery of this speech indicated, not merely what parliamentary eloquence was to gain in the future, but what the present acquisition was, so rich in research, in scholarly adornment, and oratorical presentation.

On account of constitutional make and moral perceptions, his memorial addresses, whether for senators or members of the house, have been exceedingly felicitous. When Senator Anthony, of Rhode Island, passed away, he said of him:

The poet of the early English, grand Geoffrey Chaucer, says, "He is a gentleman who does gentle deeds," and the life of our departed friend is so full of the constant performance of such deeds that he made himself of the true gentry and issued his own patent of nobility.

He did not seem to tire of such well-doing. The passing of the years and the coming on of old age brought physical change, but "that good gray head which all men knew" was ever the servant of the kind heart.

Speaking of the life of Congressman Duncan, of Pennsylvania, we have the following:

I was charmed with the symmetry of his life and could not but admire the features I have so feebly portrayed. A life so beautiful, a career so even, gave promise of a useful future.

It is most apt to depict him growing with the years of experience into the trusted legislator, the wise councilor, respected by all men, of service to the state, until with ripened age came fuller honors, and at last with the full allotment of years would come the end to the rounded life. But it was not so to be. "God's finger touched him and he slept."

His eulogy upon General Logan was a genuine bugle blast from morning call to "lights out":

I first saw Logan in front of the Confederate position on Kenesaw Mountain when his corps made that desperate assault upon Little Kenesaw—so fruitless in results, so costly in human life. The sight was an inspiration. Well mounted, "he looked of his horse a part." His swarthy complexion, long black hair, compact figure, stentorian voice, and eyes that seemed to blaze "with the light of battle," made a figure once seen never to be forgotten. In an action he was the very spirit of war. His magnificent presence would make a coward fight.

In a strain peculiarly fitting the character of the man he finished his tribute to the virtues of Senator Pike, of New Hampshire:

The final end of all to our friend came in such form that we might wish our death to be like his. Much of opportunity for preparation for the dread summons, a gradual weakening of the physical and mental powers, and then, "the end of all here." Shelley well describes it:

"First our pleasures die—and then  
Our hopes and then our fears—and when  
These are dead the debt is due,  
Dust claims dust—and we die too."

But unlike the author of *Queen Mab*, who saw nothing beyond the grave, and to whom death was an eternal sleep, our friend believed, with all the strength of an earnest, honest nature, in the soul's immortality. The "pleasing hope, the fond desire," the trusting belief held him through all his life and permitted him to look upon death as

"The great world's altar stairs  
That slope through darkness up to God."

When funeral honors were being paid to his friend, comrade and colleague, James Laird, Senator Manderson gave a sketch of an enthusiastic military career, such as fancy might have faltered to adorn; and of a professional possibility filling the measure of the most exalted ambition. But,

"The æolian harp that heaven's pure breezes fill  
Must breathe, at times, a melancholy strain,"

and hence the finale:

To me there is something pitiful in the loneliness of the last few years of this short life. He had no near relative living at the time of his death. He was the last of his race. The father, the strong preacher, died in his youth. His two oldest brothers were killed on the field of honor near his side in the early days of the war. His younger brother died of a distressing accident some years ago. There was left him no kin save the dear old Scotch mother to whom her "boy Jamie" was all in all. How fondly he cherished her. She made her home with him and desolation entered the door when her form was carried through it to the lone couch of everlasting sleep.

When memorial addresses were delivered in honor of General W. T. Sherman, Senator Manderson's contribution revealed him

as one who comprehended the true magnitude of the coming war of 1861, before the civil authorities were able to grasp its far-reaching proportions; and also refuted the charge of cruelty in war, as the skillful surgeon should be exonerated who used the knife unsparingly in order to save the life of the patient. He said of the march to the sea:

There was in front of the Union soldier a foeman worthy of his steel. The conduct of the Confederate army under its skillful leaders in its masterly retreat during that campaign is one that is unequalled in the history of war. And had there not been at the head of the Union forces a soldier so admirably equipped as Sherman, I don't believe that Atlanta, the gate city of the South, would have been ours. The capture of that city, the opening of that gate permitted the "March to the Sea," over which orators grow eloquent, and which produced the familiar song which will live forever in the poetry of nations, and be the tune of inspiration to the daring of soldiers while war shall be.

In his eulogy upon the character of Senator Barbour, of Virginia, including a sketch of his distinguished ancestry, fortunate education and professional success, there occurs a paragraph beautiful in conception and tastefully uttered:

MR. MANDERSON: Mr. President, the interesting details of the symmetrical life and well-rounded career of John S. Barbour have been given to the Senate by the distinguished gentleman who was his associate and colleague in the performance of public duty in this chamber. The recital is like unto a steady march to sweetest music.

From the forming of the column in the Old Dominion, nearly three quarters of a century ago, down through the long line to the time when the parade was dismissed under the shadow of the dome of the nation's capitol, the movement was regular and majestic.

His march of life ended in May last. Death came in form the most acceptable. No lingering illness with its hours of suffering and painful anticipation of the end. He was with us performing his task during the day, the evening was spent in his library in converse with family and friends. The morning's sun rose and with it his spirit left the clay.

In his last memorial speech, ending his tenth year in congress, Senator Manderson illustrated his ability to weave into original forms, historical facts and existing incidents.



From a thrilling description of the battle of Stone River, where he and the deceased Senator Gibson of Louisiana led adverse forces, and the statement that they were also at Shiloh, he continued:

There is upon the presiding officer's desk (and my calling the attention of the senator from Louisiana to it was the occasion of my making these remarks here) a gavel presented to me a little over a year ago by the men who served with me in my regiment. It is made up of woods gathered from the fields of several of the battles in which my regiment was engaged. There is no battle mentioned on the woods of which that gavel is composed that Senator Gibson did not serve upon the one side and I upon the other.

But, sir, there has come from this long and fearful conflict, as I believe, nothing but mutual respect, and I believe that respect, ay, a warm and hearty admiration, not to say affection, unites now the men who fought upon the two sides of this great struggle. In saying this I desire to say nothing that shall detract from or minimize in the least the conviction I had then, and have now, that on this side, what I may call our side, the Union side, we were fighting for that which was everlastingly right; and I thank God, and I believe that every ex-Confederate soldier thanks the God of battles, that the result has been what it is—a Union saved and a Union preserved. If there are any not now satisfied with the result they are not to be found among those who fought on either side.

Senator Manderson signalized his entrance upon the duties of the 49th congress, January, 1886, by an elaborate discussion of a more efficient organization of the infantry branch of the army. He discarded the idea of danger to a republic from a larger and more efficient army and endorsed the language of General McClellan that the army as an institution "has never called the blush of shame to the face of an American," and of John C. Calhoun, Secretary of War, that the fancied fear of danger "partakes more of timidity than wisdom."

Mr. President—Mr. Calhoun had limited experience bearing upon this subject, however, compared with those here to-day who saw the country pass safely through the dark days of the War of Rebellion and witnessed the vast contending hosts disappear so magically. And yet the veterans of both sides, Union and Confederate, what thorough

soldiers they had become! Many of them so youthful that they knew no other calling but "the pride and pomp and circumstance of glorious war;" the rest with civil pursuits completely abandoned and their places in the busy marts of the world filled by others; all inured to the field, with the habits of the military life fixed upon them; full of love for their old leaders,—for they had followed Grant, Sherman, Lee and Johnson,—these men disappeared among the ranks of civilians, losing their identity except as they were known as the most liberty-loving of citizens.

He declared that "the same lamentably defenseless condition that exists to-day has usually existed and nothing but dread disaster and criminal sacrifice of blood and treasure have ever seemed to arouse us from our lethargy." He instanced the war of 1812, wherein "we suffered insult after insult to the flag, and ship after ship was searched upon the high seas, and that the blush of shame mantled the cheek of many a patriot of that day. The war came at last; but how bitter the recollection of Hull's surrender, the capture of the Capitol by a force of 3,500 men, and the burning of the public buildings. The only bright spot in the history was the victory at New Orleans, won after the terms of peace had been made."

He gave the amount of the standing army at the commencement of the Mexican war at 5,300 men. And could General Taylor have marched 10,000 men to the Rio Grande, he fancied that war might have been prevented; and had 15,000 regulars assembled on the field of the first Manassas the incipient flame of rebellion might possibly have been quenched.

Of the settlement of international disputes by peace congresses, hereafter, he said—"God speed the time when this shall be so, but it will not be in our day or generation."

Among the threatening dangers, worthy of present consideration, he instanced the "murderous Apache in ambush among the rocks, or sweeping from his mountain hiding place to murder the settler"—the restlessness of the Navajoes—tribes on the border of Kansas menacing—25,000 Sioux on the North Nebraska line vainglorious over the Custer massacre—25,000 arms-bearing adults among the Mormons—riots in the large cities—"seed planted by the socialists and nihilists in what they con-

sider rich soil in this land of free speech"—possible complications with foreign nations—our position with reference to the Isthmian Canal, and the interest we have in \$50,000,000 invested in Mexican railroads by our people: "These and others that will suggest themselves to you are the fertile causes that may at any time 'Cry havoc and let slip the dogs of war.'"

After arraying the opinions of Grant, Sherman, Sheridan, secretaries of war and presidents in behalf of his bill, and ventilating English, German and other European infantry methods, and explaining how regiments of twelve companies each would be more efficient in battle, in preserving life, and furnishing an immediate opportunity for promotions, he came to a conclusion with a delicate admonition:

Let us suppose that a frontiersman needs a rifle to protect himself from savage foes. We will say that for \$15 he can get an old model, with defective mechanism, which at the critical moment may miss fire. For \$16 he can get a rifle of approved pattern, true to its aim and sure to deal death to an assailant. To buy the former would be to save a dollar and risk destruction; but should the frontiersman make such a choice his mistaken economy would be characterized as the grossest stupidity.

I need not make the application. Do not let us be so stupid, but pursue the course that has every military authority worthy of consideration to support it and none against it.

Later on in the session he is found in a spirited running debate with Dawes, of Massachusetts, Hale, of Maine, and Logan, of Illinois, on the subject of a 5,000 addition to the standing army in order to meet the necessity of the vastly increased expanse of settled territory in the great Northwest; and from long residence in the region and from personal contact with Indians in camp, council and hunting grounds, he became a very intelligent and formidable antagonist. But since he has been so fully represented in two masterly efforts involving army questions there seems no necessity for a further analysis of this, which closed with an anecdote at the expense of Senator Hale:

Mr. President—I proposed to show that the efficient commander of the Potomac differed somewhat from the senator:

from Maine. I remember a story of a glib young lawyer who advanced a remarkable legal proposition to the court, and was told by the judge, "My young friend, I am very much surprised to hear you make a statement of that kind, and claim it to be law," and opening a volume of Blackstone said, "Blackstone says so and so"—a proposition directly the reverse of that just stated. The attorney was not at all embarrassed and said, "Well, your honor, there is where Blackstone and I differ."

In the early days of the 50th congress General Manderson indulged in a discussion, time and again, upon the subject of pensions, and defended the Grand Army of the Republic in its objects, its elements and broad catholicity. He declared it a society founded upon deep seated sentiments of patriotism, so burned in as to have become akin to religion and one which completely commands the confidence of the people. Its watch-words are fraternity, charity and loyalty. There belongs to it men of all political parties. At its post meetings and its departmental and national encampments men of all possible politics take active and prominent part, advising conservative action and conducting into proper paths. McClellan and Grant, Hancock and Logan, were all members of this patriotic order, desiring no higher position in it than that of comrades, and claiming no superiority over the enlisted men they had so often led to victory. By its creed every one of its members had promised "to assist such former comrades in arms as needed help and protection, and to extend needful aid to the widows and orphans of those who had fallen." This promise is not mere lip service. "By their fruits shall ye know them." He said, in a combat of words with Senator Blackburn of Kentucky:

I felt somewhat fearful when I heard the senator from Kentucky describe in his graphic way the position of this Grand Army of the Republic, with knapsacks packed, arms upon their shoulders and ready, as he said, for the field, and saw his martial air, bold front, and the mounting by him of

"barbed steed

To fright the souls of fearful adversaries,"

that we were to have a renewal of the unpleasantness; but a moment's consideration satisfied me that notwithstanding the fierce appearance of the senator from Kentucky we

had nothing to dread upon that score. I think we all know him well enough to know that the language used by him on one occasion heretofore was heartily meant, that he "long ago sheathed his sword in the friendship of the men who fought against him."

In reply to the charge of having improperly assailed the President of the United States he responded:

I have no word either of apology or explanation for any reference that I have made to the President of the United States. I made, as I think I had a right to make, comment and criticism upon his action with reference to the veto of the pension bill of last session. I made, as I think I had a right to make, even under the strictest construction of parliamentary rule, reference to this bill, as to what might be its probable future as to defeat or victory by reason of the experience of the past.

Later on in the same first session of the 50th congress the senator took part with Senator Vest, of Missouri, in a discussion of the causes which had enabled Chicago to control so large a share of the cattle trade of the great Southwest, at the expense of St. Louis.

In this debate he gave evidence of a very thorough knowledge of the production of the beef-producing region—the causes circumscribing the range limits, as homesteading and pre-empting,—the amount handled by the mammoth packing houses of Armour, Hammond, Morris, Swift and Libby of Chicago, and with prices of purchase and sale, together with interest Nebraska has in feeding her surplus corn to the grass-fed herds of the plains.

Another question of prime importance to the region of Nebraska bordering on Colorado, and to the far west and southwest was that of irrigation. He had seen what it had done in Colorado, Nevada, New Mexico and Arizona, wherever tried on a small scale, and had seen the alkali plains of Humboldt Desert "blossom as the rose," as the result of being placed "under ditch." Hoping much from a national effort at reclamation, he proffered a cordial support to the sisterhood of the barren plains.

Senator Manderson was very fortunate in being a member of

the majority party in the senate, which made it possible for him to be the constant chairman of a committee and a member of others of great importance. A military officer, also, that popular branch of the service demanded and received his most enthusiastic aid.

The end of his first senatorial term of office was very pleasantly, politically and officially closed by him as one of the tellers in joint convention of Senate and House, in the matter of the official count of the vote for President and Vice-President, for the constitutional term commencing March 4th, 1889.

SENATOR MANDERSON: The total number of votes cast is 401, of which Benjamin Harrison, of Indiana, receives for President of the United States 233, Grover Cleveland, of New York, 168; and of which Levi P. Morton, of New York, receives for Vice-President of the United States, 233 votes; and Allen G. Thurman, of Ohio, 168.

During the term of six years, the Congressional Record credits him with remarks upon sixty-eight subjects and with the presentation of nineteen amendments, thirty-three motions and resolutions, one hundred and ninety-two bills and joint resolutions and two hundred and nineteen reports from committees.

On entering upon his second term of six years, December 3, 1889, possessing not only experience in the modes and forms, but the advantage of large acquisitions of material for current work, and that confidence which results from acquired success, his status established as a parliamentary speaker, there was no temptation to obscure the labors of the committee room by the glamor of the forum. And hence he made the 51st congress one of intelligent, painstaking work; officiating at the funerals of Senator Beck, of Kentucky, and of General W. T. Sherman, and in the capacity of visitor to the West Point Military Academy—and from the committees on Territories, Printing, Indian and Military Affairs, and of conferences, presenting 191 reports, with 106 bills and joint resolutions, thirty-two motions and resolutions and many amendments—and having acted as a conferee between House and Senate on twenty-four different occasions.

Of remarks in fifty-six cases, on various topics and of various lengths, no case involved a set speech, but were explanatory of multifarious questions.

In one of these intellectual bouts with a western senator, who charged that it was an inconsistency for a protective senator like Mr. Manderson to offer an amendment in behalf of "free white pine," the Nebraska senator made a courteous, polished, but damaging reply.

MR. MANDERSON: The eloquent voice of my friend from Wisconsin (Mr. Spooner) has not been heard in such earnest and forcible appeals upon any other of the items of any of the schedules of this bill, but it is not to his discredit that it is so. He appeals eloquently and earnestly for a local interest. He represents one of the great timber and lumber producing states of the country, and I do not wonder that he seeks by every effort in his power to advance the supposed welfare of that industry; but it is that local interest that prompts him to raise his voice, just as it is the interest of my own locality that prompts me to suggest this amendment. Mr. President, I do not think that the senator from Wisconsin has outstripped me in devotion to this protective principle, so far as my votes upon this bill are concerned. I do not believe there is any state in the Union that exceeds in devotion to the general principles of protection, under which the whole Nation has prospered, the state that I have the honor, in part, to represent; but at the same time it has certain desires and wishes, exactly like other states, based, if you please, upon pure local and selfish prejudice.

When a proposition was pending for the purchase of certain historical collections, subject to the opinion of the Librarian of Congress, that they were authentic history, Mr. Manderson volunteered a very facetious criticism:

Mr. President—We are told that this is a work of fully one hundred volumes, and of seven or eight hundred folio pages in each volume, made up of the character of historical material which is mentioned in this report. I am afraid that even if the life of Mr. Spofford should be prolonged to that old age to which we all wish him, he could do nothing else for the rest of his life but read these ponderous tomes and would die before he was well into the work. If this marvelous test is to be applied to all

works of a historical character proposed to be bought I am afraid we shall purchase none whatever for the congressional library. Take all the great historians, even our own historians, Prescott and Bancroft, and if their works are not to be bought provided there is nothing in them but authentic history by the judgment of one expert I am afraid they would all be ruled out and none be purchased. Even the book of books, the Bible, has received most severe criticism as to its being authentic history, and under a rule, such as is proposed here, we could hardly take it into any public library of the country.

I think it is Burns who said:

“Some books are lies frae end to end,  
And some great lies were never penned.”

And you will find that in every historical work there can be found chance for criticism, and unauthentic statements claimed, such as might be raised against this publication. It would defeat the object of the bill to adopt any such amendment.

On the subject of distributing half a million dollars among numerous sectarian Indian schools, so one should not overreach another, his words were brief but comprehensive, condemnatory of sectarian aggressiveness, and a slight reminder of New England's volunteer sympathy and counsel “at long range.”

I do not believe in offering with one hand either food or civilization to the Indian and with the other attempt to cram into him sectarian teachings. There has been an unseemly spectacle presented in this whole matter, in this unchristian combat and competition that has existed among different denominations, for the purpose of getting more of the amount that is to be paid to these sectarian schools. It might, perhaps, be better to take them from their reservations, rent houses for them if you please, in the Eastern States, and maintain them there in idleness, and let their children attend the common schools of the country, rather than pursue the present policy.

But the highest honor the Senate can bestow upon a member, came to Senator Manderson, March 2d, 1891, when he was elected president *pro tem.* of that body, succeeding John J. Ingalls, resigned.

Entering upon the duties of presiding officer of the senate in the absence of the vice-president, and ambitious to wield the



delicate trust accurately and satisfactorily, he still found time to signalize the first session of the 52d Congress with a record of eighty-four bills and joint resolutions introduced, and one hundred and nine committee reports, with the presentation of numerous petitions and papers, motions and resolutions and remarks upon more than forty occasions.

His espousal of the new subject of National Highways and the introduction of a bill in that behalf was accompanied with the subjoined remarks:

In that wonderful progress that has been made during the existence of the Republic by the building and development of railroads and the growth of canals, which latter growth has received some stoppage in the last few years, we seem to have lost sight of the necessity, for the good of the body politic, that good roads should connect the great business centers of this country and connect all its parts. We are now entering on a new era, so far as the use of common roads is concerned.

History, it is said, repeats itself; and I have no question but that there will be a repetition of very ancient history in the construction ultimately by this government of great highways or boulevards that shall connect metropolitan centers, and the use thereon of different modern vehicles. Take the wonderful bicycle, by which a man is able to outstrip the horse and make an average over the common dirt road of fifty or sixty miles a day. No one man can foresee what will be the final development of that excellent implement. It will ultimately become the carriage not only of passengers, but of light freight.

We are just on the threshold of an electrical development, destined I think to revolutionize conditions of travel. By some system of electric accumulation or storage batteries light vehicles will be propelled at a wonderful rate of speed over these highways.

As they are maintained we will repeat the experiment of the early days, and the general government, by liberal aid to states or municipalities, or perhaps of its own accord, and with an expenditure that shall be wholly federal, will build national highways.

I do not believe there could be a better expenditure of public money than to aid the states in the construction of a great model highway that would connect the City of Washington with the City of New York, passing through the cities of Baltimore and Philadelphia. Every farmer and producer along the road would be infinitely benefited.

When the question of opening the World's Fair at Chicago on Sunday was the theme of surpassing interest and excitement, Mr. Manderson placed himself squarely upon the record:

But if we are to deal with this question, it seems to me there is a happy medium between the two extremes. I think it would not be well that this exposition should open its gates and that there should be the clangor of machinery and all the disturbance and haste on Sunday that characterize other days of the week; but I do believe that, in the interest of decency and good order, in the interest of a more Christian observance of Sunday itself, it would be well that some portion of this exposition should be open.

There will be in the City of Chicago upon every first day of the week hundreds of thousands of strangers. Are they to be turned out upon the streets? The churches will not be able to hold them, although Chicago is a city of great churches. Many, perhaps, will not desire to attend church. What are they to do? Every enticing place that is vicious in its tendency will be open to them. Such places within easy reach of Chicago, by rail or by steamboat, will be open to them. I think it would be infinitely better if these people should be admitted to those grounds.

Let the machinery cease, but let the buildings be open for the inspection of visitors; let the grounds be open that those people may gather there, if they see fit to do so, and there make Christian and religious observance of Sunday.

On the last day of the 52nd Congress, March 4th, 1893, the following record was made in the senate:

THANKS TO THE PRESIDENT PRO TEMPORE.

MR. GORMAN: Mr. President, I submit a resolution which I ask may be at once considered, and I trust it will be adopted unanimously. I ask that that resolution be read.

THE VICE-PRESIDENT: The Senator from Maryland asks for the present consideration of a resolution, which will be read.

The resolution was read and unanimously agreed to, as follows:

*Resolved*, That the thanks of the Senate are due and are hereby tendered to Hon. Charles F. Manderson, President *pro tempore* of the Senate, for the uniformly able, courteous, and impartial manner in which he has presided over its deliberations.

The election of a Democratic President of the Senate, and the Senate and the control of the body having passed into the hands of the Democratic party, caused Senator Manderson to address the Senate in executive session March 22, 1893.

RESIGNATION OF PRESIDENT PRO TEMPORE.

MR. MANDERSON: Mr. President, two years ago there came to me the distinguished honor of election as the President *pro tempore* of the Senate. No suitable time has seemed to come when I could make that recognition of this distinction which I should like to do, and I desire now to express my deep sense of obligation and my very hearty thanks to my political associates on this side of the chamber, by whom the distinction was proposed, and at the same time to thank very heartily those of opposing politics, who made no nomination against the selection of the republican caucus. There came, therefore, to me this place by the unanimous vote of the Senate of the United States. I thank all from the depths of my heart for this distinction, and I further want to express my obligation for that forbearance on the part of all which has enabled me when I have been the occupant of the chair to administer, I hope with some satisfaction to the Senate, the duties that devolved upon me.

Recognizing a change of condition and perhaps also a change of theory, I now tender my resignation of the position to the Senate and ask to be excused from further duty in that regard.

MR. SHERMAN: I move that the resignation of the honorable Senator from Nebraska (Mr. Manderson) as President *pro tempore* of the Senate be received and accepted.

The motion was agreed to.

MR. VOORHEES: Mr. President, at the close of the last session the Senator from Maryland (Mr. Gorman) offered a resolution, which was unanimously adopted by this body, thanking the distinguished Senator from Nebraska (Mr. Manderson) for the able, courteous, and most satisfactory manner in which he had discharged the duties of the high office which he has just now resigned. There the matter might rest; but it has been suggested that in addition, in taking leave of him in his official capacity as President *pro tempore* of the Senate, we express on this side our thanks anew and our best wishes for him in every relation of life hereafter. The relations just sundered were delightful. He rendered them pleasant to us all; and we will bear them in memory as long as we remain here and through life.

## FIFTY-THIRD CONGRESS.

The first session of the 53d congress, being a special one, August 7, 1894, found Mr. Manderson active as ever, with the multifarious duties of many committees.

During the first regular session, in which the Democratic congress repealed the McKinley tariff bill, and passed the so-called Wilson bill, the Senator indulged in numerous discussions, especially upon points involving Nebraska interests.

Upon the sugar beet manufacture he delivered a speech or treatise, of great length, including the culture of sugar from all other sources—a marvel of comprehensive condensation. In it he appeared as the intelligent farmer, the chemical specialist, the general manufacturer, the historical expert, the judicial critic and the professor of finance.

## HIS CREED.

I believe, Mr. President, as firmly as I believe in my own existence, that this country has advanced and progressed to its present enviable position among the nations of the earth because of the American doctrine of protection. It has been frequently attacked, but never in a more subtle and more dangerous way than in the bill which is before us for consideration and action.

## REPRESENTATIVE DUTY.

I vote, Mr. President, here, representing a prairie State, not only for protection upon beet sugar and the products of the farm, but I vote for protection to the loom, to the factory, to the foundry, to the lumberman, to the miner. I do not represent standing upon this floor simply a part or the whole of the State of Nebraska. I am a Senator of the United States, and whether I am in the other House as a Representative or here as a Senator, no pent-up Utica-like district or like state shall contract my legislative powers. [Manifestations of applause in the galleries.]

## TARIFF REFORM.

There set sail some time ago a ship known as "Tariff Reform." At a distance she was fair to look upon, and "walked the water like a thing of life," but closer inspection and nearer view showed the suspicious character of the craft. Her sharp bow, with low hull and sloping masts,

raking aft, and rakish appearance, proclaimed the dreadful traffic in which she was engaged. Her destination was the port of free trade; her cargo was concealed under her hatches. American interests were in her hold; the very life of American manufacture was there; the best interests of the farmer and almost the very existence of the laborer in this country were under her decks, for sale abroad.

Her crew—I will not say “a motley crew,” although it seemed to be composed of “many men of many minds”—were constantly on watch for fear that disaster might come to them by reason of uprisings in the hold of the ship, but the hatches were battened down. In the lockers of her quartermaster was a great supply of bunting, but the favorite flag most frequently run to the peak was the union jack of Great Britain; not the American flag, although she had sailed from an American port with an American manifest.

When under full sail, and apparently about to reach the port of free trade without difficulty, there came trouble among the crew, a kind of mutiny, and yet a strange sort of mutiny, for it was the outbreak of those who had become disgusted with the traffic upon which they had entered, with the mission which they were about to accomplish, and rising against the more desperate of the crew, they took partial command of the ship. At what port she may finally enter who can tell?

The compiler of these few disjointed extracts regrets that space will not allow a satisfactory presentation of the results of patient, thorough preparation.

#### CONCLUSION.

I realize that speech to convince men in this body is a waste of time. “Though one should rise from the dead ye would not repent.” The longer I stay here the more I am convinced that speech, except for home consumption or for placing oneself right upon record, is a useless labor. I never rise here to address the Senate without feeling that I owe an apology to myself for doing it. But for this great industry I have made this long appeal. I have made it earnestly because I know whereof I speak when I say there is no industry—I believe I could say there are no half dozen industries combined—so important for the well being of this country as the maintenance of the production of sugar.

## NEBRASKA PROGRESS.

During the continuance of the tariff debate he closed a plea for the State's manufactures and agricultural products with a brilliant record of progress:

Mr. President—The State of Nebraska, with 75,995 square miles, has an acreage of 47,077,359 acres. Its population in 1880 was 452,042, and in 1890, 1,058,910. With this great, this most extraordinary and phenomenal increase in population, there was an increase in the aggregate of its debts and on all except the State debt. With a State debt in 1880 of \$439,799, in 1890 the State debt was reduced to \$253,879. The county debt in 1880 was \$5,120,362. and increased in 1890 to \$5,510,175.

The municipal debt in 1880 was \$1,102,172, and because of the growth incident to towns, the necessities of sewerage, of lighting, of street improvements, paving, water, etc., increased in 1890 to \$7,124,506, an increase of over \$6,000,000 municipal debt. The school district debt in 1880 was \$827,641, and increased in 1890 to \$2,648,212, an increase of nearly \$2,000,000, making an increase of the total debt from \$7,489,974 in 1880 to \$15,536,772 in 1890. And yet, with this doubling of the debt—State, municipal, county, and school district—the per capita debt in 1880 was \$16.56, and the per capita debt in 1890 had been reduced to \$14.67.

The assessed valuation of property in Nebraska in 1880 was \$90,585,782, and in 1890, by the census, the assessed valuation had increased to \$184,770,305, being of real estate \$115,181,167 and of personal property \$60,589,138.

I take these statements from the statistics for 1893. The true valuation upon all real estate and improvements was \$708,413,098, being an average of \$14.41 per acre, of which the farm lands were valued at \$402,358,913 and the personal property was worth \$350,000,000 in addition.

I will now give a most extraordinary statement to show how farm lands have increased in valuation during these ten years. The number of farms in 1880 was 63,387; in 1890, 113,608, being an increase of 79.2 per cent. The value of farms in 1880 was \$105,932,541; in 1890 \$402,358,913, being an increase in the ten years of 279.8 per cent in the value of the farms of the State.

The number of tillable acres had increased from 9,944,826 in 1880 to 21,593,444 in 1890, being an increase of 117.1 per cent. The total valuation at conservative estimates of the real estate and personal property in the state of Nebraska by the census of 1890 was \$1,060,000,000—a very good show-

ing for a population of 1,250,000 or thereabouts. The railroad mileage had increased from 705 miles in 1870 to 1,953 miles in 1880; 5,407 in 1890; 5,524 in 1892.

The amount of the exchanges at the clearing house of principal towns of a State is a pretty good index of its growth and of fair prosperity. At the Omaha clearing house in 1887 the clearings were \$137,220,835; in 1890, \$245,062,456; and in 1893, a year of depression the country over and when you would have thought there would have been an immense decrease, the clearing house receipts had increased to \$315,244,799.

Another very good index as to prosperity or adversity for the year 1893 would be the report of commercial failures, and I should like to draw, if I had the time, a comparison between the State of Nebraska and many of the Eastern States as to commercial failures. In 1891, there were in Nebraska 395 commercial failures, being 1.92 per cent of the whole number of business firms, the liabilities being \$3,288,365. In 1893, when you would suppose there would have been a very great increase of failures in the State, they have been reduced to 343 in number, being 1.68 per cent of the whole number engaged in business, with liabilities reduced to \$2,210,613.

Mr. President, the showing as to business failures is a very satisfactory one for the West. I refer to this because I think the West has been very greatly misrepresented and misunderstood upon this floor and elsewhere. Taking the commercial failures of the year 1893, in the Eastern States the failures were 1.80 per cent; in the Middle States, 1.15; in the Southern States, 1.71; in the Pacific States, 2.27, and in the Western States the average was but .95.

To show how deeply we are interested in this agricultural schedule, I desire to call attention to the farm products and the increase of farm products in the State. In 1880 there was planted in corn 1,919,600 acres; in 1890, 3,072,800 acres; in 1893, 6,241,226 acres; the production in bushels being 59,507,600 in 1880; 55,310,000 bushels in 1890, and 157,278,895 bushels in 1893; worth in 1880 \$14,876,900; in 1890, \$26,548,992, and in 1893, \$42,465,302.

The product of hay in 1880 was on 409,104 acres; in 1893 on 2,071,730 acres, producing in 1880, 564,564 tons and in 1893, 2,589,633 tons, being an increase from \$2,038,076 in 1880 to \$12,611,659 in 1893.

The potato crop in 1880 was 15,750 acres; in 1893, 112,853 acres, producing in 1880, 1,086,750 bushels, and in 1893, 4,965,532 bushels, being an increase in production as to value from \$662,917 in 1880 to \$3,922,770 in 1893.

The production of wheat has fallen off from 1,520,315 acres

in 1880 to 1,228,493 in 1893, and on account of the low price of that commodity in 1893 as compared with 1880, the production as to value was \$4,275,156 in 1893, as against \$9,433,554 in 1880. Corn, as to Nebraska, is a more natural crop than wheat. I will not now speak of the production of beet sugar, having fully discussed that question a few days ago.

The State has increased in its farm animals to a very enormous extent—30,511 horses in 1870; 204,864 horses in 1880; 542,036 horses in 1890, worth \$37,787,194, increased to 708,519 in 1893. There were 2,632 mules in 1870, 19,999 in 1880, 45,992 in 1890 and 46,939 in 1893.

There was an increase in oxen from 50,988 in 1870, and 597,363 in 1880, to 1,306,372 in 1890, and 1,613,223 in 1893.

The increase in the number of milch cows has been 28,940 in 1870, 161,187 in 1880, 420,069 in 1890, and 535,536 in 1894, worth \$10,501,861. Sheep have increased from 22,725 in 1870 to 199,453 in 1880, to 239,400 in 1890, and to 277,952 in 1893. The increase in the number of swine in the State is simply enormous. In 1870, 59,449; in 1880, 1,241,724; in 1890, 2,309,779, and in 1893, by these statistics, 2,088,964, worth \$16,811,981.

I have computed from the statistics that are upon my desk the value of the output of Nebraska in farm products alone in the year 1893, showing nothing of the result of the manufacturing industries, which has been very great but is not pertinent to this schedule of the bill:

Corn .....	\$42,500,000
Hay .....	12,600,000
Potatoes .....	4,000,000
Wheat .....	4,250,000
Oats .....	5,300,000
Rye .....	350,000
Barley .....	285,000
Buckwheat .....	110,000
Honey .....	150,000
Poultry .....	300,000
Eggs .....	200,000
Butter .....	4,200,000
Cheese .....	50,000
Milk .....	500,000
Cattle, swine, sheep and horses.....	40,000,000
Flaxseed, sugar broom corn, wool, fruits, etc.....	10,000,000
Total.....	\$124,795,000

Making nearly \$125,000,000, which is a most conservative estimate. I really think the products of the State, even at the low prices that obtained in 1893, were over \$150,000,000, rather than under that amount.

Mr. President, this astonishing growth is one that we who stand up for Nebraska look upon with very great



pride, and it is the best possible response that can be made to those who are disposed to complain over existing conditions and predict dire calamity. It cannot be poured out of the mouth of a cornucopia.

This enormous increase in population and in material wealth has been had during the years that we have lived under the present American system, and while we have been in advance as to rate of growth of many other sections of the country, it should be a most gratifying fact to every American that this country has made such tremendous strides during the years that it has existed under the protective acts of 1861, 1883, and 1890.

Near the conclusion of the 53d congress, just before the termination of his second official term, closing twelve full years, Mr. Manderson went upon record with the following sentiments, in the spirit of peace and good fellowship:

I know that on the battlefield about Chattanooga and at Shiloh the survivors of both the great armies have met for the purpose of interchange of views. On the 6th and 7th days of last April there met at the battlefield of Shiloh or at Pittsburg Landing prominent officers of both armies. They explored and went over the field together. It was a delightful object lesson in that harmony and unity of feeling that we all now have with reference to matters of this kind.

Those great armies have passed away except those who have grown gray and are the survivors of the conflict, and with the passing of the years the animosities that were enkindled by the war have disappeared. We who fought for the Union and were of the army of the country have ever been ready to recognize the valor and the bravery of those who fought upon the other side, believing just as earnestly and sincerely now as we believed over a quarter of a century ago that we were right and they were wrong, and the facts of history have justified very fully our conclusion in this regard.

## SENATOR W. V. ALLEN.

March 4th, 1893—March 4th, 1899.

William Vincent Allen, of Madison, was born in Midway, Madison County, Ohio, January 28, 1847; removed with his stepfather's family to Iowa in 1857; was educated in the common schools of Iowa and attended the upper Iowa University at Fayette for a time, but did not graduate; was a private soldier in Company G, Thirty-second Iowa Volunteer Infantry, during the war of rebellion, the last five months of his service being on the staff of Gen. J. I. Gilbert; read law with Hon. L. L. Ainsworth, at West Union, Iowa, and was admitted to the bar May 31, 1869, and practiced law from then until elected Judge of the District Court of the Ninth Judicial District of Nebraska, in the fall of 1891. He moved from Iowa to Nebraska in 1884; was married May 2, 1870; was elected United States Senator, to succeed Algernon Sidney Paddock, February 7, 1893, for the full term of six years, commencing March 4, 1893. His term of service expired March 3, 1899.

The first appearance of Senator Allen in a legislative session was in the extra one commencing August 7, 1893, convened by order of President Cleveland, to consider and relieve the country from financial panic.

Having been a resident of Nebraska only nine years, he had yet to acquire state and national recognition by force of character and talent.

Coming from the ranks of a new party, which had equally inflicted political injury upon each of the old ones, the pious of the leaders drew upon their Bible treasures for, "What will this babbling say?" But it was immediately evident that he came not to "sit at the feet of Gamaliel," but to "tread upon his toes," as indicated in his first speech, August 23, 1893.

MR. ALLEN: I deem it to be the highest duty of a member of this chamber, now that the nation is confronted with gloom and threatened with financial and industrial ruin, to lay aside all partisan tactics and prejudice and give to

the proper solution of this important question his most enlightened and profound judgment and fervent devotion; and I must confess that I was somewhat surprised and pained on the second day of this session to witness a fruitless and partisan discussion, somewhat acrimonious, and in my judgment entirely unprovoked, precipitated upon the Senate, which consumed valuable time to no useful purpose.

When witnessing such scenes I am not surprised that the American people are losing confidence, if they have not already lost it, in the ability and purpose of congress to legislate in their interests.

He did not come into that august presence to apologize for his party but rather to utter its eulogy.

Mr. President, I am an humble member of a new political party that has recently come into existence and public notice, made necessary by the constant drifting of the Nation from its original constitutional moorings into the shallow and treacherous waters of unchecked power. The people—and I speak of the masses—have so frequently appealed to the general government for wise and humane monetary legislation, only to have their appeals fall on deaf or unsympathetic ears, that it became necessary as a matter of self-preservation for them to create a new political party, founded upon Jeffersonian simplicity, and imperatively demanding a return of the Nation to first principles of government; and I am pleased to say that this party, full of hope and confidence, is hourly growing in numbers, in courage, intelligence, and discipline, and will, sooner or later, force the two old parties of the Nation into administering the affairs of the government in the interest of the people, or into political disintegration and death.

He magnified their sagacity:

The People's party of America, while taking strong grounds on the subject of national taxation, asserted in the most positive terms that the crowning question of this country and this age was the question of money; and in less than five months from the close of the election in November last the Nation was confronted with an industrial and financial depression such as has not been witnessed in this country for fifty years, if indeed its equal has ever been known.

To-day the Democratic and Republican parties are brought face to face with a condition of public affairs that was foretold by the common people months before it happened.

Now within the arena, with banner bearing the motto, "In war enemies, in peace friends," as though "to the manner born," all comers are challenged in unequivocal terms.

Mr. President—Is the President correct in his conclusion that the Sherman act is the cause of our trouble? In my judgment, Mr. President, the Sherman act has nothing to do in the slightest degree with the evil that confronts us. No one has become frightened at the ability of this government to redeem every pledge it has made, as fast as its pledges shall become due.

While we all understand that the purchasing clause of the Sherman act is a miserable makeshift, resorted to and enacted to avoid the blessing of the free and unlimited coinage of silver, as has been confessed in this chamber, yet it is wiser by far to retain it until something better is offered in its place, than to surrender to an enemy who has been constant in season and out of season for twenty years to strike down silver and deprive the people of one-half of their constitutional money; thus increasing in enormous proportion the debts of the people, shrinking the value of their property and labor, and making the rich richer and the poor poorer.

Sir, the Sherman act is the last feeble barrier that stands between the patriotic and industrious masses of our people and that horde of insolent, aggressive and ravenous money-changers and gamblers of Lombard street and Wall street, who for private gain would, through a shrinking and contracted volume of money, turn the world back into the gloom of the Dark Ages with all its attendant evil and misery. We cannot suffer this to be done; we must stand like a wall of fire against its accomplishment, and only when the measure that is to succeed the present law is shown to us and enacted into a law can we with safety repeal the Sherman act.

Illustrative of the promptness with which Senator Allen espoused official duties, the fact is that on the ninth day of the session he offered an amendment to a bill, providing that interest should cease upon bonds as the basis of bank note issues during the time such notes were in possession of the bondholders, and upon request, volunteered a few explanatory remarks, concluding:

I desire to say that a majority of the people whom I represent, I will say nine-tenths of the people of the State of

Nebraska, are unalterably opposed to anything which looks like a perpetuation of the national banks. The time has come when we should take some radical steps to eliminate them from our institutions, and it occurs to me that this amendment, and especially the second proviso of it, if adopted, would give the country warning that we intend, as soon and as speedily as possible, to drive out of existence the national banks of issue.

He was neither astonished or alarmed at an exportation of gold, since the director of the mint stated that Austria and other European governments were raising the rates of exchange in order to enlarge their stock of gold; and especially since the International Gold Trust had forced some inferior nations to a gold basis. Said he:

Mr. President, of late we have heard it boldly asserted here and elsewhere, that silver is not the money of the constitution; and from the expression of the President in his message that "gold and silver must here part company," we have a right to believe that he, too, entertains this view of the question. I must confess my utter astonishment at this assertion, in view of the language and purpose of the constitution, the history of the time when it was framed and adopted by our ancestors, the treatment of the question by congress in our coinage legislation, the voice of the judiciary when speaking on the subject, and the treatment of the matter by the various political parties in their respective platforms. All these, when impartially considered, demonstrate that silver is, and ever has been, the money of the constitution, and it cannot now be abandoned by congress without a flagrant and inexcusable refusal on our part to, in good faith, enforce, in the interest of the nation at large, a power expressly enjoined upon us for the general welfare.

In behalf of silver coinage he gave the history of Washington's time—of the constitution—the approving opinion by Webster—decisions of U. S. courts and friendly legislation for a term of 81 years. He supplemented this with many resolutions of Republican and Democratic conventions, both state and national. And finally overwhelmed Senator McPherson with a deluge of authorities to the following effect:

Intrinsic value of a thing stamped or coined has nothing to do with the question of power. Such metals so stamped

are not issued or put in circulation on the faith or credit of the United States government, no pledges are made to redeem them, and they may possess little or no intrinsic value; yet it is not denied that such pieces of metal so stamped or coined may be lawfully issued and made a legal tender and thus become lawful money of the United States.

He was often very fortunate in giving a condensed view of arguments and statements, in a few well chosen words, as in the case of "balance of trade":

Mr. President, we have been told that the nation in whose favor the "balance of trade" exists at the close of the trading season is to be considered the most fortunate nation, and that we must so order the affairs of this country as to annually obtain this balance of trade. A balance of trade is only a national blessing when it represents some profit to our people. If it is bought by the sale of our products far below their cost, and at a sacrifice of our civilization, it is a curse rather than a blessing. Of what benefit can it be to the people of this country if they should obtain the entire stock of European gold by a sacrifice of their property and labor, while Europe may be enjoying their products as well as profits? If the balance of trade is to be purchased at a sacrifice, we have only to indulge in such luxury for a few years to completely pauperize our labor and destroy our national wealth. It would be better for our people, better for our aggregate wealth, if the balance of trade should be annually against us than to purchase it at too great a sacrifice.

Also in reference to equality or parity:

How is it expected to institute a comparison between two unequal things—two things that are, according to an imperative law of nature, considered as articles of commerce—traveling in opposite directions? Gold daily growing more scarce and in greater demand throughout the civilized world, and silver crippled by being denied equal coinage privileges at the mints, growing more plentiful, with lessened money use, it must be expected that their commercial value will radically differ. But put both metals upon an equality before the law, and they will stand equal in the commercial and monetary world. I do not doubt that the very moment silver is permitted free access at the mints its price will go up throughout the civilized world. Only last week the London silver market advanced in anticipation of the action of congress retaining the present Sherman act.

One valuable feature of the speech was an analysis of the gold of the world, showing that it was controlled largely by European and foreign powers; and the unavoidable conclusion:

We have, then, one of three remedies open to us—

First. We can issue bonds and purchase gold, and by that means saddle upon the industries and people of this country an endless national debt; or,

Second. We can resort to overexpanded bank credits in the future as we have been doing in the past; or,

Third. We can tap the silver mines of the Rocky Mountains and cause to flow into our volume of currency a stream of silver equal to the demands of our people.

Which will we do?

Mr. President, if we adopt the first course offered to us by gold monometalists, we have no assurance that the gold which we purchase and put in the treasury to-morrow will remain there twenty-four hours. The same means by which the treasury has been depleted and looted in the past of its gold may be resorted to in the future, and we will be compelled to issue more bonds to buy more gold, and by this means a perpetual national debt will be created and will rest upon our people for years to come. There is no end—there can be none—to a system of this kind.

If we resort, on the other hand, to bank credits, we resort, in my judgment, to an infinitely worse scheme. I am not prepared, so far as I am concerned, to have this government abandon the constitutional power of coining and controlling money. The power to coin and regulate the value of money, and control its volume, is a vital sovereign power devolved by the constitution on congress. I am not prepared for the time when this government shall abandon this sovereign power, which should be exercised in the interest of the masses of the people, and farm it out to bankers, brokers, and gamblers in stocks and bonds, that they may tax the industries and energies of this country *ad libitum*.

This maiden effort was prefaced with the statement that he had, in part, the honor of representing “nearly one million and a half of American citizens” though he feared he might be charged with too early seeking an opportunity to be heard on the floor of the Senate.

By the time he came to the following conclusion, the members were fully satisfied that they “had a foeman worthy of their steel”:

Mr. President—I began this discussion with reluctance and I close it with reluctance; for, scattered over the great plains of our country, in its woodlands, on its mountain sides, and in its valleys, are millions of our countrymen who are suffering ineffable misery in consequence of this unholy warfare waged upon their rights.

Their eyes are turned toward this city, and they are now earnestly looking and listening for the decree that is to go forth from this chamber, enslaving them and their children for generations to come, or that is to strike from them the chains of financial bondage and set them free.

If we act wisely and patriotically, and give to the people of our country a sufficient volume of sound and scientific money to enable them to set all the energies of nature and man at work producing wealth, once more the sunlight of prosperity, like the natural sun that dispels the mist and the dew, will kiss away the clouds of doubt and fear, and we will witness an era of prosperity more wonderful than the world has ever known.

On the 13th day of September we find him declaring that senators who are officers or stockholders of banks should not vote in cases where pecuniary interests are involved, on the principle of the common law, excluding judges and jurors from action in cases where they were pecuniarily interested.

On September 27th his speech was a plea for deferring action on the absorbing question of "unlimited coinage of silver" till the States of Washington, Wyoming and Montana could elect each another Senator:

Here is a question, Mr. President, of vital importance not alone to those states but of vital importance to every state in this Union. The evil that may be done by the adoption of the measure before the Senate for the unconditional repeal of the Sherman act cannot be measured by to-day nor by to-morrow, and it cannot be measured for ages to come. It is a measure that ties the industrial classes of this Nation to the chariot wheel of the plutocrat now and hereafter. It is a measure that shrinks one-half of the value of the property and labor of this country. When the people of the great mountain states, six in number, and three territories, if I am not incorrectly informed, are upon the verge of starvation, when the cry of God's poor for something to eat is heard in a land of plenty, when the cry of the child stung by hunger is to be heard in those states,





W. V. ALLEN.



is it not proper that the Senate of the United States should pause for a sufficient length of time to permit three of those states to be fully represented here?

On September 30th he is heard on the subject of a double standard:

MR. ALLEN: If a dollar, of whatever material it be composed, possesses debt-paying qualities, is it not as good as every other dollar? Would it not be as wise to say of a watch, composed of steel, brass and gold, that it is three watches instead of one, as to say that we have a double or different standard of money?

On the 3rd of October, when there was a disposition to deny certain information to congress he proclaimed:

That except in mere matters of diplomacy, which are in charge of the executive branch of the government, the legislative branch is entitled to all information essential to assist it in the discharge of its duty upon a resolution or request, not merely that it may have it in the grace of another department, but that it has a constitutional right to it, without any equivocation on the part of the other branch of the government?

October 4th, on the subject of contraction he said:

I wish to call attention to the fact that in 1866 the government commenced the process of contracting its currency, and before 1873 it had called-in over \$600,000,000 of its paper money and destroyed it.

October 11th, on the subject of majority rule he was very explicit:

Mr. President—It is quite true that a majority have a right to rule in this country, but they have a right to rule only when the minority have expressed their opinion according to legal methods and in accordance with the constitution or the statutes creating and giving power to the minority to express themselves. Nothing is better settled in this country (and I diverge at this point for a moment) than that this is a government of laws, not of men; and whenever the constitution gives a minority the right to contest the ground occupied by a majority and eventually bring them to their senses, if they have lost their senses upon any public question, the minority have a right to do that without being charged with being filibusters or obstructing the orderly conduct of the government.

## PRELUDE TO SPEECH OF OCTOBER 7, 11 AND 12.

The real question at issue was, Shall an act be passed denying the right of the government to further purchase silver for coinage, without restoring to the people the right of "unlimited coinage," which they had possessed for 81 years prior to 1873?

Half the Democrats of the Senate, with a majority of the Republicans, making a small majority of the whole body, were willing to repeal the purchasing clause of the Sherman act of 1890, without restoring "free coinage," while the balance of the Democrats, with a minority of Republicans and the four Populists, were willing to repeal the act, and in the same bill restore the "unlimited coinage of silver."

In behalf of the last proposition Senator Allen delivered the introduction of his astonishing speech October 7th, and on the 11th commenced again and continued it from 5 P. M. to 8 A. M., October 12th—fifteen hours.

The supposed majority could not stop debate, because the Senate had no rule allowing a call of the previous question. So they determined to keep the Senate in perpetual session till, overcome for want of sleep and rest, the silver advocates should submit to a final vote.

They further determined that they should not transact any other business during the time they were exhausting their energies, and hence refused to adjourn the Senate for two weeks but used a recess to carry them over from day to day.

So when the chaplain opened the Senate with prayer October 1st, they dismissed him for the time being, as that day was to last till they could force a vote.

Of this parliamentary strategy Mr. Allen spoke as follows:

Mr. President—Another singular thing is that there has not been a legislative day since ten days ago. One week ago last Tuesday we started upon a legislative day and we are continuing that day now.

It has been a time-honored custom—whether it is a rule or not I do not know—that the proceedings of this body should be opened by prayer. There has not been a prayer offered in this chamber in ten days. I desire to say, Mr. President, that in my judgment it was fitting that this Sen-

ate should cease listening to prayers at the time it did and when it started into the accomplishment of this most iniquitous of all legislation in our national history; and I suppose after a time, when this unconditional repealing act takes place and gold is set up as the single standard and the sole god of some, the men of Wall Street and Lombard Street, whose sympathizers are here and elsewhere outside of this chamber, will come together and sing that good old song—

“Nearer, my God, to Thee,  
Nearer to Thee,”

for gold is their god. Not only so, but in consequence of not having another legislative day, this government is put at the absolute mercy of one man. It is a complete revolution of our government. It takes here, for instance, unanimous consent for the last ten days to get a measure, however important it may be, before this body. Suppose something should occur requiring our instant attention, it would require the unanimous consent of Senators here to enable us to consider it. There is a complete change in the organization. The right of petition, held sacred under our constitution, regarded as sacred by every citizen of this land, is cut off here in consequence of this continuous session. Every safeguard guaranteed to the people of this country by the constitution must be abandoned or imperiled for the instant accomplishment of this infamous scheme. This is something that in my judgment ought not to exist in a legislative body of the dignity and responsibility of this.

During the night sessions the majority learned that “chickens come home to roost,” for silver party advocates decided that a quorum of the Senate should be present at all times, and as often as the repealers betook themselves to cots and lounges in the cloak rooms for slumber, a call of the Senate was ordered, and they had to return and answer to their names.

At 8 o'clock on the morning of the 12th the majority saw their theory of wearing out Silver Senators completely exploded by the “bright and early” Senator from Nebraska.

MR. ALLEN: Mr. President—There are many other interesting features of this question which I have failed to discuss, yet I think a sense of duty to other Senators, who have not yet had an opportunity to speak upon this question, requires that I should give way this morning to Senators who are prepared and who are desirous of being heard.

I shall take occasion hereafter, if the opportunity offers itself, to submit some observations upon some important branches of this very important question which I have not yet discussed.

During the delivery of the speech twenty-two Senators, by the courtesy of the speaker, entered the list with questions and replies until they consumed half his time with pertinent, impertinent and irrelevant issues.

Mr. Allen sustained his positions with extracts from twenty-four accredited authors upon financial and economic questions, showing great and patient research.

His time was broken in upon by about a dozen roll calls. Intending to be courteous and fair in all things, but pertinaciously beset by Senators of both the old parties, a reformer's aggressiveness and tact stood him in good demand, and evinced a willingness to select his own weapons and stand by his colors.

#### TART AND POINTED.

In reply to Mr. White of Louisiana he said: "Mr. President, I do not propose to stand here and answer such questions as are put to me by the Senator from Louisiana. The Senator from Nebraska will pursue his own course in this debate."

To Mr. Squire: "I do not think I will permit the Senator from Washington to inject anything into my speech."

To Mr. Hoar: "I do not know what the Senator from Massachusetts means, whether he means to insult me. I do not think that his question calls for an answer."

To Mr. Gallinger: "I do not care anything about what the Senator from New Hampshire believes. He should be more careful of his language. The Senator from Nebraska understands the ordinary English language and its use."

To Mr. Palmer: "Several Senators have attempted to make me assault my own state. It is not only disagreeable, but it is not true."

Mr. Allen having called Senator Palmer to order, for charging him with speaking against time, said, "I will not suffer an imputation of that kind to be made without a denial."

MR. PALMER: The Senator will deny if he chooses. I have expressed the belief that no mortal man who intends simply to instruct can speak twelve or fourteen hours.

MR. ALLEN: I am not here with a brass collar around my neck as some other Senators are in this chamber. I am not here to do the bidding of some man who puts chains upon my neck and tells me what to do.

Long as this prelude is, it only gives a mere glimpse at the concomitants of a speech of national fame.

#### INTRODUCTION.

Mr. Allen said:

Mr. President—The first time I appeared in the Senate I felt as though I ought to apologize for doing so. The first time I had occasion to submit some observations upon the measure now under consideration I felt that I was under an obligation to apologize to the Senate for doing so and for breaking what I understand is an unwritten rule which has been in force in this body for many years, that a new member shall listen rather than talk. I presume if any apology is due from me to-day it is not to the Senate or the United States, but to Wall Street and Lombard Street for delaying somewhat the passage of the measure now before the Senate.

I have no desire, Mr. President, to consume unnecessary time.

MR. STEWART: Will the Senator from Nebraska yield that I may suggest the want of a quorum?

MR. ALLEN: No, I do not care for a quorum.

MR. STEWART: All right; but I think Senators would learn something if they would come here.

MR. ALLEN: I will make them hear me whether they are here or not.

Proceeding at once to grapple with what he denominated political fallacies, he announced as the first:

#### THE FALLACY OF INTRINSIC VALUE.

Mr. President—Our friends upon the other side have taught many political heresies, and one of the heresies taught by them in this discussion has been the chief of heresies, intrinsic value. My friend, the Senator from Oregon (Mr. Dolph), on two separate days sent out for a dictionary, had it brought in here, and read it to us to show that there was such a thing as intrinsic value in money.

What is meant by intrinsic value? The advocate of the gold standard tells us that intrinsic value is that commercial value which resides in the money, thing or metal, and that there must be a correspondence between that thing and the coin value or the money is fiat money, and therefore unsound.

The material of which money is coined or on which it is stamped is withdrawn from the field of commerce when being used as money. It is as dead in its effect upon the commercial value of the class of articles to which it belongs as though it were in the bowels of the earth or in the bottom of the ocean; it is taken out of circulation as an article of commerce, and is used exclusively as a medium of exchange, performing the money function and losing its place as an article of commerce.

Works on political economy of recent date are discarding this doctrine of intrinsic value in money. It is the function, the office performed by the thing called money, which gives it its money value. It is the volume, the number of units in circulation, and which are exchanged against all other things, which gives money its proper power and its proper money value. There is no more necessity for a dollar's being made of gold, or silver, for that matter, than there is for a yardstick to be made of ivory or gold. You might as well say that by measuring a yard of cloth with a yardstick made of gold, you would give the cloth measured more value than it would have if it were measured with a yardstick of wood or some other inferior material. The wealth resides in the articles which are exchanged, and not in the money which effects the exchange.

#### SECOND FALLACY.

That a gold standard would not produce contraction.

Mr. President—Suppose in this country a law were passed prohibiting the consumption of one class of meat products, does not every citizen know that the prices of other classes which were not prohibited would be doubled in value? The demand would be doubled for them, and that is what increases prices. If the government should, for instance, strike down wheat, if it should be decreed that the people should not eat wheat bread, would it not create a greater demand for corn, oats, and other kindred products? It certainly would, because the functions performed by wheat would be transferred to other products. So it is with silver. Whenever the government strikes down silver, and says that it shall not be used for money purposes, and puts the entire



basis of the currency upon gold, that increases the value of gold and gives it a greater purchasing power than it would otherwise possess. That is contraction.

### THIRD FALLACY—OVERPRODUCTION.

But one of the principal arguments used against the use of silver is what my distinguished friend from Illinois (Mr. Palmer) lamented awhile ago as overproduction. It is claimed, and claimed seriously, that silver is being produced in such great quantities as to cause an overproduction of the metal, and that the fall in the bullion price of the metal is caused thereby. Therefore my friend from New Jersey (Mr. McPherson) says the parity cannot be maintained. Why there is overproduction we are not told. Never was there a ranker fallacy promulgated upon the face of the earth than this doctrine of overproduction. There is not a respectable political economist, from the days of the senior Mill to the present moment, that has taught it. It is simply one of those fallacies that we find constantly urged from the stump, that we find constantly advocated by a certain class of newspapers, the effect of which is to mislead the people.

Right here, Mr. President, let me say that gentlemen who advocated this doctrine of overproduction never seem to think of the fact that in this land of plenty, where overproduction exists, as they claim, want is constantly increasing; and that there are hungry men, hungry women, and hungry children in a country where prices are falling, as they claim, in consequence of overproduction.

It is under consumption and the lack of means of distribution, one principal element of which is money, that produce local and temporary congested conditions in trade.

And it is characterized as a fallacy here and throughout these works [Reading].

It is perpetually reappearing in different forms, among which may be here specified the belief that our colonies are useful because they provide a market for our exports.

When the people of this country, the farmers and laborers, and what I may properly term the great masses of the common people, feel the effects of this system of contracted money, they are told that their misfortune is due to overproduction; that they produce too much, that God is too bountiful, that the people suffer too much corn, wheat and oats to grow, and produce too much food. Therefore, in a land of plenty, in consequence of there being too much, there must be starvation and hunger as a result. In consequence of too much, laboring men must be poor.

## FOURTH FALLACY—BALANCE OF TRADE.

MR. ALLEN: Another of the fallacies taught, in my judgment, in this discussion is the fallacy of the balance of trade. I do not mean to say that the balance of trade is not desirable under certain circumstances, but I do mean to say that a balance of trade in and of itself, bought by a sacrifice of the property and labor of the people, is a curse rather than a blessing. Too long the people of this country have been told that a favorable balance of trade was *per se* evidence of prosperity. Suppose that every gold dollar upon the face of the earth was bought by this Nation at the sacrifice of the price of our labor and our property, would that be any evidence that we were a prosperous nation under those circumstances?

It is only when a balance of trade represents some profit to a nation that it is a favorable balance of trade; it is only when it represents some profit to its people that it is desirable. If it is bought at too great a sacrifice, if civilization itself has to be impaired, if labor has to be debased, if we are to be brought down to the conditions prevailing in Europe, then we do not desire to pay the price for the balance of trade in gold dollars.

## FIFTH FALLACY—NATURAL PARITY.

I ask any Senator in this chamber when he talks about maintaining a natural parity between gold and silver, is it possible? Certainly not. If there was a natural law of equality between the two metals, would not one grain of the metal, silver, be worth as much as a grain of gold? If there was a natural parity existing, would not that be true?

The relation of gold and silver, like the relations of any other articles, must be controlled by the law of supply and demand.

As long as Senators talk about the commercial value in the money metal or the money thing, there can be no such thing as a parity between gold and silver, because today the demand puts the price of one up and the price of the other down, when to-morrow, next week, next month or next year the conditions may be entirely different, and the metal that occupies one position to-day may be absolutely reversed then. That is simply following the supreme law of supply and demand. So it is mere nonsense to talk about maintaining the parity when a natural parity does not exist.

But if you can establish and maintain a parity when you leave the fallacy of intrinsic value, then you come to the sensible basis, the basis which controls this matter; when

you declare by statute that so many grains of silver shall have the force of money as compared with a grain of gold, when the power of the law behind that makes it perform the office of money, gives it full legal tender and debt-paying power, and establishes a law of equality between the two metals while being used as money. That is the real parity, and the only parity that can either be created or maintained.

#### SIXTH FALLACY—SHERMAN LAW THE CAUSE OF PRESENT TROUBLE.

Mr. President—It is true that every dollar of gold that left these shores during the last few months has returned, except about \$16,000,000, and that will return if these men who control the money market will permit it to return. So that if its departure was due in any measure to the Sherman act, then with equal propriety we may say that its return is due to the same act.

Gold will shift from America to England, back and forth, according to the demand for gold itself, wherever the rate of interest is the highest. If there is a greater demand for it in England than there is here, it will go there. Like everything else, whenever the demand is greater for it here than it is in Great Britain, when it is worth more here, it will come here. So we are engaged in the enterprise of putting the gold of the world upon an auction block and entering upon a wild, nay, a senseless, bidding for the possession of gold, sacrificing our property and sacrificing the prosperity of our people in a senseless race of that kind.

#### SEVENTH FALLACY—DISHONEST MONEY.

We have been told repeatedly, and are daily told, that there is such a thing as sound money in the country and such a thing as dishonest money.

Mr. President, there is not a dollar in this nation, with full legal tender qualities, from its origin to this moment, that was not an honest dollar and worth as much as any other dollar. It is only because the volume of gold is scarce; because it is in the grasp of the Shylocks, because they control it and, through it, control the destinies and the progress of the peoples of the Earth that we hear so much about the necessity of sound money—of honest money. This very heresy of intrinsic value is one of the things that has been seized upon to deceive and mislead the people, thus permitting a gang of aggressive money-changers to control the destinies of the people through a limited volume of money, through the control of gold.

I repeat, sir, during the interesting discussion in this chamber, extending now over sixty days, no Senator has offered a reason (if he has I have not heard it) why any special commercial value should reside in silver or gold or paper used as money.

#### MONEY POWER.

Now, what is the money power? The expression has been used here a great many times. It has been used by myself, and it has been used by others. I say to the Senators that the money power, in my judgment, is that class of persons who control the great debt, bonds, stocks, and mortgages of this country and of Europe—that body of men who are directly interested in a constantly appreciating money, whose fortunes are made out of bonds, mortgages, stocks, and evidences of indebtedness of various kinds; that body of men, small though it may be, in this country and in Europe who are combined against the prosperity of the farmer and laborer throughout the civilized world—that is the money power.

In his conclusion he traced England's oppression of the original American colonies, her acts of tyranny in the revolution of 1776 and in the war of 1812; and characterized the bill as a monster of iniquity.

This is a Trojan horse; but underneath and behind this whole scheme I see two monster Shylocks, like Argus, hundred-eyed, and like Briareus, hundred-handed. One of these is England, and the other the Shylocks of Wall Street and the East, both alike reaching out their long, bony and merciless hands for their pounds of flesh, regardless of the welfare of the laboring classes and producers of this country, regardless of the prosperity of this country, but interested solely and alone in their own selfish aggrandizement.

In 1811, when the charter of the United States Bank expired, the stock of which had been paying an annual dividend of from 8 to 10 per cent, it was discovered that the English had gotten control of nearly all the stock. Since then she has gradually gotten control of our carrying trade, bleeding us of millions of dollars every year. She has gotten control of large areas of our public lands, of immense tracts of our coal, timber, and mineral lands, which she has bought for a song, and from which she will reap immense profits. She has bought large interests in our most profitable flour mills, our breweries, stockyards, and manufacturers. She holds our bonds and has made millions specu-

lating in them. She draws annually from the United States over \$100,000,000 in the shape of interest and profits alone. Notwithstanding all these things the agent of the Rothschilds now comes in the year 1893, in the year of the Columbian Exposition, and the one hundred and seventeenth year of our Independence, and demands of our Secretary of the Treasury in these United States of America that he issue \$150,000,000 worth of bonds.

American, British, Grecian and Roman history, with ancient mythological and patriotic allusions, gave special force to his closing words. A journal at the capital, not in sympathy with Populist views, said of this remarkable effort: -

It is an effort that does credit to the patient research of the Nebraska Senator and contains a vast amount of statistical information. It also shows that whenever an emergency arises requiring such a speech Mr. Allen is fully equal to its requirements, and that when it comes to colloquial debate on the floor of the Senate, he is quite as ready in answering interrogatories as in propounding theories.

It is furthermore apparent from the classical peroration with which Mr. Allen closes his remarks that come what may he is never to be driven from his position or cajoled out of it. "So far as I am concerned," he says, "I ask no favors and wear the collar of no man; and when the Shylocks of England, Wall Street and the East, and their coadjutors, ask that the rights of the people be surrendered, my answer, so far as I am concerned, will be that not one jot or tittle of those rights shall be surrendered while life lasts, if I can prevent it; we will meet them in Bœotia before they proceed to Attica, and we will not permit them to put their shirt of Nessus upon the back of American labor. We bid the Shylocks and money lords, here and hereafter, open and bitter defiance."

Subsequently, before the final vote taken on the repeal bill, allowing no favors to silver, Mr. Allen said:

I am sorry to see what may be called a backdown to some extent on the part of some of the advocates of free silver. If I had the experience in legislative work of some of the Senators who entertain the views I entertain, I should not only stay here until next summer but I would stay until next year, and I would continue to stay until the administration changed before this law should be unconditionally repealed, and before the great wrong which will be

inflicted upon the American people by this unconditional repeal should be done to them and their interests.

I say now, Mr. President, if there are any Senators in this chamber who have the true interests of the American people at heart, if there are enough of them who will raise the banner of the free and unlimited coinage of silver and carry it to victory here, I believe victory can be accomplished; and for one I will stay with that banner as long as my strength lasts, entirely regardless of the time it may take to fight this battle.

During the session of ninety days, Mr. Allen showed, by the introduction of resolutions of inquiry, and committee work, ability and fidelity, which had their culmination in the presentation of a resolution for arresting immigration "until a change in the labor market." But the adjourning fall of the Vice-President's gavel precluded action.

#### FIRST REGULAR SESSION FIFTY-THIRD CONGRESS.

His record made in the extra session indicated that in future he was to be found among the careful workers in committees, and able debaters upon the floor of the senate. Early in the session Senator Allen is found vigorously contesting with Senators Hoar of Massachusetts, Hunton of Virginia, and Faulkner of West Virginia, in behalf of grantors in trust deeds, as against grantees, who have generally had everything they desired. From numerous debates running through several months, upon tariff reduction, only a few items can be extracted, for want of space.

#### POLICY.

MR. ALLEN: I say that the policy of taxing materials that go into the homes of this country is unwise. It should be the policy of a great and enlightened nation like this to refrain from taxing anything which is essential to the preservation of human life. The necessary homes which shelter our people from the blasts should be free from taxation, if it is possible to render them free. All the clothing and food necessary to protect and sustain our people should be free from taxation if possible, or at least, the lowest rate of taxes should be levied upon them.

We use much rough lumber in the construction of fences and of outbuildings. These things are a necessity to the people of the State of Nebraska, and not only to them, but

to the seven or eight million people who live in the prairie States; and yet you are perfectly willing to take these people by the throat and hold them up, as the highwayman holds up his vietim, and take money out of them for the purpose of putting that money in the pockets of a few men along the northern border of the United States.

#### BOUNTIES.

I desire to see the time come in this country when sugar shall be free. Although I represent in part a great commonwealth where the sugar beet can be cultivated with profit, and one of the largest beet sugar factories in the United States is situated in the county in which I have the honor to reside, I do not believe that it is either wise on the part of this government to adopt the bounty system as a policy, nor do I believe the government has power under the constitution to encourage the development of anything by a system of bounties.

I recognize, however, that when the government has offered a bounty, and upon the strength of the offer contained in the statute an industry is developed which perhaps would not be developed but for the granting of the bounty, whether the government had the power or not, it certainly has morally no power to suddenly take the prop from under that industry and permit it to fall without any warning of its purpose to eventually recede from the bounty system.

Therefore when my colleague offered his amendment, which looked to a gradual reduction of the bounty system, until it would expire in 1905, dropping one-tenth each year, I voted for it. When he offered his amendment proposing to make the bounty 1 cent instead of 2 cents a pound, I voted for it, because both propositions looked to the gradual extinction of the bounty system, and because to so vote would not seriously wrench the industry which is being developed in my state today.

#### PROTECTION.

No, Mr. President, that is not the trouble with the Western farmer. The trouble with the Western farmer, in the first instance, is that he is eaten up by excessive rates of transportation. By the time he hauls his products across the mountains from the prairies of Nebraska fifteen hundred miles to New York market, he has consumed a valuable portion of the product of his field, and by the time he invests the money he gets out of the remainder in highly

protected articles of consumption, he is left practically without any surplus for his year's labor.

Give the farmer of the West an equal show in the race of life, and he does not ask protection from any government; give him an opportunity to buy in the open market, as he is compelled to sell in the open market; and control in his interest, and in the interest of the country at large to some extent, the question of transportation, and the farmer of the West does not stand in congress asking for protection or assistance at our hands. .

#### BITTER RETORT.

The debate, having elicited much asperity, evoked a spirited reply to Mr. Chandler of New Hampshire.

MR. ALLEN: Mr. President, I desire to say in as polite language as I can to the Senator from New Hampshire that his statement or insinuation that there is any bargain between any person on this side of the chamber or in the chamber at all and myself is entirely untrue, and I am inclined to think that the Senator from New Hampshire knew it was untrue at the time he stated it. I have made no bargain. I propose to make no bargain. I propose to vote as I see fit upon this measure and upon every other measure that comes before the Senate. If when the pending bill is finally finished it is in my judgment a better measure than the law now in force, I shall vote for it. If it is not, I shall vote against it. In that respect I desire to assure the Senator from New Hampshire that I am a free lance.

I desire to state in this connection that it is none of the Senator's business how I propose to vote upon this or upon any other measure. I am not here to represent his views upon any question. I am sent here to oppose his views upon a majority of the questions that come before this body.

Apparently upon the Napoleonic motto, that nothing had been accomplished while anything else remained to be done, Mr. Allen exceeded his former records and made the third or short session of the 53rd Congress one conspicuous for thorough and incessant work. In a voluminous defense of the Populist party and its creed, he charged a union of the Democratic and Republican parties for the salvation of the country, as they understood salvation, and a unity of effort in charging the Populist party as the advocate of vagaries and lack of leadership.



Mr. President—Sir, from a vote of a little over 1,000,000 in 1892, the Populist party cast a vote of practically 2,000,000 in 1894, an increase of almost 100 per cent., a greater vote than placed Mr. Lincoln in the White House in 1861. I thank God this moment that the light is beginning to dawn to-day upon the common people of this country out of the darkness and gloom and wrong and oppression through which they are and have been passing; that a ray of light shines over the broad expanse of this country, and in my judgment in 1896 both the old parties will practically pass out of power and this new party be brought into control of the government in all of its branches.

#### POPULIST CREED.

His Populist creed, as given, included the coinage of both gold and silver at the ratio of 16 to 1, supplemented by a legal tender paper currency—taxes limited to the necessity of the government—a graduated income tax—trusts and combinations injurious to commerce, labor and industry to be prohibited—abuses of pooling and watering stocks and discrimination in railroad rates, and of corporations, to be corrected by law—contract labor denounced—opposition to army and navy increase in time of peace—election of President by direct vote of the people—pensions for disabled soldiers—denunciation of anarchy—purity of the ballot box—opposition to interest bearing bonds, and government divorcement from banks.

#### SILVER COIN REDEMPTION.

Finding \$835,534,088 outstanding paper money, by law redeemable in coin, he argued that the Secretary of the Treasury should redeem in silver where it was evident that an attempt was being made to deplete the treasury of gold coin for the purpose of forcing the issuance of gold bonds, payable in gold, and to perpetuate a national debt, and enlarge the issue of national banks. In this spirit he denounced the issue of \$500,000,000 bonds payable in fifty years.

In 1874, when there was a run upon the Treasury Department, when this country was experiencing a financial panic, the then Secretary of the Treasury issued \$26,000,000 of treasury notes in excess of the number now in existence.

Under the provisions of the statutes which are preserved to-day the Secretary of the Treasury has ample power to issue \$54,000,000 of treasury notes, non-interest bearing notes. Why not issue those notes and coin the seigniorage, amounting, all told, to \$109,000,000, and by that means prevent the issuance of bonds and discharge the current obligations of the Nation.

#### CONDITION OF ALABAMA.

As the session approached its close, he delivered a speech of great research and force, in favor of an investigation of Alabama, alleging anti-republican government, and in the concluding sentences made plain his theory:

I do not desire to be understood as saying that the States have no rights as States. Our government is a government of enumerated powers. If a power is not expressed in the constitution or is not necessarily implied to carry out some granted power, it does not exist, and cannot be exercised. Nor am I a believer, upon the other hand, in the doctrine that any state in the Union can say that the general government cannot pass its lines and protect its citizens. When this country guaranteed to every state in the Union a republican form of government, it carried with it the power, and the duty as well, to pass the lines of the state that might deny to a citizen any of the privileges or immunities of citizenship, and to protect him in their enjoyment.

#### BENEDICTION.

Near the close of the 53rd Congress, while protesting against appropriating money for the support of a "tin soldiery" in the District of Columbia, at a time when benevolent citizens were voluntarily aiding "drouth stricken people in the Northwest," Mr. Allen delivered the following graceful benediction:

Sir, while I am on my feet speaking on this question I wish on behalf of a million and a quarter of as honest, loyal, and intelligent citizens as there are in the United States, who reside in my own beloved commonwealth, to tender their thanks and mine for the splendid action of Georgia, Louisiana and other States, South and East, in bringing relief to a drouth-stricken people. Those people are struggling honestly and faithfully to build up this country and to build up their own private fortune. Misfortune has overtaken them for a second time. For the sec-

ond time in succession their crops have been destroyed, and they are practically dependent upon the charity of their fellow citizens of the other states. I wish to say to the representatives in this chamber of the states I have mentioned, that the gallant men and women of those states have the earnest prayers and thanks of the people of the State of Nebraska.

## CHAPTER V.

### MEMBERS OF U. S. HOUSE OF REPRESENTATIVES.

#### HON. T. M. MARQUETT.

39th Congress. March 2nd and 3rd, 1867.

Hon. T. M. Marquett was born near Springfield, Clarke County, Ohio, in 1831, and graduated from the Ohio University at Athens in 1855 when 24 years of age. Having visited Kansas and Iowa, he made choice of Nebraska as a future home in 1856, in which year he was admitted to the bar.

After one year's residence in Cass County, he was elected three years in succession to the Territorial House of Representatives; and so well were the voters satisfied with the ability, courage and capacity of the young statesman, that he was called upon to serve them four years in the Council (answering to the State Senate) subsequent to 1860.

#### FIRST STATE ELECTION.

To prevent confusion of facts relative to the first election to Congress, in Nebraska, under the State Constitution in 1866, it should be remembered that it took place during the 39th Congress while Mr. Hitchcock was territorial Delegate. Mr. Marquett held toward it a dual position, being elected both as member and delegate. In case admission of the State should occur during that Congress, Mr. Marquett was elected member of the unexpired term. Or, if it remained a Territory during the 40th Congress, he was to serve as a delegate. But if it was found a state in the 40th Congress, Mr. Taffe was elected to meet that emergency. Accordingly when it became a state in the expiring days of the 39th Congress, that retired Mr. Hitchcock, and made Marquett member for two days closing the 39th Congress. Becoming a state also superseded Marquett's election to the 40th Congress, and advanced Mr. Taffe to the membership.

Mr. Marquett has remained at the bar, in absolute devotion to his profession, from the date of his admission, and has been resident attorney, at Lincoln, for the immense and complicated business of the Burlington & Missouri River Railroad Company since its establishment in Nebraska. Many friends pressed him for United States Senator when Mr. Tipton was re-elected in 1869. Without a stain upon his professional honor, his name stands high upon the roll of the State's most cherished and honored lawyers.

Of his spoken eloquence, upon the stump and at the bar, but little has been recorded, for an utter neglect of his intellectual progeny has been the characteristic of a modest and fearlessly independent personality.

#### PERORATION OF AN IMPEACHMENT ARGUMENT.

In the most noted trial of the State in which Mr. Marquett was an attorney, in defense of Gov. Butler, he closed a most elaborate and powerful speech with the following appeal:

Senators—The blow, unarrested, falls not alone on him. Would to God it did! Would to God that no wife, no child were to feel its crushing weight! Senators—You this day stand upon the banks of a Rubicon, beyond whose flood lies the dreary waste of political strife and dark contention. Humanity bids you pause. But yesterday the people placed upon the brow of David Butler a wreath intertwined with the laurel; to-day it is proposed to write there a brand of infamy; a burning brand; a brand which time cannot erase, and which not even the good angels above can wipe out, or hide from human view.

Senators—As I close this case, let me remind you that those appeals of the counsel to the effect that the people demand the conviction of the accused,—that you need not show crime, or even a corrupt motive,—is only asking you to trace backward from the sunlight of today to those dark ages when a court, spurning evidence, yielded to outside clamor and sent a sainted Baxter to the block, and bade Algernon Sidney tread the narrow steps of the scaffold. Posterity will review our acts, and cannot do otherwise than condemn you if, by your verdict, you pronounce him guilty when the people have declared him innocent.

Around you in this crowded hall, in the galleries and corridors, are those who anxiously await your verdict. God's

own justice bids you at once break this dreadful suspense, calm those palpitating hearts, dry the tear which forbidden comes, and answer the prayers so earnestly made by pronouncing the magic,—and now by the behests of justice made golden,—words of “not guilty.”

NEBRASKA IN CONGRESS.

On the 2nd day of March, 1867, the *Globe* report of the House proceedings, in Congress, has the following entry:

Mr. T. M. Marquett, of Nebraska, appeared, and having taken the oath to support the constitution, and the oath prescribed by the act of June 2nd, 1862, took his seat.

The next business before the House was the presentation of certain resolutions, affirming the refusal of ten states lately in rebellion, to adopt the 14th Amendment to the Constitution; and that as long as they continued to refuse its adoption they would not be entitled to representation in the House; and refusal long persisted in would merit more stringent conditions.

The object of the amendment in question was to define citizenship, and it declared all persons born or naturalized in the United States to be such and equally entitled to the protection of the laws. This, of course, included all the emancipated slaves. It also provided a national penalty for a State's denying any one the right to vote, “on account of race or color or previous condition of servitude.” It also excluded certain participants in the rebellion from seats in Congress and from other positions, and declared the sanctity of the national debt. Next came the very elaborate veto message of President Johnson, of a bill “To provide for the more efficient government of the rebel states.” The question was, “Shall the House pass the bill, the President's objections to the contrary notwithstanding?”

Up to this time, the voice of the State of Nebraska had never been uttered upon a recorded vote; but upon sustaining a ruling of the presiding officer, Mr. Marquett broke the silence by voting “Aye,” and did the same on Mr. Blaine's motion to suspend the rules, that the bill might be carried over the veto. And then, of course, on the final vote he was found with the constitutional majority of 135 against 48; and the law was passed and Ne-

braska placed squarely upon the platform of the Republican Congressional reconstruction, "amid thunders of applause on the floor and in the galleries." Again, during the same day, came another veto message, of "A bill to regulate certain civil offices," which was so conspicuous, finally, in the impeachment of Andrew Johnson; and once more Mr. Marquett voted in the affirmative on its passage. Another affirmative vote of much value was upon the joint resolution to enable the United States to participate in the Universal Paris Exposition of 1867. But the last time he responded to the roll call was to suspend the rules and instruct a committee to report a bill to reduce members' salaries, and before the result could be announced, the hour of adjournment having come, the Speaker, Mr. Colfax, delivered his valedictory address, proclaiming the inexorable fact—"As these parting words are said, another Congress wait for our seats." The seat occupied by Mr. Marquett for two days was at once labeled for John Taffe, of Dakota County, who was elected to the 40th Congress; and in the selfsame hour Senators John M. Thayer and T. W. Tipton put on the robes of office in the chamber at the other end of the Capitol. Had Mr. Marquett been elected to the 40th Congress as a member he would have made an efficient and popular representative. Of his ability his constituents had ample evidence in his career in the territorial legislature, and at the bar and upon the hustings during the years of slavery aggression, Civil War, and the earlier period of reconstruction. One can easily learn the value of first things and events by turning to the pages of the Illustrated History of Nebraska, where mingle in prodigal profusion records of first arrivals, marriages, births, deaths, erection of temples, and society organizations and especially the manners of those who landed from her "Mayflower" and first pressed her "Plymouth Rock."

Accordingly, when the subject of this sketch shall have passed his "three score years and ten," bedecked with legal laurels, fellow citizens, proud of the splendid progress of a reconstructed government, will cherish the consecrated first State vote.

## HON. JOHN TAFFE.

March 4th, 1867—March 4th, 1873.

Hon. John Taffe landed in Nebraska and settled in Dakota County in 1856, in the 29th year of his age, having been born in Indianapolis in 1827. His early instruction was received in the common school and academy and became the foundation of a legal education.

Two years after his arrival he was elected to the Territorial House of Representatives and in 1860 we find him presiding over the Council, answering to the State Senate.

In 1862 he was commissioned Major of the Second Nebraska Cavalry, and during a 15 months' service, was with General Sully's expedition against the Indians, in which the Second Nebraska under Col. Furnas received the hearty commendation of the general commanding.

Several times having received votes in congressional conventions he was finally nominated and elected a member of the 40th, 41st and 42nd Congress, in the years 1866, 1868 and 1870. After leaving Congress he was Receiver of Public Moneys in the U. S. Land Office at North Platte, Lincoln County.

On the occasion of his death in 1884, in an obituary notice of him in the Historical Transactions of the State Society, we have the following:

In his congressional course Mr. Taffe was a faithful worker in the interest of the state of his adoption, energy and zeal being the predominating features of his work in the halls of congress as well as at home. His work was successful without ostentation, and thorough with all the elements of a practical nature.

In the Forty-second congress he served as chairman of the house committee on territories, while at the same time holding important positions on two other committees.

After leaving congress he became editor of *The Republican* and filled the chair with considerable ability and success. He was a plain, practical, and earnest writer, and, on political issues, throughout the State, in those days was considered almost infallible. An excellent proof of this is



found in the fact that in a certain presidential election he not only forecast the vote of our own state to a nicety but also that of many of the states of the Union.

After his retirement from *The Republican* he returned to the practice of his profession, taking some interest in mining operations.

He was honest and honorable in all his dealings, and loyalty to friends was the ruling characteristic of his head and heart.

The increased votes cast at the several dates of Mr. Taffe's three elections show the growth of population; being 8,922 in 1866, 15,042 in 1868, and 20,342 in 1870, while his majorities, first of 748, and second of 2,406, and third of 4,408, indicate the growth of the Republican party.

At the same time his competitor in each canvass was a man of acknowledged ability, of unblemished character, and established citizenship. First, A. S. Paddock, since U. S. Senator; then A. J. Poppleton, in the highest degree an ornament of the Omaha bar; and third, Judge George B. Lake, after Chief Justice of the State Supreme Court.

In the election of Mr. Taffe there were two points in the State's favor relative to a faithful service; the first arising from the fact that her representative possessed a legal education, and the second, that he had legislative experience, and practice in the application of parliamentary law. But as to any sudden acquisition of reputation in the new arena of action, the chances were decidedly against the incumbent, for the spirits that had raised the storm were determined to ride the waves; and already the prow of the Impeachment Steamer was facing the Senate in the case of President Andrew Johnson, floating from her masthead, for the enlightenment of all new comers—"Vessels large may venture more; but little boats should keep near shore." In addition to this the new member's associations were of Territories, Lands and Indians, all intimating soil, with no "distance to lend enchantment to the view." While he never attempted to be offensively aggressive, his sympathies were all on the side of the harassed and exposed emigrants from Indian raids and plunderings, and hence he had to meet the popular clamor in behalf of the "noble red man."

With great perseverance he tried to secure an amendment to an appropriation bill, to the effect that where members of a tribe went upon the "war-path," annual payments should be made only *pro rata* to those remaining peaceable. To the chairman of the Indian Committee he said: "If an Indian goes into a white man's stable, in broad daylight, and takes away a horse, while the government is paying an annuity to that tribe, I would like to know what remedy the white man has under the law."

Mr. Shanks of Indiana having explained that if application were made to the Interior Department within three years the claim could be settled, Mr. Taffe continued: "I submit, with due respect to the gentleman, that, as a matter of law, he is entirely mistaken. I hold that to-day, if there are a thousand Indians in a tribe, nine hundred and ninety-nine of whom are on the 'war-path,' they can commit depredations and still receive their annuity from the Government under existing laws; and no white man has any remedy for any of their depredations."

On a subsequent day he said:

I would like to make a brief statement. I said day before yesterday that as the law now stood no money appropriated by the Government, no article contributed by the Government to these Indians was liable for any depredations committed by them. In other words, all the depredations that they have heretofore committed, and all that they may hereafter commit, under the law and under the amendment framed, I believe, by the gentleman who now has charge of this bill, were to be exempt from all claims, whatsoever, of citizens of the United States.

And in addition to that we make an appropriation to prosecute any citizen of any state, or of the West, whoever pursues, upon a reservation, an Indian with a horse he has stolen. I hope I may not be misunderstood. That was voted down in this house two years ago. But as the law certainly is now, though it is denied by the chairman of the Committee on Indian Affairs, we are to have no redress whatever. You can make no reprisal under penalty of the law; and there is an appropriation to punish you for pursuing an Indian upon a reservation, with stolen property. That is the law of congress today. I offer this amendment so there shall not be a premium upon robbery and scalps on our western frontier.

The amendment was voted down. In answer to Mr. Farnsworth, of Illinois, he said:

I can answer the gentleman's question. He asks what they do with the seeds. They take the machines, the mowing machines and the reaping machines, sent out by the government, and burn them; and cook the beans and eat them.

Mr. Taffe's fidelity to the work of the Committee on Territories, of which he was chairman in the 42d Congress, and his general reputation as an intelligent worker on the committees, caused Mr. Dawes, of Massachusetts, to give him an unmerited compliment and mistaken criticism, as follows:

The evil, if there be one, has existed from the beginning. My friend from Nebraska, Mr. Taffe, has for years been a member of the Committee on Public Lands, discharging his duties with singular ability; yet it has never occurred to him to advocate this change in the law until somebody in the other branch thought that it was a suitable matter to be put in an appropriation bill.

MR. TAFFE: The gentleman from Massachusetts is mistaken. I have never been a member of the Committee on the Public Lands, whether with ability or without. [Laughter.]

MR. DAWES: The gentleman ought to have been, and I thought he was.

Recurring on another occasion to Indian Affairs, he said:

In regard to the 22,000 Indians on the upper Missouri, for whom \$750,000 are appropriated, I claim in the first place, there never were 7,000 of them to be fed by the Government, and further than that, nearly one-half of them have been on the "war-path." I ask that they only shall be paid when they are at peace with the Government. Twelve men in one body have been killed in my State by Indians this year, and one or two separately, and I protest against paying a premium on white scalps, by giving the marauders blankets and guns and ammunition to perpetrate these outrages. If I did not misunderstand the gentleman who has charge of this bill, he stated that he hoped for a better state of things before these appropriations are paid.

In those days of fleecing the government, when robbery was the rule and honesty the imaginary exception, we find him ventilating the conduct of mail contractors.

MR. TAFFE: My information is that Wells, Fargo and Company only carry mail matter when there is no express

to be transported, and that when there is express freight they will carry it to the exclusion of mail matter.

I live at Omaha on this thoroughfare, and I have lived there for twelve years. I do know that there are a large number of responsible citizens who declare that they have seen mail matter upon the ground and left for days exposed to destruction.

I know furthermore, that Indians constantly bring in mail bags to the military posts, that they have found thrown out and left upon the ground.

In the House, February 27th, 1871, Mr. Taffe offered an amendment to an appropriation bill increasing the amount from \$25,000 to \$50,000 for continuing the construction of a United States Court House and Postoffice in the city of Omaha.

Mr. Speaker—At the time this improvement was commenced the Secretary of the Treasury was called on to make a recommendation. Accordingly the Secretary sent in another list of buildings, among which was the building at Omaha.

After the first appropriation was made the citizens of Omaha subscribed and paid \$25,000 for the purchase of the land on which this building was to be erected.

Now I cheerfully admit, and I will not undertake to disguise the fact, that we want a building that will cost more than \$100,000. After we have had an appropriation of \$25,000, after we have had the implied promise of the government that the building shall be prosecuted, after the citizens of Omaha have themselves purchased the ground at a cost of \$25,000, we think it not unreasonable that the appropriation in this bill shall be increased to \$50,000. I hope the amendment will not be considered as obnoxious to the objections raised by the gentleman from Massachusetts.

I will not urge this appropriation on the ground that it is all the State gets; but it is a fact that we do not happen to have large rivers running through the State, or lakes that require to be excavated; hence we cannot ask immense appropriations for rivers and harbors, but we ask the construction of this building as necessary for the accommodation of the government officers and on account of the commercial importance of Omaha.

After an adroit and éloquent argument by Mr. Van Wyck, of New York, in behalf of Omaha and the appropriation, the amendment was agreed to, much to the delight of Mr. Taffe and his grateful constituents.

## HON. LORENZO CROUNSE.

March 4th, 1873—March 4th, 1877.

When Lorenzo Crouse came to Rulo, Richardson County, Nebraska, in 1864, he seems to have been the "right man in the right place." The immediate community and the Territory stood in need of self-reliant citizens, and one who had made professional life possible, by teaching in winter, in order to acquire a legal education, had certainly demonstrated this potent quality. Born in Schoharie County, New York, January, 1834—admitted to the bar in 1856—married in 1860—Captain of Battery K, 1st Regiment New York Light Artillery in 1861—wounded at Cedar Mountain in 1862 and in same year resigned and resumed practice till 1864—he was therefore 30 years of age when he settled upon the shore of the turbid Missouri.

A republican in politics, he at once affiliated with the soldier element, and being of sound morals, his legal acquirements indicated him as worthy of legislative and constitutional convention honors.

His advocacy of the adoption of the first state constitution satisfied the people of his fitness for Associate Justice of the Supreme Court, to which he was elected in 1866, and in which he presided till 1872, when elected a member of Congress.

## CONGRESSMAN.

On the 1st day of December, 1873, at the beginning of the 43rd Congress, Judge Lorenzo Crouse responded to the roll call of Nebraska. At the previous session of the 42nd Congress a salary bill had been passed to equalize the pay of members; but the party in power had been charged with great extravagance in appropriating money, which their opponents pressed so vigorously, that a portion of themselves joined in the popular demand for the repeal of the act. Accordingly, in the first hours of the session, many who voted for and received their pay under the denounced law joined the army of repealers; and out of the

first nineteen bills placed upon the House calendar, sixteen were for repeal, or a radical change of the enactment, some going so far as to advocate a reduction of salaries till all amounts returned should leave their salaries as under the former law. But this theory received its quietus when Butler, of Massachusetts, demanded that all "back pay," in former years, under similar laws, should also be refunded. Amidst the clamor of the day Mr. Crouse delivered his maiden speech. In this brief effort he denounced political death-bed confessions, pell-mell retreats, and cringing supplications; but also recognized the fact of "*vox populi, vox Dei*," when not issued from Hades.

MR. CROUSE: I am not advised very particularly in regard to the amendment offered by the gentlemen from Tennessee (Mr. Maynard). While I might at the proper time and under proper circumstances vote for it, I apprehend that at this time it will embarrass what I think is the principle which is controlling this House.

I have sat here for some time listening attentively to this debate on the salary question, for the purpose of discovering, if possible, what principle is guiding this House in this action. It is conceded that the act of March last found its warrant in the Constitution, and that it had precedent after precedent to support it. It is conceded on all hands that, so far as the action of this House is concerned, it is fully warranted by law. Now, if I have been able to discover the motives which prompt the action of this House at this time it is a reflex of the principles and the sentiment which it is said emanate from the people, and which brands the act of the last Congress in regard to salaries as a fraud *in toto*. That is why I would have liked to support the amendment of the gentleman from Vermont (Mr. Poland), for the purpose of testing the honesty of the House.

It is a very cheap business for gentlemen to make their proclamations of obedience to the will of the people, and all that; but, sir, it costs something when gentlemen have to put their hands right down into their own pockets and pay \$5,000 for such a proclamation. I say I am totally opposed to attempts to make this sort of cheap reputation for honesty and frugality; and I am glad to have an opportunity to proclaim my conviction on this question. I desire that my acts upon this floor shall be characterized by honesty of motive. I want not to be scared by any false clamor; nor will I co-operate with those who create such

clamor and then run from it, hastening in a sort of scramble to see who can run fastest, and dive deepest, and stay down longest. [Laughter.] Such a course is belittling; it is degrading to the dignity of the House. If we do a right act, let us stand by it, clamor or no clamor. It is not, I say, the province of a statesman to cower before the clamor of his constituents. It is his duty to mold public sentiment. If we find, upon full examination, that it is necessary to increase our salaries to \$10,000, let us do it; if we find it necessary to bring them down to \$5,000, let us do it. But let us consider the question like gentlemen and like statesmen. Let us not stand here trembling in our shoes lest we may not return to these seats again. I let no consideration of that kind weigh with me. There is an old French saying, "What must a people be whose god is a monkey?" I say, what must a people be who are to be satisfied by idle clamor and protestations of bowing to the popular will? I have but little confidence in a large part of these protestations. I make no reflection upon any member; but I appeal to all whether there has not been a sort of heartlessness and emptiness in much that has been said here.

If it should be the disposition of this House to repeal the act of last March, so as to put all these salaries back in *statu quo*, I shall stand with other gentlemen in support of such a measure; and when the proper time comes, I will consider fairly, squarely, and honestly this question of salaries; but at present let us repeal the act *in toto*, if that is a proper reflex of the sentiment of the people.

Busied with committee duties and keeping up a very voluminous correspondence with interested constituents, he next addressed the House in opposition to army reduction. This occurred February 4th, 1874, when he ran counter to the orthodox doctrine of Indian Affairs.

Mr. Chairman, so far as this bill contemplates a reduction of the army it will have my opposition. There are considerations of a general nature, perhaps, which might lead us to oppose this bill, lying in the fact that this Government should keep an army sufficient to protect itself and to maintain its dignity.

I wish, however, to speak more particularly from my standpoint. With the present number of the army I find there are allotted to my State but 1,032 soldiers. That, I know, is wholly inadequate to meet the demands of the citizens of that State. And I might speak in behalf of the

Territories beyond the State I represent, which have no vote on this floor.

But I speak understandingly, I speak intelligently, I think, when I say that this number is wholly inadequate to the demands of the people of Nebraska. And when I speak for the people of Nebraska I do not speak for that long-haired set of bullies whom some gentlemen may consider as the representatives of the frontiersmen. I speak for a class of men who have been induced to emigrate to that western country in search of free homes, and honest yeomanry, men who called for the construction of the Pacific Railroad, and who are seeking to develop the resources of that far off country.

Sir, it was an ill-advised remark of the gentleman having charge of this bill when he suggested that necessity might demand that we retract the borders of civilization. Sir, it would be a sad and humiliating confession for this Government to declare its inability to protect any of the citizens within its borders. I demand for the people of my section that protection to which their honest energy entitles them. I am not speaking in the interest of contractors. I repudiate the intimation which fell from the lips of some gentleman, that the West is clamorous for the increase of the army as contributing, perhaps, to the benefit of the contractors. I speak not for that class of men. I say that the man who has not read of the troubles existing upon the borders of my own State has given but little attention to the history of this country. I could produce here letters from the Governor of my State, received within the last day or two, in which he asks for military protection to the settlers. I might refer to the columns of the daily newspapers, by which it could be shown that almost every morning we are startled with news of raids by the Sioux and other Indians upon the peaceful settlers of that State. Such things retard the settlement, not only of our State, but of the entire West. It is important that the Government should adopt such a policy as shall give to settlers that feeling of security which will encourage emigration.

When Mr. Shanks, of Indiana, demanded evidence of Indian hostilities, Mr. Crouse replied:

I can give the gentleman the authority of the Governor of my State, a gentleman who needs no eulogy at my hands.

MR. SHANKS: We want evidence, not eulogies.

MR. CROUNSE: If the gentleman wants a scalp I have not provided myself with one to show him. [Laughter.]



MR. SHANKS: This general talk amounts to nothing; I want facts.

MR. CROUNSE: The gentleman would not probably be convinced if an angel from Heaven came here to bear testimony. But if the gentleman could put himself in the position of my people, he would occupy a different attitude on this question.

In a discussion on removing the restriction from the timber culture law, which allowed only one quarter in each section to be secured under its provisions, he contended that, if repealed, "Men of enterprise and capital would go into this matter upon a broad scheme. If the object is, as I suppose it to be, to secure the growth of timber, it seems to me that this restriction should be taken from the bill."

#### RAILROAD BONDS.

When Thurston County, Washington Territory, asked permission to issue bonds to a short line railroad, being deprived by an organic act, Mr. Crouse became a warm advocate of their course; and in addition to other arguments said:

I come from a state where this sort of legislation has prevailed to some extent; and I know that upon the whole it has been beneficial to the State of Nebraska. I represent to-day upon this floor not less perhaps than three hundred thousand souls; I represent a state that has not less than twelve hundred miles of railroad. Every foot of that railroad has been built by just the kind of aid which is sought here. And I know further that not one foot of that railroad would probably have been built to-day had it not been for such aid, and Nebraska would to-day have been almost a wild without it.

The gentleman from Illinois (Mr. Burchard) is one of a number of representatives whose constituencies are worth millions, and who, without their great railroad interests, would, as it were, be worth nothing. The railroads, and they alone, have built up the states which they represent. This territory is away off by itself; it is represented here by a delegate who has the simple privilege of opening his mouth, but who has no vote upon a question of vital interest to his people. For some reason or other in the organic law of that territory was a clause prohibiting giving aid of this kind. That delegate has brought forward here a case which I think in all particulars must commend

itself to the good judgment of every member here. His people cannot at once raise the means for building this road. They are willing, however, to put an incumbrance upon their property of every kind, not to exceed 9 per cent., and let the burden be distributed equally over them all, when by a two-thirds vote it shall be deemed advisable by the people. With all these guards around the bill it does seem proper that the gentleman making this request, perhaps the only one which he will ask in behalf of his Territory, should not be refused by this congress.

#### EXPOSED CONDITION OF NEBRASKA.

The question being on an appropriation of \$50,000 for the erection of a fort in Nebraska, Mr. Crouse said:

I send to the Clerk's desk and ask to have read the recommendation of General Ord, who is in command of that district in favor of this appropriation.

The Clerk read as follows:

"I have again to call attention to the exposed condition of Nebraska, north of the Union Pacific railroad, and extending from the Missouri River for three hundred miles westward, in which there is not a single military station. This country is as rich as any other portion of Nebraska, but the fear of Indians has retarded its settlement. It has been subject to frequent raids from the Sioux, from Spotted Tail's and now from Red Cloud's reservation. When on a recent visit east of the first named chief he did me the honor to call, with his lieutenants and concubines, at my office, I called his attention to a raid which some of what were considered to be his people had just committed on the peaceable Baptist and Danish settlers on the Loup, he replied in quite a haughty manner that he had not come here to be talked to in that way. As I had no power to control his movements, or make him or the people whom he claimed to rule respect the property of the white settlers, the touching upon facts put an end to further conversation. I think a post should be established somewhere about midway on a line drawn from Fort Randall, on the Missouri River, to Fort McPherson on the Platte. It need not cost to exceed \$50,000, and under the sense of security which it would give to settlers the rapid increase of a tax-paying population would soon repay the outlay."

MR. CROUSE: I would say in addition to that that this appropriation is warmly recommended by the Secretary of War. I have not his letter here, because this matter has been sprung upon the House at a time when I did not anticipate it. In addition to that, I would say that General Sherman told me personally—and I think I report him correctly—that if he had only \$50,000 at his command for protection of this kind he would appropriate it for the

construction of that post asked for in Nebraska to the exclusion of any other place. This appropriation has been recommended for several years in succession by the general in command of the army; and I may say, what is perhaps familiar to members of the House, that the Indian depredations committed last fall, not yet a year ago, in Nebraska, when the Sioux entered the very heart of the western part of the State and had a contest with the Pawnees, resulting in the slaughter of seventy or eighty persons, occurred in organized counties of the State of Nebraska because of the want of this military post. If we had had such a post there we could have intercepted their approach. They came immediately from the north into the part of Nebraska named, and this post would have been directly on the line which they must necessarily have passed over, and its establishment now would promote the safety and security of the settlements of Nebraska. This appropriation is not only asked in the interest of Nebraska, but of all emigrating to and interested in the settlement of the West. Nebraska has asked nothing at the hands of Congress during this term but this, and this is a measure in behalf of the security of life and the advancement of civilization. It is as little as Congress can do for the State; and in view of the fact that all the officers of the army, the Secretary of War, the general of the army, and the general in command of the department, indorse the appropriation in the strongest language, I hope it will be made.

When anything breaks the monotony of the Great Sahara of American Eloquence (the Congressional Reports), the benefactor deserves a medal, an ovation or a monument. With what delight do we turn from the frigidity of accumulated statistics, naked statement or windy declamation, the concentrated ingredients of a parliamentary automaton, to find revealed a living statue, in the attitudes of attack and defense, of lofty indignation and tender regard, shielding the weak against the oppressor and paying a tribute of independent thought to the dignity of unpurchased manhood. During the dark and bloody days of the rebellion of 1861-64 about as much power was wielded in Congress by party leaders, in their sphere, as was awarded to generals in the field; and the "rank and file" of ordinary representatives were as docile under command as the soldier who carried the musket.

With equal promptness Hardee's Tactics and the constitution were superseded, and with equal celerity the army deserter and political recusant executed.

Even conceding the imperious demands of emergencies, there was danger of establishing pernicious precedents.

#### BRASS BUTTONS AT A DISCOUNT.

If fifteen minutes were a liberal respite after the finding of a drum-head court-martial, so fifteen minutes' discussion before demanding the previous question might amply suffice on the way to the political gibbet.

On the 2nd day of June, 1874, still in the first session of the 43d Congress, Judge Poland, of Vermont, Chairman of the Judiciary Committee, reported back a bill relative to courts and judicial officers in Utah Territory.

Having allowed two members to propose amendments, Mr. Crouse asked to be allowed a single remark, to which Mr. Poland replied, "Not a word." It should be remembered that on such occasions the distinguished chairman wore a blue swallow-tailed coat, with brass buttons, which seemed to punctuate the denial. Having spoken fifteen minutes he demanded the previous question and offered the delegate from Utah forty-five minutes, with such clemency as he used to accord convicts before pronouncing sentence of death.

MR. CROUNSE: I hope the previous question will not be sustained. This bill is too important to be forced through under the previous question.

MR. CANNON, of Utah: I yield ten minutes to the gentleman from Nebraska (Mr. Crouse).

MR. CROUNSE: Mr. Speaker, as a member of the Committee on the Territories I have had some opportunity to consider the questions involved in this bill, and I did hope that the opportunity would present itself, when I might present to the House some of the considerations which are here involved and which relate to the details of this bill. In the consideration of a question so important as this the House cannot afford to be swayed or governed by passion or prejudice. Standing up here in defense of what I believe to be a proper system of law for the government of this Territory, I wish to disclaim in advance any disposition to defend the system of polygamy. I am not here

for that purpose, but I am here to join hands with all who wish to put down this system by proper and legitimate means.

#### DANGEROUS PRECEDENT.

Sir, we should not confound this question of polygamy with the question of framing a proper system of laws to govern the Territory of Utah. Our action upon this bill will become a precedent for the future. If to-day we can, under the guise of an assault on Mormondom, frame a system of laws which in the future may be evoked as a precedent in order to oppress people of other Territories, it would be indeed a dangerous step for us to take. I regret, sir, the sentiment that I see displayed around me. Within the hearing of my voice, when I was contending here that this bill should be submitted to proper consideration by the House, and that the previous question should not be insisted on without full discussion of its several provisions, I heard gentlemen say that they did not care what was in the bill; that they were going for it anyhow. Sir, if we act in such a spirit as that, what hope is there for any people who are to be run down by the United States Government.

#### A JOB FIXED UP.

Upon this question in relation to the government of the Territory of Utah the gentleman from Vermont (Mr. Poland) seems to have identified himself with the subject from the very outset. The annals of Congress show that each session a "Poland bill" has been introduced. It is generally introduced on the first day of the session, and is referred to the Committee on the Territories and to the Committee on the Judiciary. It seems that this gentleman has taken, in familiar language, "the job" of fixing up the affairs of Utah. And when I respectfully asked the liberty to propound a question while the gentleman was making a statement here, he found it convenient to deny me the right of propounding interrogatories or correcting what I regard misstatements, when he would tolerate other gentlemen whom he knew to be in sympathy with the bill. The gentleman from Mississippi (Mr. McKee) could get up and interrogate him at pleasure, and it was entirely convenient and pleasant for this to be done; but the gentleman knew from my connection with the bill that it would perhaps not be profitable to tolerate any questions on my part.

#### APOLOGY ACCEPTED.

MR. POLAND: I certainly intended no discourtesy to the gentleman. I had only fifteen minutes in which to explain

the bill, and I had no time to yield for interrogatories. If the language I used to the gentleman appeared to be discourteous, I beg his pardon.

MR. CROUNSE: I accept the apology, but the facts are there and the inference can be drawn. When I wanted to make an inquiry and to correct a misstatement, at that time the gentleman could not tolerate a question: no, sir; not a bit of it. But when others propounded inquiries, then there was an opportunity, and a disposition to allow them to do so.

#### FALSE PRETENSES.

Now, in order to make this bill palatable to the House, if I may use the term, it must be prefaced with some imaginary grievances, or the statement of the condition of affairs which really does not exist. It becomes necessary to refer away back to the early history of this people, when they were isolated, away off, and when they had imposed and inflicted upon them United States officials who by their arrogance became intolerable. At such a time they may have rebelled, and such circumstances must be made a pretext for calling forth action on the part of Congress to-day. But I say, look over the Territory of Utah to-day and see where is the rebellion which is talked of here, where is the defiance of law. Canvass and scan the organic act organizing the Territory and by which the people are allowed to make laws for themselves. Look over those laws and compare them with the laws of any other territory of the United States, and then see where they fall short. Not one word is brought forward here, beyond general assertion that things are all wrong there, for the foundation of this action on the part of Congress.

#### FALLACY EXPLODED.

The gentleman says that while the United States appoints its marshals, the Territory, in defiance of law, appoints its marshals. Why is this? The office of United States marshal is as distinct from the office of territorial marshal as day is from night. Their offices run in different directions. One is charged with the execution of the writs, processes, etc., emanating from the United States courts and in United States cases. I have the record of a case here where the judges who were sent out to Utah attempted to set aside the territorial marshal. That Territory saw fit under its laws to appoint a marshal; for what? For the disposition of matters arising under their laws, and in no way in conflict with the laws of the United States.

Now, that they have a right to do. If that is denied them, then one of the first principles of a republican system of government is gone and wiped out. When a people in a territory cannot be accorded the right to enact their own laws—those that relate to themselves, as long as they do not conflict with the Constitution of the United States, and if they cannot select their own officers to execute those laws, then I say you are striking down the very first principles of American liberty. You are taxing men without representation; you are demanding obedience to laws which they have no voice in making, and you foist upon them officers to execute the laws under no responsibility to the people governed. It is a proposition unheard of in the history of American law-making or jurisprudence.

I say then that the charge brought here was that they elected a territorial marshal in defiance of the laws of the United States, which provided a United States marshal. Judge McKeon, of the supreme court of that Territory, took that position; a position never taken before in any other territory of the United States. That case was brought to the supreme court of the United States, and how was it terminated there? I have the record before me, but cannot take time to read it. Here is the information filed by the United States officer and the answer of the territorial marshal, where he distinctly says that he disclaims any right to interfere in the control of United States affairs; that he is elected under the organic act relating to the affairs of Utah, is elected by the legislature of Utah, and in pursuance of that election he acted in the discharge of his duties as such in serving writs and processes which emanated from the court as far as they related to territorial matters; for instance, the crime of larceny, murder, or any offense which is made such by the laws of the Territory of Utah. In those cases where the processes went forth through the territorial marshal, he executed the writs and processes, as he had a right to do, and as he should do, they involving no infraction of any law of the United States. But that, I say, is made an offense.

#### GAG RULE.

When I asked from the gentleman from Vermont (Mr. Poland) the privilege of interrupting him that I might inquire whether or not the United States had not sustained that position, I was denied that courtesy. This bill must be pushed down our throats as though this House were a lot of willing subjects only too ready and anxious to go to any length that gentleman may dictate. This measure is

to be put through under the whip and spur of the previous question. But an hour—one poor hour—is given to the discussion of matters involving the rights of one hundred and thirty-five thousand people, whose only fault is that they entertain religious convictions differing from those entertained by gentlemen here. I tell you, sir, it will not do for this congress to assume a mock regard for particular laws while unmindful of others. Let every man turn his sight inward; let him stand before the forum of his own conscience; let him ask himself whether he has any religious convictions at all. Men who have none at all are perhaps too apt to be intolerant toward those who have. I say that while I deplore the system prevailing in Utah, while I am not in sympathy with that form of religion, while I desire and hope that in the progress of civilization it will be wiped out, I hope the American Congress will not act hastily in this regard.

As I wish to be sparing of the time of the gentleman from Utah (Mr. Cannon), I can only say that I did hope to assail this bill in its detail. There are several views I would like to submit in which I am satisfied this House would concur with me.

#### HOME RULE DEMANDED.

I am satisfied that this House would not upon deliberation enact the seeming anomaly of having one set of people make laws while officers appointed by another and distinct authority are to execute those laws. Why, sir, by this mode of proceeding you strike down the very law-making power itself. If these people cannot have their own marshals and their own prosecuting attorneys, to proceed against offenses arising under their own laws, they will make no laws. They will wipe out their laws entirely if they cannot have a voice in executing them. Examine all the laws that have been passed since the organization of this Government, and where will you find that any like this has been enacted?

MR. ELDRIDGE: The gentleman will allow me to suggest to him that the marshals selected by the local authorities of Utah sustain precisely the same relation to that Territory that our sheriffs bear to the respective states. There is no difference or distinction in that regard.

MR. CROUNSE: Precisely. That is what I wish to have understood by the House; that we are asked to enact a law which is in defiance of all precedents in our legislation, and for no sufficient reason; because the system of polygamy, if it is to be assailed at all, is to be assailed



under the laws of the United States. Congress should not, and I say cannot in consistency with the principles underlying our institutions, enact laws which will thrust upon that people a set of Government officials responsible to no one except the Government here at Washington.

#### EQUAL RIGHTS.

I say that this people does not deserve such treatment. Aside from the question of their religion they are entitled to the same rights, immunities and privileges which would be claimed in behalf of any other people. They have shown themselves law-abiding and industrious. You may look over all the States and Territories of this Union, and nowhere will you find the rate of taxation lighter than in that Territory. In this respect the people of that Territory have made a record which ought to be the envy of the general government and of every state government. I say that people who have behaved in this manner should not bring down upon their heads the enactment of laws which must simply operate to enrich United States officials and turn the people over, bound hand and foot, to the tender mercies of officers whom they have no voice in choosing.

While I would not antagonize the bill in gross, I hope that as presented here and sought to be forced through it will be voted down, and that the opportunity may be given to correct and modify it in those essential particulars which I know this House upon calm consideration would not approve. As a Congress we cannot afford to act upon the principle which I intimated at the outset appeared to be influencing many members here. I fear that principle operates too largely. I have never known a case in which the law for the government of a great people who are asking to become a state of this Union has been passed in such haste, and with so little apparent necessity.

The foregoing was the most elaborate of the speeches in his first session, and for boldness, directness, and the exhibition of a courage to stand by the discarded and unpopular, was worthy of high commendation. The index of the *Congressional Record* for the session shows eighteen bills introduced, incidental remarks made on eighteen different occasions, in addition to the speeches that have passed in review. During the second session of his first term, the usual incident occurred of the unpopular demanding an advocate, and finding one in the new member from the West.

## THE BEST DEFENDED.

MR. CROUNSE: Mr. Chairman—Representing a state which includes within her borders several Indian agencies, I perhaps would be held inexcusable were I to sit here and listen to the denunciation of Indian agents generally and not put in a defense in behalf of those whom I know not to be open to such charges. Whatever may be the character of others of those who may have been intrusted with agencies in the past, I am glad to say that from a personal acquaintance with some, and from what I know of others in Nebraska, the agents there I believe are above suspicion. Some have been residents of the State, all well known there, and the gentleman from Kentucky could not with safety or impunity make the broad and sweeping charges of fraud and stealing there as those in which he has indulged here. I have taken occasion to visit some of the agencies, and have a personal acquaintance in some instances with the employes and subalterns, and I have no doubt but the assistants are well chosen and that the affairs of the agency are conducted with honesty and fidelity. Speaking understandingly, sir, I repudiate the charges so unjustly made against gentlemen who are not here in a situation to defend themselves. I would be as quick as any gentleman on the floor to denounce and hunt down corruption in the Indian Department if any exists, but I should be more surprised than any one to find it in the quarter of which I have spoken.

## WAR DEPARTMENT AND INDIANS.

During the first session of the 44th Congress, Mr. Crouse called attention to his contemplated vote on a bill for the transfer of the Indian Bureau to the War Department, believing that his constituency required such a vote; and yet his better judgment condemned it.

It is my purpose to vote for the bill. In my judgment, if this bill should be passed, a very great mistake will be committed. If the purpose were to exterminate this race of people, to subjugate them, to crush out all spirit or disposition for improvement, to surround them with influences, at once demoralizing to them and to the army itself, why then the passage of this bill would attain the object most effectually. But in this enlightened age, with the advance already made in the civilization, education and Christianization of the Indians, I say that the passage of this bill, throwing not only the wild Indians, but those in

all stages of civilization, advancement and culture, into the hands of the military, wholly unfitted by education and vocation to continue the work of educating them, is a move in the wrong direction.

#### CORPORATE ASSUMPTIONS AND EXACTIONS.

He also took occasion to illustrate corporate assumptions and encroachments in discussing a railroad bill, and referred to the Union Pacific bridge tax upon freight and travel.

To the people I immediately represent it proves very onerous. Raising corn, wheat and like coarse products, dependent largely for their value upon the rate of transportation, they must submit to this extraordinary exaction to pass these articles barely beyond the threshold of the State. This matter of vital concern to a people whose fuel, whose lumber, salt and the like must pay such high tariff, does not particularly concern members who may never see Nebraska, and whose constituents are indifferent to the rates of tolls charged. The contest here is therefore not an easy one with a corporation with millions to make or lose and which can and does employ the ablest counsel of the land, and expert agents to protect its interests. Before some of the committees of the House I have met the ablest counsel of the land, gentlemen of national repute, while in the corridors and lobby some no doubt listen to what I say. I am pointed to "agents," or lobbyists employed at good prices, by one and another of these companies to "reason" with members and protect the company's interests.

In the last session of his congressional career, while engaged in a railroad discussion, he introduced the Union Pacific road in the light of a political dictator.

The experience of the people of Nebraska is not an encouraging one. The Union Pacific Company has even undertaken to run the politics of the State.

At our last convention, when the interests of the road were thought to be interested, the unseemly spectacle was presented of Jay Gould and Sidney Dillon being at Omaha in communication with the superintendent of the road, Mr. Clark, at the convention, the wires communicating between them.

## HON. FRANK WELCH.

March 4th, 1877—September 4th, 1878.

As in the darkness of the night the electric flash reveals the form and foliage of the tree that perishes by its stroke, so do the memorial addresses of Congress reveal the manly virtues and lovable character possessed by the Hon. Frank Welch. From these, the first voluminous historian of Nebraska drew a biographical sketch; and from them this brief summary must be extracted. For all his innate modesty allowed him to report in the *Congressional Directory* was "Frank Welch, of Norfolk, was elected to the 45th Congress as a Republican."

Senator Paddock said of him, on memorial occasion:

Mr. President—I shall not delay the Senate by an extended memorabilia of our lamented colleague, Representative Welch. He was born on Bunker Hill, Charlestown, Massachusetts, February 10, 1835; was graduated at the Boston High School, and afterward specially educated and trained as a civil engineer. Soon after embarking in his profession the duties thereof called him into the West, and finally, while yet a very young man, in the year 1857, he established his home at Decatur, Nebraska. Mr. Welch was a gentleman in the highest and broadest sense of the term—kind, gentle, generous, manly. As might naturally have been expected of a young man possessing such qualities of mind and heart, he rapidly advanced to the front in society, and in affairs in his county and section. He was very soon chosen to represent his district in the council or senate of the first legislature chosen under state organization, of which body he was made the presiding officer. He held other positions of honor and trust under both the Federal

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EDITORIAL NOTE.—Frank Welch was born on the Bunker Hill site, Massachusetts, February 10, 1835, and had his education in the schools of Boston, until his graduation from the High School of that place. His father had died when he was very small, leaving him to the training of his mother. He chose the work of civil engineering, and was engaged in railroad engineering in 1857, on a road terminating at the Missouri. On a printed list of the personnel of the territorial legislature of 1855, the name of Frank Welch appears, "age, 24; nativity, N. Y.; residence, Nebraska Center; occupation, telegraph operator." This does not tally with the information about him suggested by the various memorialists in "Memorial Addresses on the Life and Character of Frank Welch," Washington, 1879. His address is given as Decatur, in 1857; later, as West Point. In 1863 he was married to Miss Elizabeth Butts, of Hudson, New York. He was register of the U. S. land office at West Point from 1871 to 1876, when he was elected to the lower house of Congress. He died September 4, 1878.

and State Governments, and in 1876 was elected a member of the Forty-fifth Congress. He represented the largest Congressional district in the Union, both as respects territorial extent and population. He was alone in the other House from Nebraska—a state embracing an area of seventy-five thousand square miles, with a population of nearly four hundred thousand—a comparatively new state, having innumerable and varied interests in process of development, dependent largely upon Federal legislation and Federal executive administration for encouragement and protection.

There was put upon him the labor of three men, and by day and by night unceasingly he struggled through the protracted and exciting session of last year to do it all. Mr. Welch was a man of great energy, industry, and pertinacity of purpose. He would do all required of him although he should know the effort would cost him his life; he did all, and as many another before him in like circumstances had done, he went prematurely to his grave. When the session closed, Mr. Welch returned to his constituency very much worn and broken in health. He needed rest, but he took it not. At once he entered upon an active and an exceedingly laborious political canvass. His physical machinery could not endure the additional strain put upon it, and then the end came, soon and swift but pangless. In the evening of the 4th day of September, 1878, in a public meeting, in the midst of a numerous audience composed largely of his political friends and admirers whom he was about to address, he was suddenly stricken and fell in death.

But it was not left to Nebraska alone to garland his tomb. Iowa, by the Hon. Mr. Sapp, furnished her contribution:

Mr. Speaker, I knew him long and well. For him time and earth have passed away; he has departed in the meridian of his manhood; in the midst of the glowing hopes of a successful life, like a vigorous tree cut down in the wealth of its summer bloom ere the bright green of a single leaf had been seared by the blight of Autumn.

WIGGINTON, of California:

We of the Committee of Public Lands all knew him with the most unhesitating confidence in and respect for his character and abilities as a man, and with a most cordial regard inspired by his genial and gracious temper as an associate. In the brief course of his parliamentary career, if he did not belong to the conspicuous few who compel our admiration for the brilliant intrepidity and force, alert-

ness and power of intellect which achieve the leadership of the tumultuous debate, he had yet taken his assured place among those who are marked for sturdy independence and self-reliance of thought, conscientious inquiry for truth, and a high standard of determination and action,—qualities scarcely less valuable, though less resplendent, in him who serves the people in this hall.

**MR. TIPTON, of Illinois:**

I desire to place upon record to go down to history my judgment that he was one of the good men of this land; that every purpose, every object of his life was for the good of the people; that he had no motive, no purpose which in his judgment would injure any man on the face of this earth, but on the contrary his life was devoted to the good of all.

**MR. CONGER, of Michigan:**

Genial, warm-hearted, gentle, kindly, inoffensive, pleasant, and agreeable in all the relations of life, those who knew him were won to him by that loving, kindly, generous nature of his. He loved his fellow-men, and his fellow-men loved him; and many hearts were grieved, almost started, when the news first reached them that our quiet friend had passed from the living and was numbered with those who had gone from these halls for ever.

**MR. WRIGHT, of Pennsylvania:**

We form our associates too often with our own party men, unless accident brings us in close contact with those of the opposite party, as accident in the line of my official duty here brought me in contact with Mr. Welch. I only wish I could be brought more often in contact with men differing from me in political affinities, if they could be of the kind of men that this man who has left us proved himself to be. I bade adieu in this chamber to a friend who in life was very near to me. I hope that in the future these halls may be filled with men who possess the heart, who have the ability, who have the judgment that he had who has gone forever. Peace to his ashes.

The words of Senator Saunders, of Nebraska, may close these unusually hearty tributes:

Our late associate has gone hence, sir, but his memory will survive, embalmed in the hearts of those who knew him and appreciate his manly qualities. He died, as he lived,

deserving and possessing the warm-hearted esteem of many and the ill-will, I trust, of none. In private life in the state in which he lived he was respected, confided in and beloved to a very remarkable degree; and I have never witnessed a community apparently more deeply impressed by the death of one of its members than in the exhibition of sorrow over the death of our deceased associate.

The integrity of his character, the soundness of his judgment, and the kindness of his heart were well attested by the confidence and affection bestowed upon him in his life and the intense sorrow with which his untimely death was deplored.

Let us commend the heart-stricken widow, the fatherless children, and the bereaved relatives and friends to the tender mercies and teachings of Him who doeth all things well, and who alone can heal the bruised heart and calm the whirlwind of grief in the afflicted soul.

## HON. T. J. MAJORS.

December 2nd, 1878—March 3rd, 1879.

Thomas J. Majors was born in Jefferson County, Iowa, June 25th, 1841; received an academic education; removed to Nebraska in 1860; engaged in mercantile pursuits; entered the Union army in 1861; was made 1st Lieutenant of Company C, First Nebraska Infantry, afterward Cavalry, and served until 1866; mustered out with the rank of Lieutenant Colonel.

He was a member of the Territorial Council; served in the first State Senate and was re-elected; was appointed United States Assessor of Internal Revenue in 1869; was elected a contingent member of Congress in 1876 and 1878; was elected a representative to the 45th Congress in place of Frank Welch, deceased; and again elected a contingent member to the 46th Congress.

The election of a contingent member proceeded upon the assumption that the population of Nebraska had increased so much subsequently to the census of 1870, and previous to that of 1880, as to entitle her to another member of the House of Representatives; but as the discretion was with the House, no additional one was granted till, under the apportionment of 1880, the State was found entitled to three instead of one. Hence, Mr. Majors was never known as a contingent member, but as the successor of Hon. Frank Welch, in the third session of the 45th Congress, which commenced December 2nd, 1878, and adjourned March 3rd, 1879. As this was a short session of ninety days only, there was no opportunity for the young and new member to signalize his term, either by oratorical displays or legislative achievements.

Subsequently Mr. Majors was twice elected Lieutenant Governor; but in 1894, when Republican candidate for Governor, he was vigorously attacked by a leading and powerful paper of his party, the *Omaha Bee*, and defeated, while his party elected the legislature and all state officers.



## HON. E. K. VALENTINE.

March 4th, 1879—March 3rd, 1885.

E. K. Valentine was born in Keosauqua, Iowa, June 1st, 1843, and like a majority of valued citizens who have attained eminence, was educated in the common schools.

The first call of Mr. Lincoln for troops in 1861 found the enthusiastic youth at the "printer's case," who received a damper upon his ardor when informed by a mustering officer that lack of age and physical debility precluded his acceptance as an infantry volunteer. Having met the same impediment in a cavalry regiment, by perseverance he was finally mustered into the service in 1862, under a 90 days' call, and subsequently served in the secret service at Chicago and St. Louis; ending a military career as adjutant and brevet major for three years in the 7th Iowa Cavalry, upon the Western plains.

Coming to Nebraska in 1866, he was subsequently appointed Register of a United States Land Office at Omaha, and having been admitted to the bar, was elected judge of the 6th District in 1875, which office he discharged until elected to the 46th Congress, where he was continued by subsequent elections through that of the 47th and 48th Congress.

In order to take possession of the judicial office he had to sue out a writ of *quo warranto* upon his opponent who had received the certificate of election. The district was so large, and the only means of travel by private conveyance and over primitive roads, with extemporized hotels, and temples of justice, that the "Variegated District" would have been a graphic designation.

During his first four years in Congress he was the sole Representative of the State in the House, while its voting population had increased from 8,922 in 1867, to 80,414 in 1882, showing a vast increase of legislative and departmental duties.

From the census of 1880 the apportionment gave him two additional colleagues in 1882. At the commencement of his second

Congress he became chairman of the Committee on Agriculture and during the 48th Congress was promoted to the Judiciary Committee.

In the contest in the House over the passage of the first bill to establish the Department of Agriculture, his labors were arduous in committee and conspicuous in the House. On account of certain provisions touching the railroad transportation of agricultural supplies or products a bitter fight was waged in behalf of a substitute for the original bill passed by a majority of 175, seven only voting in the negative. In the matter of a bill to straighten the northern boundary of the State his efforts were intelligently and persistently applied. He did not leave a single item of interest unguarded, before a department, in which a private citizen was concerned. Nor did he attempt to condone state representative delinquencies by irrelevant speeches; but where interests were to be defended and attacks parried, he was a soldier to the front with a banner unfurled.

During the administration of President Harrison the Senate of the United States made him Sergeant-at-arms, which office he discharged to the great satisfaction of the body, and in the true spirit of impartiality and fidelity.

#### MUD SILLS.

During the reign of slavery in the United States, when that detestable system almost entirely dominated church and state, some owners of human stock couched their contempt for free white laborers of the North in that most offensive term "Mud Sills." And even in 1860, at the commencement of the Civil War, many Southern gentlemen anticipated the disagreeable necessity of unhorsing five "Mud Sills" at once, in single combat.

Mr. Valentine having served through the war, and the member from Kentucky having had a like experience, and apparently having passed into history, it did not seem proper that the conception of "Mud Sills" should be perpetuated as "a survival of the fittest."

It was not astonishing, therefore, that a young, vigorous, native American, of pioneer history and industrial associations, should resent an epithet born of an era of master and slave.

MR. VALENTINE: I do not believe that at this late day that rallying cry, or epithet, or whatever you desire to call it, of "Mud Sill," will be of any avail to the gentleman from Kentucky (Mr. Blackburn).

He took occasion to term the Second Assistant Postmaster General a "mud sill" clerk. That kind of talk might have been of some avail twenty years ago on that side of the House; but I do not believe that, since the "late unpleasantness," the majority of my friends on that side of the House believe that any man at the North is a "mud sill"; and I should think the gentleman from Kentucky had received lessons enough upon that question himself not to have been found upon this floor, in this debate, terming an officer of the United States Government a "mud sill."

I do not believe that his colleagues will agree with him, but will agree with me that this language was uncalled for and unnecessary. I have thought it proper that some one should make at least some reference to it, so that the epithet should not go by unchallenged.

#### THE WEST.

During a discussion in 1880, in the House, Mr. Valentine found a legitimate opportunity to publish the great acquisition to the population of the State during the preceding year, which he put at over one hundred thousand. He said of a committee:

In the bill they undertake to say, we will set you back where you were sixteen months ago. Now sixteen months in the great West is a long time to our people. We grow rapidly in sixteen months, and our wants are greatly increased. Sixteen months in the West, in reference to its growth and wants, are as sixteen years in some of the Eastern States.

#### INDIGNATION.

In the matter of a contested election case, the gentleman from Nebraska, in the parlance of the West, "turned himself loose" at the conclusion of a very cogent speech:

If the Democracy of this House oust the sitting member, a Republican, and seat the contestant, a Democrat, upon the case made and submitted, it will be a most damnable but fitting crown of infamy to place upon the brow of a once honorable but now dishonored and rejected party; and thus close the chapter of its history for 1880, which is one of fraud, forgery and frustrated ambition.

### On railroads and agriculture :

Mr. Reagan calls Agriculture and Commerce, as does the gentleman from West Virginia, twin sisters. The gentleman from Texas says he likes bold men, chivalrous men, men who have the courage to grapple with the lion,—monopoly; and yet he stands on this floor and asks you gentlemen to place internal commerce as a division alongside agriculture. Why, when, where, and how, at any time, have the agriculturists of this country come before this Congress or any other and by a lobby, or raising large sums of money, asked legislation in their behalf? And yet these gentlemen, who stand here and cry "Down with the railroads," say, "Take the railroad interest of this country and place it alongside of agriculture, as a division under a department of industries." Why, Mr. Speaker, how long do you suppose the agricultural lamb would exist placed alongside of the railroad lion?

If they are set side by side in one department of the Government, is there a man here who does not honestly believe that inside of two years the commerce lion would eat up, wool and all, the agricultural lamb?

### In vindication of a division of statistics he said:

Heretofore the agriculturists of this land have had no help from these statistical reports. When I say no help, I may not be supposed to mean just what I say. We have had, it is true, a report coming from the Agricultural Department two or three years after the information was gathered. But we have had no help from the government to give the farmers a knowledge of the present status of their crops. Grain speculators, grain gamblers, have held the agriculturists in their grip for years. They spend thousands upon thousands of dollars to send agents through the entire agricultural regions of the country. If they desire to work upon wheat, they send their agents into the wheat regions; if upon cotton, they send their agents into the cotton regions; and they know by the time the crop is gathered, if not before, what the crop is. We want the farmers to have the benefit, if there be any, of a short crop in Europe or in any other portion of the world. We mean them to publish a market report that is authoritatively furnished by the Government of the United States, and not made up by boards of trade in the cities of Cincinnati, Chicago, New York—made by men whose only object it is to deceive the farmer and make him believe his crop is only worth fifty cents on the bushel when it is in reality worth a dollar.

## LAND SHARKS.

Of an act to protect settlers on public lands he said:

Now under the present system, while relinquishment papers are in Washington undergoing this long and tedious process of cancellation, some party near the land employs an attorney in the City of Washington, who visits the General Land Office daily, who enters his name as an attorney in the case.

He receives notice, when the entry is cancelled, and immediately telegraphs to his man, who watches the land office at its opening day by day; and in my own personal experience, while register of a land office, I have known one man to be there thirty consecutive days when the office was opened. This person, being the first legal applicant, makes entry and defeats the title of the man who has paid for the improvement on the land. Thus these attorneys or land sharks, in this city, have made hundreds and thousands of dollars out of the poor homestead settlers of the West.

The bill protecting the original settler was passed, providing for a thirty days' notice to the settler about to be dispossessed, which gave an opportunity to relocate and save his improvement, much to the delight of the member from Nebraska.

## PLEURO-PNEUMONIA.

On a bill to prevent the spread of animal diseases the House received a valuable lesson.

MR. VALENTINE: During the Forty-sixth and Forty-seventh Congresses I had the honor to be a member of the Committee on Agriculture, and I was also a member of the sub-committee having in charge the question of pleuro-pneumonia. I had very much desired to speak at length upon this bill but for some reason or other the gentleman in charge of it could not find time for me.

I am therefore compelled to say what I have to say under the five minute rule; and as I know that I cannot in that time say what I would like to say touching the measure I will confine myself particularly to one subject, leaving the discussion of the constitutional question to those who have addressed the committee heretofore. I find in this bill nothing that I cannot subscribe to with reference to the constitution of this country. I shall not stop to argue the question, but merely state that as my conclusion. I believe that the people of this country are in immediate need

of the passage of this or some bill which will regulate this disease of pleuro-pneumonia. While this bill goes further than that, and provides for the regulation of all contagious and communicable diseases among animals, I shall refer more particularly; in the short time I have, to that of pleuro-pneumonia. About a year ago, or a little more than that, some citizens of Chicago employed one of the most experienced veterinary surgeons of that region and sent him here. He came to see me and asked if I could point out to him the section of this country where pleuro-pneumonia existed. He said he desired to examine some of the cattle affected by it. I told him he could find them here in the District, or he could go across a few miles into Maryland and find there plenty of cattle affected by it.

He went over into the State of Maryland and found he could not get into the stables, or "corrals," as we term them in the West; that the State of Maryland had passed a law touching the matter of pleuro-pneumonia; that the governor, under the provisions of that act, had selected a state veterinary surgeon; that they found that the disease did exist; that they had taken the cattle from the dairymen, slaughtered them and paid them the pittance of \$10 each for their cattle. Therefore he was excluded and could not reach what he desired in that way. Then he went down to the store, and got a pair of stoga boots, put on overalls, and went out among farmers as a common cow doctor, taking some prescriptions of charcoal that he said were good for that disease. In that way he got into the good graces of the farmers; and spent more than sixty days investigating the question of pleuro-pneumonia. And he found that among the dairy cattle of Maryland in the region surrounding this city that disease existed largely. He found that when these cattle became so thoroughly diseased that they were no longer fruitful to the owners for giving milk, they were sold in the night to Jews, and taken out and slaughtered and sold to the citizens of Baltimore and this city for beef. I say the members of Congress should not sit idle and prate about the constitution in the consideration of a question like this. They should do something to relieve this community and this country from this terrible plague. I have no doubt that to-day you are drinking the milk from cattle affected by this disease, and that you are eating beef-steak cut from them.

## HON. A. J. WEAVER.

March 4th, 1883—March 4th, 1887.

Archibald J. Weaver was born in Susquehanna County, Pennsylvania, April 15, 1844; lived on a farm until seventeen years of age; then entered Wyoming Seminary, at Kensington, Pennsylvania, remaining there three years as a student and four years as a teacher of mathematics; in 1867 entered the law department of Harvard University, remaining till 1869; was admitted to the bar at Boston in February, 1869, and immediately removed to Nebraska, settling at Falls City in the practice of law; was a member of the Constitutional Convention in 1871; in 1872 was elected District Attorney of the First Judicial District; in 1875 again member of a Constitutional Convention and the same year was elected Judge of the First Judicial District, and re-elected in 1879, holding the office until a Representative to the 48th Congress; and was re-elected to the 49th Congress. On account of the rapid increase of population the census of 1880 entitled Nebraska to two additional members of Congress; and accordingly in 1882 Weaver of Richardson, Laird of Adams, and Valentine of Cuming County, were elected. This gave a valuable combination of talent and experience. Four years of previous congressional experience made Mr. Valentine a valuable worker; training on the bench prepared Judge Weaver for legal investigations; while a vivid fancy and impetuous nature made Laird an impromptu orator and "picturesque character."

A bill being before the House for the protection of cattle from "contagious diseases," and men from New England arguing that state laws could answer the purpose, Mr. Weaver exclaimed:

What has Massachusetts of the cattle industry of this country? Not enough to make a breakfast for the people of the United States. In Massachusetts, if all the steers and stags and bulls were cows, there would be only one cow to a family of seven,—scarcely enough to furnish milk for the babies.

Take the great State of Nebraska for example,—with one-fourth of the population of Massachusetts,—and her 700,000 head of cattle, where 500 head of cattle don't make a large herd, but where a single herd, under one charge, often embraces thousands of head. How does the argument apply to Kansas with her 1,500,000 head,—Illinois with her 2,500,000 head—to Missouri with her 2,000,000 head, and to any of the great cattle growing states of the West?

The magnitude of the industry, and the danger from Texas fever, admonished him that only the interposition of Congress, under the clause of the constitution for the regulation of "interstate commerce," could meet the emergency.

#### THE VOICE OF VANDERBILT THE VOICE OF GOD.

Judge Weaver was conspicuous in the debates upon land grants to railroads, and all questions relative to the administration of the public domain. He took a very active part in the passage of a bill to regulate railway charges upon lines passing into and through states, and illuminated his precise judicial style with a flash of irony in the following paragraphs:

Mr. Brown goes so far as to argue that Congress has no power to pass any bill interfering with or regulating transportation of freight from state to state; but does make one strong admission, which forever ought to set the American people at ease, and operate as an estoppel against any railway seeking to gainsay the proposition, namely, that Congress has the power to appoint its agents for gathering statistical information in reference to any branch of industry; so that if we never succeed in passing this or any other bill, we have at least secured a concession of a representative of 6,000 miles of railroad that Congress may go into the statistical business with perfect safety. The gentleman evidently thinks the creature is bigger than the Creator and has reversed the adage, *vox populi, vox Dei*, and come to the conclusion that the voice of Vanderbilt, Gould and Huntington is the voice of God.

#### COINAGE OF SILVER.

During the first session of the 49th Congress he delivered a very comprehensive speech for the "free coinage of silver."

In the opening sentence he charged "a conspiracy to double the national burden and the industries of the country, by making money dear, and all species of property cheap."



Continuing he said:

Who has ever seen gold dollars doing the business of this country? Gold is not the money that keeps alive the thousand industries that supply bread for the sustenance, and clothes for the protection of the millions.

After a very thorough statement of our money supply, the value of our property subject to taxation, the increase of our population, commerce, manufactures and agriculture, and a comparison of them all with the great nations of the civilized world, there followed the emphatic declaration:

From the standpoint of national indebtedness, alone, we can readily see how impracticable it is to undertake to erect a single standard of gold; but when we go a step further and consider mechanical, corporate and private indebtedness, and then consider the amount of gold there is in the world, together with the annual product, the proposition appears too absurd to discuss.

He knew of but one firm of New York brokers "who have shown the manhood to expose the fallacies of this great cry against silver," and he added to his speech their very comprehensive circular.

MR. WEAVER: Mr. Speaker, there is no use in urging this question with a view to convincing money kings of this country. Their whole purpose is to steal something by legislation, by act of Congress. Nothing seems to satisfy their ambition but gold. Love of country—patriotism—a desire for the prosperity of the masses never found lodgment in their ignoble souls.

Favoritism must stop. The representatives of the people must correct the existing evils and legislate for the masses, or in absence of this, when there shall be no other hope, the barefooted militia will come down from the hills and take charge of the Capitol.

#### LOGAN MEMORIAL OCCASION.

MR. WEAVER:

John A. Logan dead! no, not dead!

“There is no death!  
 What seems so is transition:  
 This life of mortal breath  
 Is but a suburb of the life elysian,  
 Whose portal we call death.”

The noble traits of John A. Logan have been indelibly stamped upon the hearts of the American people. His whole life as warrior and statesman was dedicated to giving full force and significance to the affirmation of the Declaration of Independence—"That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness." When that mighty effort for the destruction of constitutional liberty had well nigh sapped the foundations of this Republic, when weak and wavering men, to avoid the terrible consequences of war, were willing to make concessions, looking to the separation of this Union, then it was that John A. Logan, rising above all considerations of party policy, inspired by a patriotism and love of country as fervent as that which moved the heart of William Wallace to strike mightily for freedom of his countrymen, then it was, I say, that this great warrior and statesman breathed upon the discontented and wavering element of his own party utterances of such pure and patriotic devotion to his whole united country as will make his memory as lasting and imperishable as the Republic itself.

The noble traits of his character in his devotion to his country were made more conspicuous because of his lifelong affiliation with a party that was now engaged in a war for the destruction of the Union and the dedication of one part thereof to human slavery.

Before the bugle blast of war had called any of our country's defenders to the field, but when every movement of the discontented element attested the fearful truth that civil war with all its dire consequences was about to test the national bond, upon this floor, in February, 1861, John A. Logan said: "I have been taught that the preservation of this glorious Union, with its broad flag waving over us as the shield of our protection on land and sea, is paramount to all parties and platforms that ever have existed or ever can exist. I would to-day, if I had the power, sink my own party and every other one with all their platforms into the vortex of ruin, without heaving a sigh or shedding a tear, to save the Union, or even to stay the revolution where it is."

This was but a patriotic declaration before the clash of arms; but in confirmation of his entire consecration and devotion to the preservation of the Union we have only to let impartial history bear witness. Not content to serve his country in the halls of Congress away from the exposure and danger of shot and shell, this brave man rushed into the thickest of the battle. Where Logan went victory

perched upon the stars and stripes. He was the inspiration and his soldiers followed him into battle with a spirit of confidence and determination that knows no defeat.

From whatever cause that may be assigned by the faithful chronicler of events, yet no one will ever attempt to gainsay that where John A. Logan went there was victory,—there was fighting. He was one whose presence meant a contest, a struggle to the death. Let Belmont and Donelson and Vicksburg and Corinth, and Champion Hill and other battlefields attest to the truth of the allegation.

In that contest for the preservation of the Nation, for right against wrong, for freedom against slavery, for all that was good and pure and noble, against all that was wicked and wrong and oppressive, wherein from the beginning of the contest to the close more than two and one-half million of citizen soldiers placed their lives upon the altar of their country in the contest—we do know that John A. Logan was the greatest volunteer soldier, the greatest commander taken from civil life. He was the recognized leader of that great army of volunteer soldiers, and from the close of the war has been the defender and champion of the cause of the common soldier in the Congress of the United States. The defenders of our common country whose valor has been attested on a hundred battlefields have lost their greatest friend and our country has lost a great warrior and pure statesman. John A. Logan has been in the public service almost continuously for more than thirty years, and during all these years of faithful service his conduct has been so pure that not even a suggestion of corruption was ever associated with his name. His mission in life was not a struggle for the accumulation of gold. He sought not to pacify his conscience with the gilded bubble of wealth; he neglected not the elements of intellectual and moral greatness for the sordid and perishable things of time. His whole life was dedicated to his country, to human rights, to making more firm and lasting the foundations of this Republic. He has woven his name in history with illustrious and praiseworthy deeds. Oh, that we had more Logans in the public service! More whose every thought and every effort were given to the discharge of public duty; more who sought no opportunity from public position to secure ill-gotten gains to the detriment of the general public; more who come to high public place because the public demand their service and not because the place is made the subject of barter or to serve some special interest.

## HON. JAMES LAIRD.

March 4th, 1883—March 4th, 1889.

A formal biographical sketch of Mr. Laird is here omitted in order to avoid repetition, since both Mr. Connell, his colleague, and Mr. Laws, his successor, incorporated his personal history in their memorial addresses of him, which immediately follow this article. To eliminate it from their tributes would materially mar their productions. But an extract from the contribution of the Hon. Mr. Cutcheon, the venerable preceptor of his brothers, in connection with the tender words of his comrade, Representative Tarsney, make a valuable introduction.

## TRUTH STRANGER THAN FICTION.

MR. CUTCHEON, of Michigan: Mr. Speaker, I shall not on this occasion indulge in any extended eulogy of our deceased colleague. When I first entered this hall as a member of this House in December, 1883, one of the first members to greet me was our deceased friend and colleague, James Laird, of Nebraska. Our previous acquaintance had been nominal only. The interest which I took in him and which he took in me had been vicarious rather than personal. When as a young man, in 1859, I left the halls of my *alma mater*, the University of Michigan, and became principal of a small academy in southern Michigan, I found there two young men by the name of Laird; and before the close of the term there came with them, to attend the closing exercises, a lad, as small almost as the smallest of these pages; who I afterwards found was their brother. I lost sight of him then and never to my knowledge met him again personally until he came to me in this chamber, and introduced himself as the same lad, James Laird. In the meantime the two brothers who had been under my instruction both died in the cause of the Union, as soldiers in the army. This trifling circumstance of our first meeting was the slender thread that bound us; but when we found ourselves a few weeks later in adjacent seats at the same committee table, where we served together continuously, side by side, for six years, this beginning of acquaintanceship ripened into a friendship which lasted as long as life endured. On the

very first occasion in which I participated on this floor I found my colleague and myself upon opposite sides of the question. I discovered on that occasion the quality of his steel. It was that debate, now historical, in regard to the restoration to the army of General Fitz-John Porter. Mr. Laird had left his home when a mere boy (I think about thirteen years of age), and enlisted in the 16th Michigan Infantry; had gone to the front and become one of that 5th Army Corps which was then under the command of General Porter. So when he found his old chieftain attacked here, with all the enthusiasm of his boyish admiration and love, and with all the vigor and strength of his manhood he came to his defense. I never ceased to admire and respect the chivalry, the earnestness and the enthusiasm of the man. Whenever he participated in debate his methods were earnest, direct and eloquent. There was in his voice the sound of the ring of the sabre; there were in his utterances the rattle of the small arms in battle.

In the committee room we found him always attentive to his duties; always faithful to each trust reposed in him; laborious and careful in the examination of his facts, but when his mind was made up, earnest and pertinacious in the defense of that which he believed to be right.

#### TWO HEARTS AS ONE.

MR. TARSNEY: Mr. Speaker, as I stand here, as it were, over the open grave of James Laird, it is not of the lawyer, the orator or the statesman I am thinking. It is not in any of these characters, though he was great in all, that he is recalled to me. I see him now as the playmate of my earliest boyhood days, the companion and schoolmate of my riper youth, and the comrade of the years that followed in the field of arms. James Laird was born in the State of New York, but when a mere child his parents removed to Hillsdale County, Michigan, then almost a wilderness. His father was a native of Scotland, a minister of the Presbyterian faith, a man of great intellectual power and of wonderful eloquence, qualities richly inherited by his son. In that same wilderness, with only the advantages and comforts afforded in a pioneer community, we passed the first years of our lives together in attending the district school. The village academy followed the district school, and then came the war with its tests for separating the gold from the dross of American manhood. In 1862 we both entered the army. In one of the first regiments to leave the State at the beginning of the war each of us had two elder brothers. In this organization I enlisted and

joined his brothers and my own; he enlisted in another regiment, but we were not separated, for our regiments were assigned to the same division.

Following every battle in which we were engaged, scarcely would the firing cease when he would come with anxious, loving heart to find how fared it with those he loved. Once, sir, for him there was a sad coming; it was on the night that followed that dread day of the 2nd of July at Gettysburg. He came to find a brother dead; a friend he loved missing, and his fate unknown. Sir, the iron of the sorrow of that dread night entered his soul and never departed, but remained a living sorrow to the last day of his life.

#### ELOQUENT DEFENSE OF FITZ-JOHN PORTER.

The appearance of Mr. Laird as a speaker before the House of Representatives, sixty days after the commencement of the first session of the 48th Congress, February 1st, 1884, deserves special notice, inasmuch as he was about to vote with the entire party in opposition, and to incur the charge of having failed to sustain his own party, and run the risk of future political discipline.

For twenty-one years General Fitz-John Porter had suffered under the penalty of a court-martial, and during all that time, the democratic party had agitated a reversal of the penalty.

A bill for his restoration to the army and his retirement from active duty being before the House, Mr. Laird defined his position:

Mr. Chairman, believing as I do, that there is no place where the honor of an American soldier should be so safe as in the hands of the Representatives of the whole American people, I desire to say before the vote is cast, that I shall vote first, last, and all the time for the vindication of the honor of General Fitz-John Porter. [Applause.] And let me remark to the gentlemen who seek to bring the menace of future punishment to bear upon the discharge of present duty, that if I knew this act of mine would end my bodily existence, as you say it may end my official one, then still would I do it; and I would thank God that my loyalty to my country, as I understand her honor; that my loyalty to my general, as I understand my duty; that my loyalty to truth as I know it to be, was strong enough to lift my conduct above the possibility of ignominious change to come from cowardly considerations affecting my life or future condition.

I do this not because I am guided by the judgment of the Schofield board, or the statement of Ulysses S. Grant, for I have not read the one, and have never considered the other. Nor are the convictions that I here hastily express the growth of a day; they are as old as the injustice he has suffered. I do it, because I was with Fitz-John Porter from the siege of Yorktown until the attack of the enemy across the Chickahominy; from that attack to the battle of Hanover Court House, and from that to Mechanicsville, from that to Gaines Mill, and throughout his career except when I was disabled by wounds [Applause]; and I want to say, Mr. Chairman, it is my deliberate judgment, speaking of what I know of Fitz-John Porter, that in all the great battles of the English-speaking race, from Bannockburn to Gettysburg, there has not been made by soldier a record which demonstrates greater loyalty to the cause of his country than that made by Fitz-John Porter. Having seen him on all his battle fields, I believe it can be said of him in action as was said of the soldier of old: "He was swifter than an eagle; he was stronger than a lion; and from the blood of the slain and the fat of the mighty his sword returned not empty."

After handsomely parrying a question which a member propounded, and eulogizing Porter in case of an order to "Charge bayonets," he exclaimed: "Was that the language and conduct of a traitor and a coward? Since the Dutch king proclaimed that he would tear down the dikes and let in the ocean there has not been a braver speech." Claiming the right of a subordinate officer to some discretion in the enforcement of a superior's orders he concluded in the following strain:

Let the advocates of "no discretion" tell me if their science of war teaches that subordinates, in the face of better knowledge, shall obey murderous orders, and slaughter thousands and stand guiltless in history?

One word to the gentleman from Indiana. You say that Lincoln approved the sentence of the court-martial with a full knowledge of all the evidence. I deny it. Abraham Lincoln, "So slow to smite, so swift to spare, so great and merciful and just," never approved that sentence with a knowledge of the evidence. I love the memory of the dead Lincoln and all who died with him for the greatest cause that ever moved mankind, and I love the honor of the flag and the nation for which they died, and because I do, I vote for the passage of the bill. [Applause.]

During this session he served upon the committees of pensions and military affairs; presented twenty bills and joint resolutions; fifteen petitions; made seven reports from the military committee and fifteen from that on pensions; and engaged in fourteen discussions.

#### RHETORICAL MONUMENT TO THE PIONEER.

During the second session of the 48th Congress, on a bill to relieve settlers from conflict with Railroad Claims, we have:

Mr. Speaker, is it for this the pioneer has fought? Is there no voice that pleads his cause who bravely holds his way along the front of civilization, laying deep and strong the foundations of a mighty state? From the toil and strife of these men sprang Kansas and Nebraska, the first anti-slavery states, even as in the olden time sprang the avenging Marius from the "dust and ashes." Thus born into the sisterhood of states, they have bloomed as might two purple flowers rooted in a pool of human blood. We know there is nothing in all the unstoried greatness of this class that of itself alone should speak to the judicial mind, but when laws are passed for their protection it is meet that those who sit upon the softly-cushioned seats of advantage should heed those laws in a contest between abstractions (corporations) and such men. The human being is entitled to the benefit of the doubt; by how much more is he entitled to the benefit of the written law!

These settlers read the laws of Congress granting homesteads and pre-emptions to actual settlers; they read the instructions of the Department of the Interior, and they saw that they were within these. They read the platform of the great Republican party which promised them the earth if they would vote the straight ticket, and then they read the platform of the great Democratic party which promised them not only the earth, as the other platform did, but everything over it and under it, and they said, "We are safe; our friends the politicians will take care of us," and they are still strong in their faith; they still hope to "read their title clear" in the light of your promises; they still believe that Congress—this Congress, gentlemen—want to, and will do what is right. And so they come, stripped by legal jugglery of their homes,—your "glorious birth-right of the free" of the platforms and preambles,—and holding forth their empty parchments ask you if you talk to them in two languages; they demand that you make good in this foul day the fair weather promises of the laws and



the decisions of the great heads of departments; they ask that we be big enough to do justice to the poor pre-emptor, homesteader, purchaser, farmer, even as to the great railroad corporations; they ask that we be estopped from taking advantage of our own wrong, and profiting by the deceiving advice and decisions of our troubled agents. They ask this, "these brave sons of earth," and with them join the voices of half a million of Union veterans, robbed also of their rights by the "law's delay." Thousands of pioneers and frontiersmen, men in Nebraska and Kansas, and in all the states and territories west of the Missouri River, whose all was swallowed up in the flames of border savage war, and to whom the Nation, by its settled policy, owes redress, join thousands of others, to whom the Nation justly owes millions, in asking speedy justice.

They ask, and if their most just demands be not answered by fulfillment it will become us all "to look that our walls be strong," for when they shall have roused the "sleeping thunder" of public opinion on the question of their rights, there will come a change indeed over the face of things political and then this penal blindness to their rights will cease.

#### MY COMRADES.

Mr. Speaker, these men are my constituents; they are more, my neighbors; they are still more, my comrades, for in the heroic days nearly nine-tenths of them were Union soldiers. This will not prejudice their case with you men of the South, for you were brave, and must be generous and just. Nearly all of those for whom I plead are known to me personally, and accordingly I take a keen and personal interest in their rights and wrongs. I have known them from the "ground up," for I knew them when they lived in the earth, in "dug-outs," and have watched them for years, as they spread the seed and gathered the harvest which was the trust of the armies of laborers of the world. They have fought a brave fight and redeemed the desert of twenty years ago. They are of the class of men that Miller saw when he wrote these lines:

"A race of unnamed giants these,  
That moved like gods among the trees,  
So stern, so stubborn—broad and slow,  
With strength of black-maned buffalo,  
And each man notable and tall,  
A kingly and unconscious Saul,  
A sort of sullen Hercules."

They are not mendicants, for when the hell-blasts of the drought and clouds of locusts a few years ago reduced them to starvation they made no sign, and asked no aid of the

Government, as did those who saw their all devoured by flames in Michigan or swept away by the floods of the Ohio and the Mississippi. They fought their battle alone, and what they ask now they ask not as alms but as justice, and to that answering justice in your conscience I commit their case, only regretting that my condition physically perhaps unfits me to represent them on this floor as they deserve to be represented.

RICHARD IS HIMSELF AGAIN.

During the 49th Congress another opportunity offered for a burst of patriotic eloquence in behalf of promoting and retiring Col. Hunt, a Chief of Artillery, of whom Mr. Laird said:

General Hunt, at the head of your artillery service, at the battle of Gettysburg, so massed his batteries upon Cemetery Ridge, that Pickett's splendid charge broke harmlessly; bloody wave on top of bloody wave, against the foot of Cemetery Ridge, where Hunt's artillery stood. The sagacity of that officer, upon that field, in reserving his ammunition for the Confederate infantry, may have made it possible for the flag of the Union to float in peace above the Capitol to-day.

A pension bill also made applicable the quotation, "Richard is himself again."

Of the fiery attack upon the Commissioner of the General Land Office, during the 49th Congress, and the most annoying documentary reply, resulting in a case of assault, no record need be made, as it was local, temporary and sporadic.

BOLD, DEFIANT, ELOQUENT.

Early in the first session of the 50th Congress a proposition was before the House, to allow a clerk to each member. In its behalf it was argued, that it "would be a measure of economy to the entire people," and would "place every member of the House on an equality," as fifty-four chairmen of committees were already supplied with clerks, and that it would put the poor members on an equal footing with the rich, who were able to pay for clerks out of their own funds, and could thereby be exempt from making the daily, perpetual rounds of the departments, looking up the personal business of their constituents.

Against the proposition was paraded the bugbear of "salary

grab," and that its defense involved "a defiant course of conduct in reference to public opinion." On the question the member from Nebraska held and uttered decided views.

MR. LAIRD: Mr. Speaker, I have never yet set the fear of political punishment as a guard over my conscience upon the question of the discharge of my duty as between myself and my constituents. I shall not begin to-day, and, if the opportunity offers, I shall vote for the passage of this resolution, because I believe it involves as much as any measure of this kind that can come before the House the question of the efficiency of the Representative. Some of us represent here 64,000 votes, cast for the opposing candidates and for ourselves, involving, by fair political calculation, a population of 250,000 or 300,000 people. Can a man upon whose shoulders these responsibilities are flung, the details of which have been so well described by gentlemen here upon the floor—can such a man evolve from out of the multitude of cares bearing upon him the time and thought to investigate the great appropriation bills which carry three hundred and odd millions of dollars? Can a man so situated find time to investigate the intricacies of the land policy and the laws incident thereto, which govern the western country, from which many of us come, and the vast unappropriated public domain of the Nation? Can a man with all these cares upon his mind and his conscience find time to follow up the action of the great commission which was raised not long ago for the purpose of regulating the infinitely delicate relations between the people and the instruments of commerce which control the carriage of the vast quantities of material that pass continually from the East to the West and from the West to the East? Can he find time to discuss conscientiously and intelligently almost any one of the fifty subjects which for their comprehension might require a year of careful study? There are laid upon him such burdens of detail that he is night and day the yoke-fellow of toil. So heavy is the weight of business pressing upon us that there is not one of the members from the western section of this country who, if his physical system could bear the strain, might not go home to-night and sit down with his stenographer (if he is able to have one) and toil on till midnight or till morning, and in the morning go to the departments and follow out the details of errands there, and then come to his seat here in this House—for what purpose? To echo the intelligent sentiment of the two or three hundred thousand people he may represent upon the great questions requiring action at the hands of

Congress? No; to echo the decision formulated in a committee room—in the committee room of the Appropriations Committee, dominated possibly by one man who, under the influence of a habit of thought, has come to rule the committee and rule the country, and rule the millions of money that are poured out by the Government.

I submit, sir, that the question here is one of efficiency; and I conclude as I began: Never yet have I set the fear of future political punishment as a guard over my conscience; and I will not do it to-day.

#### THE SURPLUS.

On a question for paying a citizen of the South, for army supplies, taken without vouchers delivered, Mr. Laird said:

I was reminded, during the discussion of this question, by the gentleman from Missouri (Mr. Warner) of the fact that during the war out of which this claim arises it did not by any means take a dispensation of Providence to get a mule, and wherever there was anything of an eatable nature to be gathered we were there in the midst of it, and it was about so also if it was of a ridable nature.

We hear a great deal said about the surplus in this country; and I take it that when it comes to a question about the payment of an honest claim we are not banded together for the purpose of an increase of that surplus by any means. If the Government of the United States would pay its honest debts, such debts as it allows to remain unpaid until, if a private individual were substituted for the general Government, that private individual would be disgraced and driven from the community—if the Government of the United States would pay the millions it owes to honest claimants representing the French spoliation claims; if it would pay the millions which it owes to men on the frontiers for losses sustained at the hands of predatory Indians; if it would answer as an honest man answers promptly to the claims of the millions of individuals to whom it stands honestly indebted to-day, there would be no surplus in the treasury. I am certainly for the payment of this claim.

#### PUNGENTLY PLEASANT.

On a bill to establish the Department of Agriculture, Mr. Laird illustrated his ability to say a pertinent thing, pleasantly and briefly.

MR. LAIRD: I am delighted to see so many gentlemen with their sleeves rolled up, ready to do a hard day's work for

the farmer. The trouble with the farmer, from his standpoint, I fancy, is that he has had his affairs too long in the hands of gentlemen who imagined they were better able to attend to his business than he was himself. I realize, speaking for the section I represent, that it has an extraordinary interest in the fact that seven millions of people who attempt to make a living and get happiness out of the ground are unrepresented in the center of the political power in this country; and that, in defiance of the fact that from the man who shoes your horse to the carpenter who builds your house, to the doctor who cures your ailments and to the preacher who tries to save your soul, the proposition holds true that you deliver over the tools of life into the hands of the men who know best how to use them.

It is a notorious fact that until the passage of the Hatch bill agriculture as a great productive interest has never been represented directly in the councils of the country; had never had a half million dollars bestowed upon it. It is the industry from which flows the daily life of the Nation, and yet anybody who cares to be conversant with the facts knows that it has been treated very differently in this country from what is the case in Russia, Italy, Sweden, France, Germany, and Austria, whose governments pour out millions for the benefit of agriculture and have this department of industry represented in their cabinets.

During a heated discussion in regard to the land office policy of Commissioner Sparks under the administration of Mr. Cleveland, Mr. Laird indulged in a violent excoriation of that official, who had refused to allow him (Laird) to examine the papers in the case of a constituent's suspended entry.

In that connection he paid the following beautiful compliment to the pioneer settlers of Nebraska:

My colleague, Mr. McShane, and myself can speak upon this subject with the authority which comes from personal knowledge.

We have known these men in Nebraska "from the ground up," because we knew them when they lived in the sod house, and have seen them evolve themselves from the sod into the frame house and happy home, and have seen the wild prairie, which science condemned twenty years ago as a desert, pass from the sea of grass in which the bison swam into a great land of schools, churches, colleges, thrift, civilization and wealth. [Applause.]

Though it was contended that, in asking for \$100,000 to be

expended in ferreting out frauds, Mr. Sparks only followed in the wake of the Republican Commissioner McFarland, and that "If any man of this period has established himself in the confidence of the people of this country for rugged integrity and firmness of character, of exalted devotion to the public service, that man is the late Commissioner of the General Land Office," nevertheless the member from Nebraska could not forego the opportunity of a passage at wit and repartee.

#### POLITICAL SUSPENSION.

MR. LAIRD: Sparks' career began and ended in suspension. After the suspension of all the claims, which order was revoked by the secretary—and the secretary was rewarded by having a place on the woolsaek, and he might have had the golden fleeee—after suspending the claims he suspended the laws, and after suspending the claims and the laws he was finally suspended, by the gentleman at the head of the Government, himself.

And now in the estimation of my distinguished friend from Illinois (Mr. Townshend), he is sanctified and glorified, and if so, political death was a good thing for him.

MR. TOWNSHEND: He was not suspended; he resigned.

MR. LAIRD: Resigned! Well, perhaps he was resigned, but I doubt it, and if so he had to be.

Near the conclusion of the discussion, which had alternately crowned and decapitated the late commissioner, the speaker found another opportunity for a burst of indignant eloquence, illustrative of the supreme ignorance of the effete East, and the complacent local wisdom of the young and vigorous West.

#### IMBECILE IGNORANCE.

MR. LAIRD: I wish to say a word about this proposition. Mr. Speaker and gentlemen of the House, probably any man who has ever traveled west of the one hundredth meridian of this country has had a considerable amount of amusement but a larger amount of mortification from the light which has been cast upon this subject by gentlemen like the gentleman from New Jersey (Mr. McAdoo). It is a convenient thing to say that the settler, the man who stands on the ground, is a thief, to the end that he may be prejudiced in the minds of gentlemen who know nothing about it; and so accordingly upon that string all the thousands of those who sing of reform are forever playing.

So, then, the man who stands at the bottom and has nothing furnished him but the pluck of a human being, and the earth and air and water which God gives to all of us, is a thief! The next man who comes in for the condemnation of the gentleman from New Jersey (Mr. McAdoo), and others like him, who know nothing of what they are talking about, is the "cattle monopolist," and the next scoundrel in the West is the "syndicate," whatever that may be. So that here we are crucified like thieves upon the cross, only there is one more than tradition tells us there were on that occasion. They hold us up to ignominy before the world, and the gentleman from Iowa (Mr. Weaver), who ought to be bound to these pioneers of the West by sympathy for the labors and hardships they have undergone, comes in here and takes part in holding them up to obloquy.

MR. WEAVER: The thieves on the cross were different, because they repented, but you do not. [Laughter.]

MR. LAIRD: We do not repent, for the righteous are not called to repentance. We are not here to give you judgment by confession, like a band of criminals and cowards.

MR. WEAVER: What is the matter with you? [Laughter.]

MR. LAIRD: Nothing. "I am all right"; only I do not propose to be labeled a thief by every demagogue that mistakes notoriety for reputation. These gentlemen talk about the cattlemen. Is there any man on this floor who is ignorant of the fact that it takes thirty-four acres of this land, which you are talking of splitting up into rods, feet and inches, to graze one steer for a year? Gentlemen talk about the cattlemen entering into a conspiracy to get land enough to raise a thousand head of cattle on. Why every one who knows anything about it knows that the minute they have got to buy the land, that minute they move off. If by holding 160 acres they can hold grazing ground for a thousand head, they hold it, but when they have to buy the land they move elsewhere. Now where do these men come from that I am defending here, and that gentlemen on the other side are holding up to obloquy? They come from Texas and Missouri. They are Democrats, and they do not spend their time invoking blessings upon your heads. If there is any man here who does not know that the cattle business now and always has been impossible where the owner of the herd had to own the land on which it ranged, then your ignorance amounts to imbecility.

Again, gentlemen talk about fences, and draw a fancy picture with which to harrow up the fears of those who are ignorant of the whole matter. I have been inside those in-

closures, and what have I found to be the verdict of the homesteader? He says, "Great God! let the fences alone. They furnish me a sure pasturage for my little bunch of cattle so that I know where they are, but if the fences are torn down I shall not know where they range, and I can not afford to herd them." Misfortune has in many cases robbed the cattle men of 75 per cent of their herds, and at least half of that loss is due to the fact that they have dammed up the flight of the cattle toward the south when the cold blasts of the north come down upon them, by wire fences. Run a 20 mile fence across a trail so as to cut off the flight of the cattle, and what happens? They die and are piled up by the thousands at the barrier. And long before the proclamation of the Executive the cattle men were willing to take down the fences and get rid of them.

Now as to the question presented by the amendment, if there is anything to be done, let it be the reservation of every permanent water course, and not the proposition of the gentleman from Iowa (Mr. Weaver), because that is entirely useless.

The way out of these land complications was finally found, after the President's proclamation that the range fences on government lands should be demolished by the army, and the Secretary of the Interior had repealed the commissioner's orders of suspension.

During the 50th Congress Mr. Laird was an active member of the military committee, and in the matter of an appropriation made the following fling at the committee on appropriations:

That is an unfortunate condition in which the country is a participant to this unfortunate extent, that out of this confusion of authority and of jurisdiction, unequalled since the philological miracle of the confusion of tongues at the Tower of Babel, the country gets absolutely nothing. We have here the old story which has been often told, and better told than I can tell it, of waiting upon the committee on appropriations. That is a committee certainly toward which I entertain no ill-will. I have profound respect for the gentleman who presides over its deliberations as one of the cleanest, squarest, manliest, bravest men in the public service, and I have a somewhat mitigated affection for the balance of the committee. [Laughter.] It is shaded somewhat, but it is not discolored. It is kindly and wholesome, if not always happy. [Laughter.]



## HON. GILBERT LAFAYETTE LAWS.

March 4th, 1889—March 4th, 1891.

Gilbert Lafayette Laws, of McCook, was born March 11, 1838, near Olney, Richland County, Illinois; removed with his parents to Iowa County, Wisconsin, in 1845; received his primary education in the common schools; subsequently attended Haskell University, Wisconsin, and Milton College, Wisconsin; while in college he worked during summers at the lumber business to procure money to prosecute his studies during winter; after leaving college he taught school till the spring of 1861, when he enlisted in the 5th Infantry, Wisconsin Volunteers; was wounded in the battle of Williamsburg, Virginia, May 5th, 1862, on account of which his left leg was amputated below the knee; after his discharge in July, 1862, he returned to Wisconsin and located in Richland County, whither his parents had moved during his absence; was elected clerk of that county in November, 1862, to which position he was twice re-elected; during a part of this time he edited the *Richland County Observer*, a Republican paper; disposing of his newspaper he engaged in the manufacture of lumber, bedsteads, and wagon materials, was chairman of the county board; was elected mayor of Richland Centre in 1870; was appointed postmaster in 1869 and served till 1876, when he resigned and removed to Orleans, Nebraska. While postmaster he was captain of the United States steamer *Winneconne*, employed in the improvement of the Fox and Wisconsin Rivers. Immediately after locating in Nebraska, he became editor of the *Republican Valley Sentinel*, a staunch Republican paper, and continued this work till 1881; was appointed Register of the U. S. Land Office at McCook, Nebraska, in 1883, and served in that official capacity till November 1, 1886; was elected Secretary of State November 2, 1886, and re-elected in 1888, and was elected to the 51st Congress to fill the vacancy occasioned by the death of the Hon. James Laird, as a Republican, receiving 27,000 votes against 21,000 for Charles D. Casper,

Democrat, and 1800 for Rev. E. Bentley, Prohibitionist. Entering Congress as the successor of Mr. Laird, whose failing health had caused a large accumulation of unfinished business, prior to his decease, Mr. Laws was at once overwhelmed with a correspondence independent of the current duties of his own term of office. And yet, during that single term (for he was not a candidate for re-election), the Record shows twenty-six bills and joint resolutions offered—forty petitions presented, and thirty-eight reports made by him from the Committee on Invalid Pensions.

On the occasion of "Funeral Honors" to his predecessor he addressed the House as follows:

#### DEATH OF HON. JAMES LAIRD, APRIL 12, 1890.

MR. LAWS: Mr. Speaker, in asking this House to suspend for a time its usual and appropriate labors, to pay tribute of respect to the memory of a friend, late a member of this body, it is proper that some acknowledgement of this mark of esteem should be extended to this House, and to those so kindly contributing by their presence and by their words to the dignity and solemnity of this occasion. The highest honor man can confer upon his fellow man is the privilege of making laws for their common government; when that privilege has been used and the consequent duty discharged with such fidelity as to meet the repeated approval of those conferring that high trust, it would seem that the reasonable expectation of friends and a laudable ambition had been met, and that such a life, no matter when terminated, had been to an eminent degree honored and successful. But death comes to most men at an unexpected moment, and very often, to our weak judgment, at an unfortunate and inappropriate time, and, while our lips are taught to say, "Thy will be done," our hearts rebel in silent anguish, and our souls refuse to be comforted by the most ardent faith in the sweetest promises of the life to come. James Laird, late a member of the 51st Congress, died at his home in Hastings, Nebraska, August 17, 1889, aged 40 years. He was born at Fowlerville, N. Y., June 20, 1849; removed with his parents to Michigan, where he was educated at Adrian College and Michigan University, and graduated from the law school of the latter in 1871. He enlisted in the Union army at the age of 13 and served till the close of the war.

He was five times wounded and promoted to the rank of Major before reaching the age of 17.

Always prominent in state affairs, he bore a conspicuous part in forming the present constitution of his adopted state, whence he was three times elected a member of Congress, and by increasing majorities at each succeeding election, doubly attesting the fact that his official life was approved by his constituents. Endowed with a profusion of nature's choicest gifts, a vigorous and comprehensive intellect, a lively and well sustained imagination, wit, humor, eloquence, courage, and tender sentiment, a fine physique, health, strength, and manly bearing—he ought to have lived to a round old age, and should have been gathered as the shock fully ripened for the harvest. But he was taken at the noontime; when the shadows fall nearest the pathway; when life was most desirable and life's work most useful; when the summons to one of the youngest and strongest of his fellows was a surprise and a sorrow to his friends and to his colleagues upon this floor.

No extended delineation of his character will be attempted by me. Standing in this presence, to say that he had no faults would be to claim for him that he was not human, and would be as offensive to him living as untruthful of him dead. He despised shams and pretenses in all their forms. What he seemed, he was, what he thought, he said, what he felt was right, he did. He sought the foe in the open field, refused ambush, and practiced no disguise. To achieve success or promote a personal end he never compromised with an enemy and never betrayed a friend. He feared no man nor hated one. He believed in God and loved his fellow man. The generosity of his nature was as boundless as the prairies of his home, where the sun sets as on the sea. In the softer charities of human weal, in the relation of husband and father, he never lived. Two brothers fell fighting by his side on the battlefield, and another was killed by accident on the western plains. An aged father, then a widowed mother left him, some years ago, the sole surviving member of his family, "to walk the path of life alone."

As a citizen, James Laird was public spirited, progressive, liberal and wise. As a lawyer, he was able, earnest, industrious and faithful to the interest of those he served. As a soldier, he was ever found at the post of duty, displaying the highest form of moral courage, seeing and knowing a danger, yet daring to meet it. Bold, dashing and impetuous, he was a born leader of men, inspiring confidence by the exhibition of his own courage, commanding obedience

by this strong and unyielding will, and winning admiration by the quickness and correctness of his judgment. Like every true soldier, the flag of his country was ever the object of his veneration. To him that flag was not simply a few yards of tri-colored bunting, but a symbol of majesty and power. It was the emblem of his country, her greatness, her beneficence, and her power, her people, her institutions, and her laws; with every rod of territory, where might be seen or felt the print of human foot, the touch of human hand or the beat of human heart, sacredly dedicated to liberty, justice and right. But, Mr. Speaker, the fires of passion that burned unceasingly in his being are quenched. The currents of the rich red blood of health that coursed through his veins are choked at the fountain. The warm glow of health, that literally flowed off his finger ends, is chilled. And during the long weary months of pain and sickness, when strength failed, when the strong will was bowed and broken, when the bright and powerful intellect was clouded, when burdened with the weight of public cares and duties undischarged for want of health, worn and worried because of promises yet unfulfilled and useful work uncompleted, friends, in kindness all, could not be made to feel that he whose strong right arm had turned aside the blow not aimed at self, that he who oft had met the storm of battle undismayed, indeed was faint and weak.

Under such a strain endurance ceased, the mind was turned, the heart was grieved, and in solitude he sought relief.

He closed his door for rest and peace and thus to him came death.

Of him I say what I believe. He kept a faithful friendship with his friends, whom loyally he served before himself. He locked his lips too close to tell a lie. He washed his hands too white to touch a bribe.

Occupying only one congressional term, the above was the only lengthy address presented by Mr. Laws, to the House—an address so honest in utterance, so pure in taste, and eloquent in language, as to be a veritable surprise and charm.

## HON. W. J. CONNELL.

March 4th, 1889—March 4th, 1891.

William J. Connell, of Omaha, was born at Cowansville, Canada, July 6, 1846; removed to the village Schroon Lake, New York, when 11 years of age; received an academic education; in April, 1867, located at Omaha, where he has since resided; was admitted to the bar in 1869, and has been actively engaged in the practice of his profession since; was elected District Attorney of the third Judicial District of Nebraska in 1872, and re-elected in 1874; was appointed city attorney of Omaha in 1883 and occupied that position until 1887; is married; was elected to the 51st Congress, as a Republican, receiving 32,926 votes, against 29,510 for J. Sterling Morton, Democrat, 2,962 for E. B. Graham, Prohibitionist, and 650 for J. W. Edgerton, Labor Union Candidate.

The debut of Mr. Connell in the House of Representatives was in the role of scholarly eulogist, rather than that of political orator. The occasion being memorial services in honor of his predecessor, Mr. Connell addressed the House as follows:

Mr. Speaker, once more the busy turmoil of the House is hushed in memory of the dead. All differences, political or sectional are silenced. Contentions and controversies are forgotten while with a common sorrow we offer our tributes to the memory of a departed brother. In summing up the life and character of my late colleague from Nebraska I would not, if I could, paint a picture free from blemishes. Frailties are incident to the most exalted characters. Faults and failings are the shadows which nature, no less than art, demands for her most perfect work. As a new member I had hoped to have received the friendly counsel of my colleague in place of joining in this memorial service. During the three terms of a member of the 48th, 49th, and 50th Congresses he was a striking and picturesque character on the floor of this House. He was a remarkable combination of extremes. His character was of the composite type, having in it the ruggedness and grandeur of the mountain, with the genial

warmth and beauty of the valley. He was a true child of the prairie. Like a western cyclone he carried everything before him with irresistible force. His physique was powerful and his manner intensely dramatic. He was a tower of strength. His strength, however, was his greatest weakness. He seemed to know the laws of nature only to violate them. Like a powerful engine, with steam at double pressure, he failed to heed the warning of the brakes until the collision came. After the close of his labors at the last session of Congress he immediately entered upon the work of the political campaign in Nebraska with his characteristic zeal and earnestness. Neither sleep nor rest seemed to be required by him. On all sides were his services demanded, and to every call he made response. A few days prior to the election in November, when the work which he had outlined for himself was well nigh completed, he was suddenly prostrated and rendered unable to fill his engagements for the last days of the campaign. This work was unnecessary so far as his own election was concerned, as the large majority he received will attest. For a time he seemed to rally, but he was never again the "Jim Laird" of old. He returned to Washington, but not to active service. The fire which had burned with intensity had become smoldering embers. The light which had shown with brilliancy had become a flickering flame.

Once more he sought his old home in Nebraska, where with freedom from care and perfect rest it was hoped the old flush of health would return. When his hope seemed in fair way of realization, a surgical operation of supposed slight consequence was deemed necessary. It was, however, attended with fatal results. On the morning of August 7, 1889, James Laird passed to his eternal rest. He was born June 20, 1849, at Fowlerville, Livingston County, New York. As a mere boy, when only 13 years of age, he entered the army, enlisting as a private in the 17th Michigan Infantry. He served with the Army of the Potomac until the close of the war.

Upon receiving an honorable discharge, July 8, 1865, he returned to his home near Hudson, Michigan. He soon afterwards entered the Michigan University at Ann Arbor, and graduated from the law college in 1871. The following year he removed to Juniata, Nebraska, where he entered upon the active practice of his profession. He subsequently removed to Hastings, Nebraska, which place continued his home until the time of his death. It was my privilege, in company with my colleagues, Congressmen Laws and Dorsey, to attend his funeral.

The day was beautiful and the services impressive. In the soft twilight of the afternoon, the emaciated form of our departed friend and brother was lowered to its final resting place. His life work on earth is ended, his career is cut short. May we not hope that in the world beyond will be witnessed the rounding of a life so brilliant, so brief, and so incomplete. Surely there is a life immortal, where may be realized the pure ideal which few, if any, this side of the ocean which separates the present from the future, have ever attained.

“O life, what mystery thy birth enshrouds,  
 For ages past hath man in vain essayed  
 This mystery to solve, thy origin to learn.  
 O soul! my soul! Speak out and tell me clear  
 Whence camest thou here?  
 Whence thy deep yearnings for immortal life?  
 Methinks I hear thee say—  
 ‘Be still and trust. In God we live, and move.  
 And have our being: more we cannot know.’”

#### FREE COINAGE.

Though Mr. Connell's debut in the House was in the role of scholarly eulogist rather than that of political orator, on the 21st day of June, 1890, on a bill involving free coinage of silver, he indulged in a strain of wit and irony.

Mr. Speaker—Like my friend from Nevada (Mr. Bartine) I am a new member from “the wild and woolly West.”

I am free to admit that I have only a limited knowledge regarding national legislation. I confess that I am inexperienced so far as the rules and practices of this House are concerned. It may be that it is due to such limited knowledge and inexperience that I am unable to understand the position of Republican members about me who declare in favor of free coinage and vote in the opposite direction. There is much regarding the rules and procedure of this House which I do not understand. But I do not propose in the brief space of two minutes, which has been yielded to me, to undertake to tell all I do not know, as that would be impossible. I do wish, however, to refer to one thing I can not understand, and that is, why this is made a political question. I can not see why a line should be drawn through the center of this hall, dividing Democrats and Republicans. I deny that this is a political question. It is above and beyond that, and if you wait until the roll is called you will hear members on the other side voting according to their convictions, not their political convictions, but according to their belief on this question of free coinage.

Then why, on this side, should not members who are in favor of free and unlimited coinage of silver vote according to their convictions, vote as the representatives of the people who sent them here? Why do not the western members, who know the sentiment of the West, stand up like men and vote according to their convictions and not vote according to the speeches they have been delivering here in this House?

Now, Mr. Speaker, there is one other thing I do not understand, and that is why those who favored limited debate when the silver bill was originally discussed are now pleading for time for its further consideration. If not for the purpose of "burying" the bill, it must be to suspend it, like Mohammed's coffin, "between high heaven and earth."

I am in favor of meeting all questions arising under the amendments proposed by the Senate right here and now.

#### AN UNMITIGATED STEAL.

July 14, 1890, Mr. Connell entered an emphatic protest against a bill granting additional special privileges to the Baltimore & Potomac Railroad.

Mr. Chairman, I am in favor of this amendment. When it (the bill) first came up for discussion a few weeks ago, after carefully reading its provisions, I was a good deal puzzled to understand how any member of this House, having any regard for the interest of the people, or the rights of the public could approve it. It seemed to me to indicate on its face that it was an unmitigated steal. I could not but regard it as a bold attempt to obtain something for nothing.

I do not know where the bill originated, but if we can judge by the ear-marks it is safe to assert that it was prepared by some salaried attorney of the Pennsylvania Railroad Company, solely in the interest of that great corporation, and in utter disregard of the rights of the people.

#### GAG RULE.

August 9, 1890, on a bill touching the interests of a small remnant of an Indian tribe in his district, he demanded independent action on questions non-political and non-partisan in the following strain:

Mr. Speaker, I might talk here for three hours instead of fifteen minutes. I might read at length the voluminous testimony which is before me, but what avail would it be,



when we are prevented from taking any action with reference to this senate amendment? This resolution, which I have opposed, has the effect of a gag rule. Now I fail to see, in consideration of matters of this kind which are not political in their character, why such a resolution should be supported by the members on this side of the House, merely because it comes from the committee on rules, a majority of which are Republicans.

#### EIGHT HOUR LAW.

On the 28th day of August, 1890, he called up a bill prescribing eight hours as a legal day's work for laborers, workmen and mechanics employed by the Government of the United States. In his management of the affirmative side of the debate he evinced a very commendable degree of efficiency for a new member in his first term, and in debate displayed much research, abounding in faultless statement, deep conviction and well chosen periods, meriting and receiving the hearty applause of the House.

The closing paragraphs of the argument were as follows:

Mr. Speaker, on one occasion, many years ago, in the consideration of a great financial problem by this House, the brilliant but eccentric Randolph, of Roanoke, tragically exclaimed: "I have found it. I have discovered the philosopher's stone. It is pay as you go." I do not claim to be a Randolph, or to be possessed of the remarkable gifts which made him such a striking and picturesque character in the history of our country. I do claim, however, that the philosopher's stone has again been discovered, and that a remedy for the evils of the present labor system has been found which will bring happiness to the wage worker and peace and prosperity to capital. It is to so raise wages and reduce the hours of toil as will make life worth living and give work to the unemployed.

Why should not the wage worker have some of the sunshine and leisure of life to enjoy the beauties of nature and the comforts of his home?

The poet Goethe has truly said: "Every man should hear a little music, read a little poetry, and see a fine picture every day of his life, in order that the worldly cares of life may not blot out the sense of the beautiful implanted by God in the soul." As the tired laborer drags himself homeward after 10 or 12 hours of weary toil, what are these words of the poet to him but hollow mockery? Where is

his opportunity for recreation and enjoyment, where the time for cultivating the sense of the beautiful? The sky may be azure blue; the heavens may be studded with sparkling gems; and all nature may rejoice; but the weary wage worker trudges along his way unconscious of it all; the sense of the beautiful has well nigh been blotted out of his soul.

“All hail the dawn of a new day breaking,  
When a strong-armed nation shall take away  
The weary burdens from backs that are aching  
With maximum labor and minimum pay.”

Having served his party acceptably for one Congress, he was renominated in 1890; but the cyclone of reform swept every Republican district, while one Democrat and two Independents became Nebraska's representatives in the 52nd Congress.

During his first session he indicated his ability to defend his opinions and pleasantly add to the discussions of the House, while his last one, of ninety days, was given to the dryer details of the committee room and the perfecting of bills previously introduced.

## HON. GEORGE W. E. DORSEY.

March 4th, 1885—March 4th, 1891.

George W. E. Dorsey was born in Loudon County, Virginia, January 25th, 1842; removed with his parents to Prescott County in 1856; was educated at private schools and Oak Hill Academy; recruited a company and entered the Union Army in August, 1861, as first lieutenant Sixth West Virginia Infantry; was promoted to the rank of captain and of major, and was mustered out with the Army of the Shenandoah, in August, 1865; removed to Nebraska in 1866; studied law and was admitted to the bar in 1869; in 1874 engaged in banking at Fremont, and continued in the business, achieving very great success; was a member of the Board of Trustees of the Insane Hospital, a member and vice-president of the State Board of Agriculture of Nebraska; was also chairman of the Republican State Central Committee; and in 1884 was elected a Representative from Nebraska to the 49th Congress.

During the 49th Congress Mr. Dorsey received his initiation into the mysteries of national legislation, and addressed the House in a contested election case, also upon a bill to protect the dairy interest from that of oleomargarine, and in the interest of settlers upon public lands, and in behalf of pensioners.

A recapitulation, from the index to the *Record* of the 50th Congress, gives a fair average of the current duties of the Nebraska member in the twentieth year of the State's existence. Bills and joint resolutions introduced were fifty-three, and petitions and papers fifty-two. Where bills, petitions, and resolutions were opposed by lobby agents or attorneys before committees the member had as arduous duties to perform as an attorney before a court. In case of a favorable report, he had often to duplicate his labors in committee of the whole, and then again in the House on final action.

So that the mere enumeration of subjects introduced by Mr. Dorsey could not clearly indicate his services during that session. Add to these reports from committees, and a discussion of a

tariff bill, and of one for a public building in Omaha, and in relation to Indian lands and army forts, and the conclusion must be that Mr. Dorsey was an efficient and faithful public servant.

By the end of the 51st Congress his list of current work was increased; including the presentation of seventy-one bills and joint resolutions, sixty-six petitions and papers, fourteen committee reports, and the discussion of banks and tariffs, the admission of the State of Idaho, Civil Service, Pure Lard, and a eulogy upon the public character of his former colleague, James Laird; with incidental remarks on many other themes.

A bill to put wool on the free list being under consideration, May 1st, 1888, Mr. Dorsey opened his discussion of the subject with a history of the wool interest of the United States from 1610, the date of sheep importation.

In announcing his conclusion he said:

Mr. Chairman, it will be seen from these facts that under an ample protective tariff the wool interest has increased as it never had done under an insufficient tariff, while there is, literally speaking, no precedent for free wool, for never since 1816 has wool entered the ports of the United States free of duty. Why should this great interest of the farmers be suddenly taken out of the protective system and placed upon a free-trade basis? There is no good reason for it.

Turning attention to the benefits of protection to the interests of agriculture, he placed great reliance upon a report of "J. R. Dodge, the statistician of the Agricultural Department for more than a generation"; a man, however, who has been severely criticised for his attempt to warp and construe national figures to the interest of his favorite party. The historical argument was also reinforced by reference to the repeal of the corn laws of Great Britain, from which he claimed that the promises of Cobden and Bright, members of Parliament, were not realized. Taking up the tariff reform messages of President Cleveland, attention was called to many of his declarations.

We are told that—

"Millions of our people who never use and never saw any of the foreign products purchase and use things of the

same kind made in this country, and pay therefor nearly or quite the same enhanced price which the duty adds to the imported articles."

This is a serious error if intended to apply generally to manufactured necessaries in common use, as a little attention to facts will show.

We are further told that—

"The worker in manufactures receives at the desk of his employer his wages, and perhaps before he reaches his home is obliged, in his purchase for his family use of an article which embraces his own labor, to return in the payment of the increase in price which the tariff permits the hard-earned compensation of many days of toil."

If this were a common occurrence, as is intimated, it would be a serious matter. But what are the facts? What manufactures are chiefly consumed by "workers in manufactures?" Their food is for the most part necessarily of home production. The cost of meat and bread can be very little affected by the tariff. The tariff upon sugar is more considerable than that upon any other article of food and affects the cost of living of wage workers more than that upon all other food products combined.

Doubtless all will agree with the President that such articles as do not in any way compete with our own products should be placed upon the free list. Probably we might safely, also, place upon the free list some things which we produce to a very limited extent, but for any considerable production of which our soil, climate, or other conditions are unfavorable.

The President has received much praise in certain quarters for his courage in advocating radical tariff reduction. This Congress may well hesitate before entering upon a course fraught with such apparent peril, even if it fails to receive like approbation from the same source. In endeavoring to steer our financial bark from the Scylla of treasury accumulation we should be careful to avoid wrecking it in the Charybdis of gold exportation.

Mr. Chairman, we all agree upon two propositions, namely, that the surplus should be reduced and that our revenue laws should be revised.

Then what is our duty? Should we not deal with these questions in a businesslike manner? I think so. Then let us do those things which are for the best interests of the country, and at all times be guided by the experience of the past. Let us follow the course so plainly marked out, turning away from the seductive pleadings of the theorist and following the advice of the practical business men of the

country. Each member upon this floor has fixed opinions upon the questions under consideration, and probably no two could agree in all details as to what is the true policy. Notwithstanding this fact, it is the duty of every member to submit for consideration the views he may entertain and then try to reconcile the differences that may exist. In my judgment it is the duty of the President to at once expend the surplus now in the treasury in purchasing and retiring our bonds.

Then Congress should authorize the disbursement of the one hundred millions of gold now held in the treasury for the redemption of the legal-tender notes. The holding of this vast sum is the height of folly. Why should the Government be required to hold within its own vaults any sum to make good its promise to pay? Using the surplus now in the treasury and the one hundred millions of gold he would at once put into circulation over \$200,000,000 that are now hoarded, and the obligation of the government upon which we are paying interest would be decreased that amount less the premium upon the bonds.

To prevent such accumulations in the treasury in the future, we should have a fair, just and equitable revision of our revenue laws. This should be done after a careful investigation and a patient hearing of all the interests affected by the changes proposed. The principle of protection to the interests that have been developed in this country should never be forgotten. If we could place lumber, coal and salt on the free list, and reduce the duty on sugar and molasses so the revenue arising therefrom should not exceed \$10,000,000 per annum, and use the portion of that sum necessary to encourage sugar-growing in the country, the revenues would be reduced to the extent required and the people of the country benefited and no industry injured.

If we pass the bill under consideration, we strike down and destroy one of our most important agricultural industries, in which over one million of our people are interested; we will force a reduction of the compensation paid to over two millions of wage-workers in the different industries affected by the reductions in duty made in the bill; we give the Canadian farmer a market for his products, and place him upon an equal footing with our farmers of the North and West. Time will not allow me to show all the vicious provisions of this bill. It should and would be defeated. This country is not yet ready to take the first step in the direction of free trade. This Congress will not make glad the hearts of those who for the past thirty years have yearned for the markets of the great Republic. [Applause.]

## BEET SUGAR.

On the 20th of May, 1890, Mr. Dorsey argued:

I think we should encourage the beet-sugar industry, that is attracting so much interest at this time. Germany did that and is doing it now and also the Republic of France. Germany not only lays a duty upon sugar, but pays a bounty upon the domestic product from beets. France does the same, and if gentlemen on this committee will take the time and will carefully read the report made by the Senate Committee on Agriculture and notice what is said by the Agricultural Department regarding the capabilities of this country, I am sure they will agree with me, that in fifteen years, if we do not strike down the protective system and put sugar upon the free list, the States of Iowa, Kansas, Nebraska, California and South Dakota can produce all the sugar consumed in the United States. Mr. Chairman, the farmers of my district will ask, if I vote for this bounty, which I may have to do— [Laughter and applause on the Democratic side.]

MR. DOCKERY: Why do you feel obligated to?

MR. DORSEY: I say, while I may have to vote for this bill, they will ask why have you not given us a bounty upon corn?

MR. DOCKERY: Yes, of course they will, and very properly.

MR. DORSEY: Corn is not profitable in Nebraska, and has not been for years; and they may ask why we do not put a bounty upon honey and protect the little busy bee. [Laughter.]

MR. OUTHWAIT: But you put bees-wax on the free list.

MR. DORSEY: I am opposed to that. I think the bee ought to be protected.

I am a protectionist and a Republican; and I think if the Republican party puts sugar on the free list and strikes down the protective system they make an argument stronger than any that may be made by an advocate of free trade on the floor of the Houses.

Again, upon the same day, Mr. Dorsey, the protectionist, was found advocating free lumber,—“In obedience to the wishes of the people of Nebraska, as expressed by joint resolution passed by the Legislative Assembly of the State.”

In the last days of his congressional term Mr. Dorsey, as chairman of the Committee on Banks and Currency, called up a bill

for an increase of bank issues, to the full amount of deposited bonds, instead of the former maximum of 90 per cent. Said he:

Some gentlemen upon the floor of the House and in private conversation have claimed that the national banks are close corporations. This is not so now. Any five gentlemen of standing in any town or city of this country can, if they will raise \$50,000, organize a national bank. Of course, there is not much money in the business now. The banking interests of the country have served the business interests of the country. Now if the House pass this bill it will be an encouragement of the national banks to continue to hold the bonds that they are holding to-day at a positive loss, and it will give them cause to hope that this Congress will pass such a measure as will perpetuate the national banking system of the country. I know it was popular some years ago, especially in the West, to cry out against the national banks, but I am happy to say that day has passed. Now, as I have said, to pass this measure will encourage the national banks, and will encourage other private banks and state banks to go into the national system; and I ask the House, as a matter of justice to the banks, to pass this bill.

His final contribution to the literature of Congress was on the last day of his third term, when through the *Congressional Record* he introduced a voluminous newspaper article eulogizing the first two years of the administration of President Harrison.



## HON. JOHN A. McSHANE.

March 4th, 1887—March 4th, 1889.

John A. McShane, of Omaha, was born in New Lexington, Perry County, Ohio, August 25th, 1850, and worked upon a farm until twenty-one years of age, receiving only such education as could be obtained in the common schools; in 1871 went to Wyoming Territory and was employed on a cattle ranch; in 1873 became a cattle owner; in 1874 he removed to Omaha, but retained his interest in Wyoming until 1883, when he merged his individual cattle interest in the Bay State Live Stock Company, of which he is a director; he was one of the promoters of the Union Stock Yards at South Omaha, and is president of the company; he was also a promoter of and a director in the South Omaha Land Company; is a director in the First National Bank in Omaha and helped to organize, and is president of, the Union Stock Yards Bank at South Omaha; in 1880 he was elected to the lower house of the State Legislature from Omaha for two years; in 1882 he was elected for another term; in 1884 he was chosen to the State Senate, and was elected to the 50th Congress, as a Democrat, receiving 23,396 votes against 16,373 for Church Howe, Republican.

Being an intelligent Democrat, and in all things a practical worker, it is not to be considered a matter of astonishment that the modes of purchasing army supplies arrested his attention, and evoked from the first elected Democrat from Nebraska adverse criticism.

MR. McSHANE: It has been the custom heretofore in the purchase of such supplies to concentrate them at two points, namely, in Jeffersonville, Ind., and in Philadelphia, Pa. These were the two general depots of supplies for the army, and from these two points the supplies were distributed throughout the country to the various posts and stations. Now, it was not part of the duty of the Secretary of War, where the supplies had been concentrated at these two points—or rather I should say he was not enabled to

purchase where he could purchase cheapest, for the reason that it was necessary to concentrate the supplies at the points named, and proximity to those points was often an element in determining the purchase.

I will state to the gentleman that the amendment proposed by my colleague from Nebraska (Mr. Laird) is intended to take the place of provisions in former bills. It provides that the purchase of these supplies shall be made where they can be bought cheapest; but one of the most important elements of cheapness may be the cost of transportation. I do not see how there can be any objection to such an amendment as that, and from the fact that the distributing point in former bills has been stricken from this bill. So that it is simply right and proper that a provision should be put in this bill compelling the Department to purchase where they can purchase cheapest on the conditions named.

Two important objects were to be obtained by the amendment proposed, the one to purchase in the cheapest market and the other to prevent favoritism.

Western men could see no objection to supplies being purchased at Leavenworth, Kansas, and Omaha, Nebraska, if thereby money could be saved to the Government.

But the red tape processes and veneration for the old and familiar held almost absolute sway among army officers and old members of Congress, to the utter disgust of "pioneers" who formed precedents and created destinies.

#### LAND SYSTEM.

The land system was also an object of very special interest, indeed, paramount to all others, on account of the agricultural interests of the State, and the fact that a majority of the settlers were yet awaiting the maturity of their titles. The administration of President Cleveland had found the land laws evaded and violated by all the adroitness of land shark syndicates and individual frauds. Large cattle ranges had been fenced and guarded, pre-emption claims fraudulently located and sold. To restore these claims to market required the services of soldiers and special agents. That mistakes were sometimes made by the special detectives cannot be doubted, but as their acts were not

final, there was always a chance for the interposition of experienced officials and the correction of errors.

On this subject Mr. McShane uttered his sentiments as follows:

SPECIAL AGENTS.

In offering the amendment to this paragraph and in any remarks I made in support of the amendment I do not recall that in any manner I cast any reflection upon the Commissioner of the General Land Office or the management of the General Land Office so far as the administration of that office is concerned. That was far from my mind, but the action and procedure of the special agents in the field is what I object to. In providing the necessary funds to enable the General Land Office to detect frauds and prosecute fraudulent entries I will go as far as any gentleman on this floor.

But I say here that the special agents of the General Land Office in the field do not confine themselves to the fraudulent entries on the public lands, but rather, in my section especially, to the prevention of honest homesteaders from securing titles to their claims. This is what I object to. I believe \$50,000 is amply sufficient to provide the necessary special agents for the detection of fraudulent entries by cattle syndicates, or any other syndicates, either foreign or domestic, in their fraudulent land entries. Hence, it is not necessary that we should appropriate \$50,000 additional for the purpose, as I have named, of persecuting honest homesteaders in the agricultural states of Nebraska and Kansas.

I say that this money has been to a certain degree squandered, and I say further that this fraud has not been perpetrated by Democratic officials or special agents, but in most cases by Republican special agents who have held over from preceding administrations.

MR. LAIRD: Put them out.

MR. MCSHANE: Some of them have been put out.

MR. LAIRD: Put the rest out.

MR. MCSHANE: I say that those special agents have carried on this process of the persecution of honest homesteaders to an extent working great hardship and inconvenience to those poor people who have undergone the hardships and sacrifices of frontier life to the end that they might secure homes for themselves and their children.

I have knowledge of cases where the special agents have expended \$1,800 in an endeavor to procure testimony that would defeat the claim of a settler. After expending this

amount of money they found the title of the settler complete as it was possible to make it; that he had in every particular complied with the law. Even after expending this amount of money the special agent made request of the General Land Office for \$1,200 more to continue the prosecution and the gathering of testimony against this settler. That would make \$3,000 expended in prosecuting one case.

After spending the \$1,800 and finding nothing, he suspended the case until he could get \$1,200 more.

This is a matter I am opposed to. Those are the proceedings to which I am opposed to appropriate money to continue. But so far as the honest prosecution of fraudulent land entries, whether they are made by individuals, cattle syndicates, or any other syndicates is concerned, I will go as far as any gentleman in appropriating the necessary funds.

#### EXORBITANT CHARGES.

Understanding that clerks and notaries public were in the habit of charging exorbitant prices for the taking of testimony in certain proof cases, he advocated an amendment, not to exceed \$3 per case.

MR. McSHANE: Under the existing law notaries public and clerks of the district courts in the different counties have the power to take the testimony of the final proof and forward the same to the district land office. In the majority of cases the final proof is taken before the clerk of the district court in the county in which the homestead is located. The existing law does not fix the amount of fees to be charged in such cases; but where the proof is taken before the district land office the fees are limited. The charges usually in such cases before the clerk of the district court and county clerk are from two to five dollars, and are in excess of the amount allowed where the proofs are taken before the register or receiver. An imposition is being practiced all through the West on homesteaders making their final proofs from the fact that even at the exorbitant price charged by those officers it is cheaper than to pay railroad fare in many cases 75 or 100 miles to the district office. I hope the committee will accept this amendment. It is only to guard against the imposition of the officers in the different counties.

#### LAND MONOPOLY.

His hostility to the swindling system by which syndicates got

possession of 450,000 acres of land under the "desert-land act," while each citizen was limited to an entry of only 640 acres, was manifest on a bill to prevent monopoly in the public lands.

MR. McSHANE: I am going to state just how it occurred. I find syndicates who procure men who make their declarations and take up the lands under the desert-land act, and after they have paid the amount necessary to procure the possession of the lands these syndicates perform the necessary work required under the law to make the final proof. That I will say, the first declaration of the first settler, and, by the way, he is not required to live on the land, but to make certain improvements; he is not even required to go to the land district to make his filing under the law, but his filing is placed upon record, and the syndicates perform the necessary requirements from that time on during the period of three years to effect and complete the improvements and secure the title. They have an assignment of the claims from the original party and when the proofs are completed we find the claims being transferred and the patents issued to the syndicate performing the improvements of the land.

On an occasion when the question was upon fees received from homestead proofs covered into the treasury, and not thereafter expended, in full, for clerical services, in cases where land officers had to bear part of the outlay from their own salaries, Mr. McShane, as usual, remembered the toiling settler.

#### HOMESTEAD RELIEF.

MR. McSHANE: I am speaking of the fees collected from homesteads. The last report of the Commissioner of the General Land Office shows that the revenue from homesteads alone for 1887 was nearly \$1,700,000; \$1,700,000 collected from the settlers on the public domain, who are supposed to have little, in many cases nothing at all, not even enough to pay necessary legal fees in proving up their claims.

Is it pretended that this Government is to collect from this class of people a revenue of \$1,700,000 in every year when we must admit that the intention of the law was that the minimum amount should be collected from settlers on the public domain—only enough to meet the expense of maintaining the clerical force? In 1884 there was \$145,000 appropriated for clerk-hire and contingent expenses in one hundred and six offices. In addition to this the registers

and receivers received all of the fees collected for reducing testimony to writing, and also for the furnishing of abstracts and plats, but in the present bill, with one hundred and eleven land offices, the committee appropriate only \$150,000 and cover into the treasury the fees collected. Of the \$120,000 that was appropriated for contingent expenses last year \$86,000 was covered into the treasury, leaving a balance of only \$34,000 in that fund. Now, I desire to say that the money appropriated by this bill is not money taken out of the treasury at all. The salaries of the registers and receivers, and also of the clerical force in the local land offices are based upon the amount of fees collected in those offices, and if there is not \$3,000 collected in fees the officer does not get that amount.

This money is appropriated merely as a guaranty fund; it is collected back from settlers proving up on their claims; so that in the appropriation of this money there is not a dollar of real expenditure on the part of the Government. The settlers pay the money into the local land offices, and from there it is covered into the treasury and appropriated back by Congress for the payment of the expenses of the service.

#### FREE IRON AND STEEL.

When a tariff bill was under discussion, with a provision that "Iron and steel hoops for cotton ties and baling purposes" should come in free, and a clamor was raised that such legislation would be a special favor to the South, Mr. McShane offered an amendment, and said:

MR. MCSHANE: I am in favor of admitting hoop-iron of the class mentioned in this paragraph free of duty, provided that when admitted it may be used for any purpose whatever. The amendment that I offer will accomplish that object and admit iron and steel hoops not thinner than No. 20 wire gauge free of duty and will allow the same to be used for whatever purpose parties may choose to use them.

MR. BAYNE: I suggest to the gentleman that he will not fully accomplish his purpose by his amendment, because they use more wire than hoop-iron for baling.

MR. MCSHANE: I want them to have the privilege of using hoop-iron if they see fit, and I merely want to say now, because I do not wish to take up the time of the House, that upon a failure to allow this hoop-iron to be used for any purpose for which people desire to use it, I shall vote to

strike out from this bill the paragraph under consideration, thus leaving the duty as it exists under the present law.

The amendment was agreed to.

#### A FAITHFUL WORKER.

The Congressional Record shows that while Mr. McShane gave special attention to the subject of lands, the Committees of Indian Affairs and Public Buildings were those to which he was specially assigned, and which were of vital importance to the new state. From the Committee of Public Buildings it was his good fortune to have reported in favor of United States buildings at Omaha, Beatrice and Hastings; and from Indian Affairs, in behalf of the interests of the Flatheads, Omahas, Umatillas and Winnebagoes.

The list of pension applications presented by him, and argued before the committee, was, as usual, voluminous; while Western Territories appealed to the kindly offices of one who had far exceeded many of their citizens in a residence west of the Missouri.

As a man of active business habits, he was known as a worker, more than a mere talker; and before the end of a single term was longing for the interchangeable recreation of life upon the range with that of the board of trade, the counting house and railroad construction.

## HON. WILLIAM J. BRYAN.

March 4th, 1891—March 4th, 1895.

Hon. W. J. Bryan was born in Salem, Marion County, Illinois, March 19, 1860; attended public school until fifteen years of age, spending his vacations on the farm; in the fall of 1875 entered Whipple Academy at Jacksonville, Illinois; entered Illinois College, Jacksonville, in 1877; completed a classical course and was graduated with the highest honors in 1881; attended Union College of Law, Chicago, Illinois, for two years, during which time he was connected with the office of ex-Senator Lyman Trumbull; began the practice of his profession at Jacksonville; removed to Lincoln, Nebraska, October 1, 1887, and became a member of the firm of Talbot & Bryan; never held an elective office prior to his election to Congress; was elected to the Fifty-second congress as a Democrat, receiving 32,376 votes, against 25,663 votes for William J. Connell, Republican; 13,066 votes for Allen Root, Independent; 1,670 votes for E. H. Chapin, Prohibitionist, and 8 votes scattering.

He was renominated by acclamation in 1892, met his opponent in joint debate and was elected by 140 plurality, in a district giving the Republican State ticket 6,000 plurality. To defeat him Governor Foraker and McKinley, of Ohio, entered the canvass. He was again placed on the Ways and Means Committee and took an active part in preparing the tariff bill of 1894. Three years from his arrival in Nebraska he was nominated and first elected to congress. During joint discussions with Hon. W. J. Connell, in a campaign memorable for honorable competition and manly decorum, the culmination came in the following

## CLASSICAL EPISODE.

MR. BRYAN to MR. CONNELL: We now bring to a close this series of debates, which was arranged by our committees. I am glad that we have been able to conduct these discussions in a courteous and friendly manner. If I have in anyway offended in word or deed, I offer apology and regret,



and as freely forgive. I desire to present to you in remembrance of these pleasant meetings, this little volume, because it contains "Gray's Elegy," in the perusal of which I trust you will find as much pleasure and profit as I have. It is one of the most beautiful and touching tributes to humble life that literature contains. Grand in its sentiment and sublime in its simplicity, we can both find in it a solace in victory or defeat. If success should crown your efforts in this campaign and it should be your lot

"The applause of listening senates to command,"

And I am left

"A youth to fortune and to fame unknown,"

Forget not us, who in the common walks of life perform our part, but in the hour of your triumph recall the verse:

"Let not ambition mock their useful toil,  
Their homely joys and destinies obscure,  
Nor grandeur hear with a disdainful smile  
The short and simple annals of the poor."

If, on the other hand, by the verdict of my countrymen I should be made your successor, let it not be said of you—

"And melancholy marked him for her own,"

But find sweet consolation in the thought—

"Full many a gem of purest ray serene  
The dark unfathomed caves of ocean bear;  
Full many a flower is born to blush unseen,  
And waste its sweetness on the desert air."

But whether the palm of victory is given to you or to me, let us remember those of whom the poet says:

"Far from the madding crowd's ignoble strife,  
Their sober wishes never learned to stray;  
Along the cool, sequestered vale of life  
They kept the noiseless tenor of their way."

These are the ones most likely to be forgotten by government. When they cry out for relief they too often hear no answer but the "echo of their cry," while the rich, the strong, the powerful are given an attentive ear.

For this reason is class legislation dangerous and deadly; it takes from the least able to give and gives to those who are least in need. The safety of our farmers and our laborers is not in special legislation, but in equal and just laws, that bear alike on every man. The great mass of our people are interested, not in getting their hands into other people's pockets, but in keeping the hands of other people out of their pockets.

Let me in parting express the hope that you and I may

be instrumental in bringing our government back to better laws, which will treat every man in all our land alike without regard to creed or condition. I bid you a friendly farewell.

#### RENOMINATION DECLINED.

As the end of his second congressional term approached, in the fall of 1894, Mr. Bryan declined to be a candidate for re-election, and was announced as a candidate for United States Senator, according to a provision of the constitution of Nebraska. Having been endorsed by a Free-Silver Democratic State Convention, which also adopted the Populist candidate for Governor, he entered upon the campaign with all his accustomed zeal and power. Had the Populists and Democrats elected a majority of the legislature his election to the Senate was generally conceded.

Of joint debates, with the Hon. John M. Thurston, who was elected to the Senate by a Republican legislature, it is safe to say, that no such wild enthusiasm ever before possessed Nebraska audiences; and no greater display of forensic eloquence ever repaid their devoted attention.

#### HONORABLE PROMOTION.

On his first election, as the second Democrat from the State, and predicated on his splendid canvass, party papers at once demanded for him unusual recognition upon the committees of the House. In addition to this, his Illinois friend, Mr. Springer, was made chairman of the Committee of Ways and Means, and knowing of the ability and acquirements of the young member from the West desired him as a colleague. But to the members, generally, he was only a legislative novice from a purely agricultural state. On the 16th of March, 1892, he delivered a tariff speech of which a correspondent said:

When William Jennings Bryan arose in his seat in the House last week to address that body on the tariff question those who knew him best did not doubt that he would do himself and his party credit, but even his most sanguine friends were unprepared for the sensation that his speech created. It is no stretch of the imagination to say that this speech was a sensation, for rarely before in the history of



W. J. BRYAN.



Congress has a new man been accorded the attention or awarded the praise that has fallen to the rising young statesman from Nebraska. When he began to speak the Republicans looked on with something of curiosity, but curiosity soon gave way to interest, and interest developed into admiration as the conviction became apparent that it was not the argument of a novice that was being delivered.

When the next morning's sun arose Mr. Bryan found that he was famous and that his political sun was already high in the heavens. Without exception the papers all over the country spoke in the most glowing terms of this new light in the Democratic party, and predicted a brilliant future for him.

#### GEMS.

In presenting a summary of this "maiden effort," an admission of failure on the part of the compiler need not humiliate, considering how far disjointed parts fall beneath a harmonious whole. As a compiler, however, I will give a pen picture of him, in colors of his own compounding, as he stands out on the plane of the *Congressional Record*.

#### FIRST, AS A FEARLESS, SELF-POISED ANTAGONIST.

In his opening sentence he accepted the protection challenge of Mr. Dingley, of Maine, and waiving all conventional formalities, as a new member, thrust a javelin at once in the side of the opposition party, whom he described as occupying the "wedge shaped space on what used to be called the Republican side." Said he:

I consider myself fortunate that I am permitted to hear protection doctrine from its highest source. Out in Nebraska we are so far away from the beneficiaries of a tariff that the argument, namely, justification of protection, in traveling that long distance, becomes somewhat diluted and often polluted, so that I am glad to be permitted to drink the water, fresh from its fountains in Maine and Massachusetts, and I will assure the gentleman that those of us who believe in tariff reform are willing to meet him on the principles involved not only here, but everywhere.

At the end of an hour, having revealed himself as a sound, logical debater, Mr. Burrows (Republican) moved that he be

granted unlimited time, and the advocates of high protection determined to ply the new and inexperienced member with annoying questions.

EQUAL TO THE EMERGENCY.

MR. MCKENNA: Do you really believe that the protective policy is similar to the pick-pocket policy of putting a man's hand into another man's pocket and extracting money from it?

MR. BRYAN: Yes, that is my belief.

MR. MCKENNA: Now, then, one more question. You can answer it all together. If that is so, how do you justify your position, not in economics, but in morality, for reporting a bill which leaves 39 per cent taxes on woolen clothing?

MR. BRYAN: Mr. Chairman, if I found a robber in my house, who had taken all I had, and I was going to lose it all or else get back one-half I would take the half. [Laughter and applause on the Democratic side.] I will ask the gentleman from California if he would refuse to give the people any relief because he could not give all that he wanted to give.

MR. MCKENNA: No.

MR. BRYAN: Then we agree. [Applause.]

MR. PERKINS: Are you to be understood as opposed to a state or national protection to be extended to the beet-sugar industry?

MR. BRYAN: I am most assuredly. [Loud applause on Democratic side.] And when it is necessary to come to Congress and ask for a protection or bounty for an industry in my own state, which I should refuse as wrong to an industry in another state, I shall cease to represent Nebraska in Congress. [Great applause.] There is the difference between a bounty and a protective tariff that the Bible describes when it speaks of the "destruction that wasteth at noonday, and the pestilence that walketh in darkness."

MR. RAINES: I have in my desk a list of twenty-seven manufacturers of tin, but I want to say to the gentlemen, that no trade paper was ever published that could ever contain a list of all the tin plate liars of the United States. [Applause on the Republican side.]

MR. BRYAN: I do not suppose that paper, then, has a biographical sketch of my friend from New York. [Prolonged applause on the Democratic side.]

HAPPY WITH ILLUSTRATION.

It has been said that a slave was a slave simply because

100 per cent of the proceeds of his toil was appropriated by somebody without his consent. If the law is such that a portion of the proceeds of our toil is appropriated by somebody else without our consent, we are simply to that extent slaves as much as were the colored men. And yet this party, that boasts of striking the manacles from 6,000,000 slaves, is engaged driving the fetters deeper into the flesh of 65,000,000 of free men.

You want to raise an infant industry; you take a protective tariff for a lever and put one end of it under the infant industry; you look around for some good, fat, hearty consumer, and lay him down for a ground chunk; you bear down on the rail, and up goes the infant industry, but down goes the ground chunk into the ground. [Laughter and applause.]

Out in Nebraska there was a time when we had almost one sheep for each man, woman and child. We look back to it as the mutton age of Nebraska. [Laughter.] But alas! that happy day has passed. The number of sheep has decreased, until now, if every woman in the State named Mary insisted on having a pet lamb at the same time, we would have to go out of the State to get lambs enough to go around. [Laughter and applause.]

#### CLASSICAL ALLUSIONS.

Homer tells how Ulysses escaped from the cave of the Cyclops by means of a sheep. We read in the Bible that when Isaac was about to be offered up, a ram was found caught by the horns in a thicket, and offered in his stead; and in the 4th chapter of Genesis, I think in the 2d verse—my Republican friends, of course, will remember [laughter]—it is recorded of the second son of the first earthly pair, “Abel was a keeper of sheep.” And from that day to this the sheep has been the constant companion of man in all his travels, and it has differed from its modern owner perhaps the most in that it is recognized as the symbol of meekness. [Laughter.]

In dealing with the imperious ex-Speaker, Tom Reed, of Maine, who used to count quorums when the House journal did not disclose the fact, Mr. Bryan’s English classics did good service.

MR. BRYAN: We shall not find fault with him if he consumes much of his time, as he gazes around upon the chairs once occupied by his faithful companions, in recalling those beautiful words of the poet Moore—

"'Tis the last rose of summer,  
 Left blooming alone.  
 All her lovely companions  
 Have faded and gone.  
 No flower of her kindred,  
 No rosebud is nigh,  
 To reflect back her blushes,  
 Or give sigh for sigh."

[Laughter.]

The time may come, I say, when his constituents will address him in the language of that other verse, as beautiful in words and appropriate in sentiment—

"I'll not leave thee, thou lone one,  
 To pine on the stem,  
 Since the lovely are sleeping,  
 Go sleep thou with them.  
 Thus kindly I scatter  
 Thy leaves o'er the bed  
 Where thy mates of the garden  
 Lie scentless and dead."

We cannot afford to degrade the common people of this land, for they are the people who in time of prosperity and peace produce the wealth of the country, and they are also the people who in time of war bare their breasts to a hostile fire in defense of the flag.

Go to Arlington, or to any of the national cemeteries; see there the plain white monuments which mark the place "where rests the ashes of the Nation's countless dead."—those of whom the poet has so beautifully written—

"On fame's eternal camping ground,  
 These silent tents are spread."

#### BRILLIANT RETORTS.

You say that we deceived them; that we exceeded you in misrepresentation. You have the consolation of knowing that if we did, it was the first time we ever went beyond you in that respect. [Applause.] But we did not, because, as a successful fabricator, the average Republican will be recognized as one the latchet of whose shoes we are not worthy to unloose. [Applause.]

Where are the men who were the most largely instrumental in fastening that iniquitous legislation on this country?

MR. RAINES: One of them is Governor of Ohio.

MR. BRYAN: Yes; I believe he did succeed in being elected governor of a Republican State. [Applause.]

MR. DAVIS: By a minority vote.

MR. BRYAN: Yes, by a minority vote. And to such extremity has this great Cæsar come that he welcomes the hold-



ing of a Republican state, now, more than ever before, he boasted of the conquest of an empire. [Applause.]

And to-day the once proud Republican party thinks it worth while to announce to this body, through the gentleman (Mr. Raines), that the Republican party has made a gain in supervisors in New York. [Laughter and applause.]

As space can not be given to many paragraphs of a two hours' speech, it is difficult to do justice to the argument and the speaker.

#### FREE WOOL.

MR. BRYAN: The reason why I believe in putting raw material upon the free list is because any tax imposed upon raw material must at last be taken from the consumer of the manufactured article. You can impose no tax for the benefit of the producer of raw material which does not find its way through the various forms of manufactured product, and at last press with accumulated weight upon the person who uses the finished product.

Another reason for believing that raw material should be upon the free list is because that is the only method by which one business can be favored without injury to another. We are not, in that case, imposing a tax for the benefit of the manufacturer, but we are simply saying to the manufacturer: "We will not impose any burden upon you." When we give to the manufacturer free raw material and free machinery, we give to him, I think, all the encouragement which a people acting under a free Government like ours can legitimately give to an industry.

#### NOT CLASS LEGISLATION.

Our friends have said that this is class legislation. That is, that when we say we will deprive the wool-grower of any advantage he has under the present law we are guilty of class legislation. It is sufficient evidence, Mr. Chairman, that this bill does not advance class legislation that the Republican party is solidly opposing it. If it were class legislation we could reasonably expect their united support. [Applause on the Democratic side.]

But, sir, I desire to call the attention of the committee to this distinction. We have referred to it in the report of the committee on binding-twine. There is a difference between a man coming to this Congress and demanding that other people shall be subjected to a tax for his benefit and a demand on the part of those taxed to be relieved of the burden. Is there not a difference between these two

principles? It seems to me that the difference is as marked as between day and night. It is simply this difference, sir: The man who says, "Impose upon somebody else a tax for my benefit," says what the pickpocket says, "Let me get my hand into his pocket"; but the man who says, "Take away the burdens imposed on me for other people's benefit," says simply what every honest man says, "Let me alone to enjoy the results of my toil." I repeat, is there not a difference between these two principles?

#### MR. CLAY'S ARGUMENT.

Having quoted Alexander Hamilton, in 1791, against the policy of "continued bounties," Mr. Bryan continued:

That was the original idea. Mr. Clay said in 1833:

"The theory of protection supposes too that after a certain time the protected arts will have acquired such strength and perfection as will enable them subsequently, unaided, to stand against foreign competition."

And again in 1840:

"No one, Mr. President, in the commencement of the protective policy, ever supposed that it was to be perpetual."

This was the argument used in the beginning; but arguments have to be framed to meet conditions, and we find now that infants that could get along on 10 per cent when they were born, and 20 per cent when they were children, and 30 per cent when they were young men, have required 40, 50, 60, or 70 per cent when old and entering upon their second childhood. [Laughter.]

As a justification for attacking the tariff law by special amendment, he referred to the fact that the Senate and President would resist a general modification, but he hoped might favor a few changes on articles of prime necessity. His language was:

It is not as great a reduction as might be made. I believe that we have left far more tariff than can be shown to be necessary to provide for any difference, if there be any difference, between the cost of manufactures here and abroad. But I am led to agree to this moderate reduction of the tariff upon manufactured articles for two reasons; first, because, in going from a vicious system—and I believe that our present system is a vicious system, created by the necessities of war and continued by favoritism—because, I

say, in going from a vicious to a correct system the most rapid progress can be made by degrees.

Another reason why I am willing to stop at this point at this time is because all measures of legislation must be practical rather than ideal.

#### SUNLIGHT TOO CHEAP.

Desiring to give prominence to the theory which he regarded as fallacious, "an attempt to raise at a high price that which we can purchase abroad at a low price" in exchange for the products of our toil, we have:

It was said by a gentleman who appeared before the committee—I think at the last Congress—that wool could be raised in Australia for 6 cents a pound, and that it could not be raised in this country for less than 15 cents; and we are told that it is a wise policy to so tax imported wool as to enable our people to raise wool at 15 cents a pound instead of buying it at 6 cents a pound; that we save money and give employment to labor. If that principle is true, then it is wise to raise wool at 15 cents a pound instead of buying at 3 cents, because we save more in labor. If it is wise to raise it at 15 cents a pound instead of buying it at 3, it is still wiser to raise it at 15 cents rather than have somebody give it to us. [Laughter.]

That is what it leads to; and the gentlemen who maintain that position are fit companions for the people who are supposed by Bastiat to have petitioned the French legislature to find some way of preventing the sun from shining, because it interfered with the business of the candle-makers. If their theory is true, then the most unkind act of the Creator was to send that great orb of day every morning to chase away the shadows of the night, flood all the earth with his brightness, and throw out of employment those who otherwise might be making tallow candles to light the world. [Laughter.]

#### REVENUE.

I am not objecting to a tariff for revenue. If it were possible to arrange a system just as I believe it ought to be arranged, I should collect one part of our revenues for the support of the Federal Government from internal taxes on whisky and tobacco. These are luxuries and may well be taxed. I should collect another part from a tariff levied upon imported articles, with raw material on the free list—the lowest duties upon the necessaries of life and the

highest duties upon the luxuries of life. And then I should collect another part of the revenues from a graduated income tax upon the wealth of this country. [Loud applause on the Democratic side.] It is conceded by all writers that a tariff upon imports operates most oppressively upon the poor. A graduated income tax would fall most heavily upon the rich, and thus the two would partially compensate each other and lessen the injustice that might come from either one alone. That, I say, would be my idea, if it were possible.

“REDUCTIO AD ABSURDUM.”

Mr. Bryan showed great ability in the “*Reductio ad absurdum*” mode of argumentation:

Now, what is a protective tariff, and what does it mean? It is a simple device, by which one man is authorized to collect money from his fellow-men. There are two ways in which you can protect industry. You can give it a bounty out of the Federal Treasury, or you can authorize it to take up the collection itself. This is the only difference. Suppose that the Chairman desired to help some particular industry—for instance, one in the home of my friend from New York (Mr. Raines), who has asked the question. He might do it in either of two ways. He might pass around the hat here and collect the money and turn it over to the favored industry, or he might simply say to the man, “I will put a tariff upon the imported article and make the price so high that you can collect the additional price for your home-made article.”

Now, what is the difference except that in the one case the Chairman passes around the hat and turns the money over to his friend, and in the other case he authorizes the friend to pass the hat himself.

WHO WILL JUSTIFY IT?

I desire to say that no man on that side of the House in this session of Congress will stand up before you and justify a law that takes from one man one cent and gives it to another man if he will admit that that is the operation. Take an illustration: Here are ten men owning farms side by side. Suppose that nine of them should pass a resolution, “Resolved, That we will take the land of the tenth man and divide it among us.” Who would justify such a transaction? Suppose the nine men tell the tenth man that he will get it back in some way; that it is a great advantage to live amongst nine men who will thus

be better off, and that indirectly he gets an advantage from the transaction? [Laughter and applause on the Democratic side.]

How long do you suppose it would be before they would convince that man that they were right in taking his land? Would you, gentlemen, dare to justify that? You would not justify the taking of one square foot of his land. If you do not dare do that, how will you justify the taking of that which a man raises on his land, all that makes the land valuable? Where is the difference between the soil and the product of the soil? How can you justify the one if not the other?

#### MORE BLESSED TO GIVE THAN TO RECEIVE.

Now, there are two arguments which I have never heard advanced in favor of protection; but they are the best arguments. They admit a fact and justify it, and I think that is the best way to argue, if you have a fact to meet. Why not say to the farmer, "Yes, of course you lose; but does not the Bible say, 'It is more blessed to give than to receive'—[laughter]—and if you suffer some inconvenience, just look back over your life and you will find that your happiest moments were enjoyed when you were giving something to somebody, and the most unpleasant moments were when you were receiving." These manufacturers are self-sacrificing. They are willing to take the lesser part, and the more unpleasant business of receiving, and leave to you the greater joy of giving. [Loud laughter and applause on the Democratic side.]

Why do they not take the other theory, which is borne out by history—that all nations which have grown strong, powerful, and influential, just as individuals have done it, through hardship, toil, and sacrifice, and that after they have become wealthy they have been enervated, they have gone to decay through the enjoyment of luxury, and that the great advantage of the protective system is that it goes around among the people and gathers up their surplus earnings so that they will not be enervated or weakened, so that no legacy of evil will be left to their children. Their surplus earnings are collected up, and the great mass of our people are left strong, robust, and hearty. These earnings are garnered and put into the hands of just as few people as possible, so that the injury will be limited in extent. [Great laughter and applause on the Democratic side.]

## LONG LIVE THE KING.

After quoting Mr. Jefferson's description of a happy and prosperous people he came to a period, exclaiming:

The day will come, Mr. Chairman—the day will come when those who annually gather about this Congress seeking to use the taxing power for private purposes will find their occupation gone, and the members of Congress will meet here to pass laws for the benefit of all the people. That day will come, and in that day, to use the language of another, "Democracy will be king! Long live the king!" [Prolonged applause on the Democratic side.]

## BINDING TWINE.

May 3rd, 1892, Mr. Bryan having in charge a bill on its passage, to place binding twine on the free list, declined its further discussion as his views were fully given on a wool bill. Of the binding twine bill he said:

This bill places upon the free list the various kinds of binding-twine. The majority and minority of the committee agree upon some of the facts. We agree that there were consumed in this country last year about 100,000,000 pounds of binding-twine. We agree that if a tariff of seven-tenths of 1 per cent is added to the price of the binding-twine that it costs the people of this country \$700,000 because of that tariff.

We agree also that no twine was imported and that no revenue was received by the Government from this source. Therefore, if this was a tax upon the consumer, it was a tax of \$700,000 taken out of the people's pocket, not one cent of which reached the Treasury. According to the Republican idea, that is an ideal tariff; it embraces the maximum of burden with the minimum of revenue. [Laughter.]

We had a report from one of the manufacturers of binding-twine that there are thirty-five binding-twine factories in the United States (there are possibly a few more). If that is true, then \$700,000 a year means \$20,000 to every one of these binding-twine factories. Is that a trifling consideration? It is trifling to the farmer to be taxed 1 cent an acre, but it is a matter of some importance (which the minority seem to think of more consideration) that it means \$20,000 a year to every binding-twine manufacturer in this country. This tax is a small matter, Mr. Chairman; 1 cent an acre is trivial; the total sum is not great; but if

you concede the right of Government to collect from the farmer 1 cent an acre in order that a binding-twine factory may make \$20,000 a year more, you concede the right of Government to collect from that farmer 1 cent an acre on each of two hundred additional items for the "protection" of other industries, until you have absorbed every cent of his income from his farm. They told us the other day that there are twenty-five hundred articles upon the tariff list.

Now, if there are twenty-five hundred articles upon that list, and you can take one at a time and deal with it upon this principle, imposing a tax of 1 cent an acre upon the farmer for each article, then you can impose an aggregate tax of \$25 an acre upon the farmer for the benefit of somebody else. This binding-twine tax is a trifling consideration, but the farmers of this country who have been oppressed, who have been made to bleed at every pore by your infamous system, will welcome even a trivial advantage as an earnest of that complete relief which will come when it is in our power to give it. [Loud applause on the Democratic side.]

#### FOX AND CHICKENS.

Just as the bill was put upon its passage, Mr. Bryan, replying to Mr. Payne, of New York, said:

I ask them why it is that people who manufacture this article are so anxious to continue a system which they say reduces the price of that which they have to sell? We have listened too long to the men who levy these charges upon the farmers and who continually assert that they are the only friends of the farmer. It is too much like the parable of the fox, who when the farmer undertook to build a fence around his chicken house, said: "You go about your business; we foxes will take care of the chickens; we are used to that sort of thing; we understand the chicken business; you can do something else." [Laughter.]

Mr. Speaker, the farmer has been allowing these men to attend to this business for him long enough, but he has now come to the point where he is going to attend to it himself, and gentlemen who represent farming constituencies upon this floor will have something more than child's play on their hands when they go back and undertake to explain to their constituents why it is that they are willing to refuse even the benefit of 1 cent an acre to this oppressed class. I do not care to consume more time. I demand the yeas and nays upon the motion to suspend the rules and pass this bill. Let us so vote that we can defend our action before our constituents. [Applause on the Democratic side.]

## PINKERTON DETECTIVES.

Just after the bloody repulse of the Pinkerton detectives by the Homestead strikers in Pennsylvania, the House of Representatives ordered an investigation.

MR. BRYAN: I only desire to say, Mr. Speaker, that this resolution ought to pass. It is simply to investigate whether there has been any violation of the Federal Constitution or laws by the action of these men. I believe in law and order, but I believe that the law and order should be maintained by the lawful authorities, and not by private armies. Governments are organized to protect life and property. These functions should not be transferred to private individuals and hired detectives until we are ready to acknowledge government a failure. It is not fair to compel corporations to protect their property in this way, nor is it right that the safety and even life of the citizen shall be imperiled by a private and irresponsible soldiery. Let public order be preserved by public authority. [Applause.]

## CURRENCY.

MR. BRYAN: I am in favor of the gold and silver coinage of the Constitution. I am in favor of the free coinage of gold and silver at the present ratio and believe that our paper money should be issued by the National Government alone, and convertible into coin on demand [applause]; I am not willing, either by my voice or vote, to continue national banks as banks of issue; neither am I willing that the states shall authorize private corporations to issue money which would have all the objectionable features of national-bank notes without their advantages. If we are going to have a currency issued by private corporations—I repeat I do not think we should have it at all—I want a currency that is guaranteed, that will be as good in one state as another, and that will not be subject to the fluctuation which the gentleman from Ohio (Mr. Joseph D. Taylor) has spoken of. I do not want a currency which will make it necessary whenever a man travels from one state to another to have telegraphic communication with all parts of the United States in order to know whether his money is good.

## ADDITIONAL NAVY APPROPRIATIONS.

MR. BRYAN: This House has in the present Congress passed bills proposing to bring to the country relief from taxation; does the other legislative branch consider those measures? No; it stands absolutely in the way of afford-



ing any relief whatever to the people. It yields absolutely nothing to us. Now, it seems to me, Mr. Speaker, that when the other branch of the Legislature insists upon extravagant expenditures, while at the same time refusing relief to the people, we who have sought to afford such relief are justified in refusing assent to such extravagant expenditures. [Applause on the Democratic side.]

Mr. Speaker, I believe in a sufficient navy. We have this now, either in existence or in construction. We do not need more. It is not necessary for us to establish a navy greater than any other in the world, any more than it is necessary for us to organize a larger standing army than any other nation. I desire to emphasize the thought which has been so eloquently expressed by my friend from Indiana (Mr. Holman)—that we are becoming a nation of splendor, a nation of extravagance, a nation of show. I may be pardoned for repeating—not because gentlemen have not heard it, because the thought conveyed deserves to be impressed upon every mind—the truth so beautifully expressed by the English poet:

“Ye friends of truth, ye statesmen who survey  
The rich man’s joys increase, the poor’s decay,  
’Tis yours to judge how wide the limits stand  
Between a splendid and a happy land.”

[Applause on the Democratic side.]

Mr. Speaker, if it is the object of the body at the other end of this Capitol to bring us the splendor of a great country, let it be our object to build up a happy land. We can afford to go forth to our people upon such a record. [Applause on the Democratic side.]

#### ELECTION OF U. S. SENATORS.

In the House, July 19, 1892, a member from Wisconsin, Mr. Bushnell, said:

The method is following out, and in accordance with a joint resolution introduced early in the session by the gentleman from Nebraska (Mr. Bryan), and is substantially the adoption of the constitutional amendment proposed by him in that joint resolution.

MR. BRYAN: Mr. Speaker, I do not desire to consume the time of this House in the discussion of the merits of the original proposition. So far as the election of Senators by the people is concerned, I am in favor of it in whatever form it may come, and I can see no reason that can be urged against the proposition, except a distrust of the people themselves. But I do earnestly desire to call the atten-

tion of the members of the House to a difference between the majority and minority reports.

About three months ago I took the liberty of sending to each member of this House a circular letter, calling attention to the minority report and to the reasons why it was presented, in order that the matter might be calmly considered, and I beg the members of this House at this time in considering this very important question to take up these two reports and to adopt the resolutions which are most likely to meet with general approval.

The amendment which has been proposed by the gentleman from Wisconsin (Mr. Bushnell), representing the minority, instead of making the election of Senators compulsory upon all the states, leaves it optional with each state to adopt or reject the plan as it sees fit. In other words, it is acting in the line of the least resistance. We are attempting to change the Constitution of the United States. While I believe that there is a great public demand for this change among the people, yet I know that it will be combated. I know there will be opposing influences and forces, and I am anxious that we shall adopt that proposition which will have the most chance of being accepted by the people. The optional feature ought to be most acceptable to both sides of this House, whether they favor the election of Senators by the people or not. If you are opposed to it, if you believe that your state does not favor it, then you should favor the optional feature, because it leaves your state free to accept it or reject it.

If, on the other hand, you are in favor of the election of Senators by the people, as I am, then you ought to have confidence that, if it is left to the people to say, they are wise enough to decide for themselves. You simply give them the privilege in each state of adopting this method if they see fit, and I believe the result of such a proposition would be that in a short time every state in the Union would be electing its United States Senators directly by the people.

#### ORATORICAL CONDENSATION.

During the second session of the 52nd Congress, amidst intense excitement and anxiety in the House, over an effort to force a vote involving a repeal of the Sherman act of 1890, four minutes only could be allowed Mr. Bryan in which to portray political history, party fidelity, with pertinent illustrations and forcible deductions, couched in plain, bold, parliamentary sarcasm.

How well he succeeded in compassing a vast circle, in brief time, will appear from the following condensation.

MR. COX, of Tennessee: I yield four minutes of our time to the gentleman from Nebraska [Mr. Bryan].

MR. BRYAN: Mr. Speaker, we oppose the consideration of this bill because we oppose the bill, and we oppose the cloture which is asked in order to secure its passage, because the Democratic party dare not go before the people and tell them they refused cloture for free coinage—which is consistent with the history of the party; for the tariff bills which we promised to pass, and for the bill for the election of United States Senators by the people,—and only yielded to it at the dictation of the moneyed institutions of this country and those who want to appreciate the value of a dollar.

I call attention to the fact that there is not in this bill a single line or sentence which is not opposed to the whole history of the Democratic party. We have opposed the principle of the national bank on all occasions, and yet you give them by this bill an increased currency of \$15,000,000. You have pledged the party to reduce the taxation upon the people, and yet, before you attempt to lighten this burden, you seek to take off one-half million of dollars annually from the national banks of the country; and even after declaring in your national platform that the Sherman act was a “cowardly makeshift,” you attempt to take away the “makeshift” before you give us the real thing for which the makeshift was substituted.

What is a makeshift? It is a temporary expedient. And yet you tell us you will take away our temporary expedient before you give us the permanent good. You tell a man who is fighting with a club that it is a miserable makeshift and that he ought to have a repeating rifle; and yet you tell him to throw away his club and wait until his enemy gives him the rifle. We do not like the present law. It did not come from us. The Sherman law is the child of the opponents of free coinage. But they have given it to us, and we will hold it as a hostage until they return to us our own child, “the gold and silver coinage of the Constitution.” [Loud applause.] They kidnaped it twenty years ago, and we shall hold their child, ugly and deformed as it is, until they bring ours back or give us something better than the makeshift which we now have.

Mr. Speaker, consider the effect of this bill. It means that by suspending the purchase of silver we will throw 54,000,000 ounces on the market annually and reduce the price

of silver bullion. It means that we will widen the difference between the coinage and bullion value of silver, and raise a greater obstacle in the way of bimetallism. It means to increase by billions of dollars the debts of our people. It means a reduction in the price of our wheat and our cotton. You have garbled the platform of the Democratic party. You have taken up one clause of it and refuse to give us a fulfillment of the other and more important clause, which demands that gold and silver shall be coined on equal terms without charge for mintage.

Mr. Speaker, this can not be done. A man who murders another shortens by a few brief years the life of a human being; but he who votes to increase the burden of debts upon the people of the United States assumes a graver responsibility. [Loud applause.] If we who represent them consent to rob our people, the cotton-growers of the South and the wheat-growers of the West, we will be criminals whose guilt can not be measured by words, for we will bring distress and disaster to our people. In many cases such a vote would simply be a summons to the sheriff to take possession of their property. [Loud applause.]

THE SPEAKER: The time of the gentleman has expired.

#### EXTRA SESSION FIFTY-THIRD CONGRESS.

Mr. Bryan retired from the hall of the House at the end of the 52nd Congress, leaving the above as his last official utterance, in the *Record*.

Pledged to the platforms and creed of his party, before his constituents, the country and Congress, in behalf of "the unlimited coinage of silver," he had to go over and surrender to the bankers, the bondholders and lords of Wall Street and Europe, or else stand up boldly for his oft repeated and well matured convictions. But others had faltered, whose great fame rested upon a course diametrically opposed to their present coerced position. But our young statesman had the courage and sagacity to adopt the inverted motto, "Better *serve* in heaven than *reign* in hell."

Mr. Speaker—The President of the United States, in the discharge of his duty as he sees it, has sent to Congress a message calling attention to the present financial situation, and recommending the unconditional repeal of the Sherman law as the only means of securing immediate relief. Some

outside of this hall have insisted that the President's recommendation imposes upon Democratic members an obligation, as it were, to carry out his wishes, and over-zealous friends have even suggested that opposition to his views might subject the hardy dissenter to administrative displeasure. They do the President great injustice who presume that he would forget for a moment the independence of the two branches of Congress. He would not be worthy of our admiration or even respect if he demanded a homage which would violate the primary principles of free representative government.

Let his own language rebuke those who would disregard their pledges to their own people in order to display a false fealty. In the message which he sent to Congress in December, 1885, he said, in words which may well be our guide in this great crisis: "The zealous watchfulness of our constituencies, great and small, supplements their suffrages, and before the tribunal they establish every public servant should be judged." Among the many grand truths expressed felicitously by the President during his public career none show a truer conception of official duty or describe with more clearness the body from which the member receives his authority and to which he owes his responsibility.

I have read with care the message sent to us last week, and have considered it in the light of every reasonable construction of which it is capable. If I am able to understand its language it points to the burial of silver, with no promise of resurrection. Its reasoning is in the direction of a single standard. It leads irresistibly to universal gold monometallism—to a realm over whose door is written: "Abandon hope, all ye who enter here!" Before that door I stop, appalled.

#### SHALL PLEDGES BE REPUDIATED?

The last platform pledges us to the use of both metals as standard money and to the free coinage of both metals at a fixed ratio. Does anyone believe that Mr. Cleveland could have been elected President upon a platform declaring in favor of the unconditional repeal of the Sherman law? Can we go back to our people and tell them that, after denouncing for twenty years the crime of 1873, we have at last accepted it as a blessing? Shall bimetallism receive its death-blow in the House of its friends, and in the very hall where innumerable rows have been registered in its defense? What faith can be placed in platforms if their pledges can be violated with impunity? Is it right to rise above the power which created us? Is it patriotic to refuse that legislation

in favor of gold and silver which a majority of the people have always demanded? Is it necessary to betray all parties in order to treat this subject in a "nonpartisan" way?

The President has recommended unconditional repeal. It is not sufficient to say that he is honest—so were the mothers, who, with misguided zeal, threw their children into the Ganges. The question is not "Is he honest?" but "Is he right?" He won the confidence of the toilers of this country because he taught that "public office is a public trust," and because he convinced them of his courage and his sincerity. But are they willing to say, in the language of Job, "Though He slay me, yet will I trust Him"? Whence comes this irresistible demand for unconditional repeal? Are not the representatives here as near to the people and as apt to know their wishes? Whence comes the demand? Not from the workshop and the farm, not from the workingmen of this country, who create its wealth in time of peace and protect its flag in time of war, but from the middle-men, from what are termed the "business interests," and largely from that class which can force Congress to let it issue money at a pecuniary profit to itself if silver is abandoned. The President has been deceived. He can no more judge the wishes of the great mass of our people by the expressions of these men than he can measure the ocean's silent depths by the foam upon its waves.

#### THE MASSES OPPOSE UNCONDITIONAL REPEAL.

Mr. Powderly, who spoke at Chicago a few days ago in favor of the free coinage of silver at the present ratio and against the unconditional repeal of the Sherman law, voiced the sentiment of more laboring men than have ever addressed the President or this House in favor of repeal. Go among the agricultural classes; go among the poor, whose little is as precious to them as the rich man's fortune is to him, and whose families are as dear, and you will not find the haste to destroy the issue of money or the unfriendliness to silver which is manifested in money centers.

This question can not be settled by typewritten recommendations and suggestions made by boards of trade and sent broadcast over the United States. It can only be settled by the great mass of the voters of this country who stand like the Rock of Gibraltar for the use of both gold and silver. [Applause.]

There are thousands, yes, tens of thousands, aye, even millions, who have not yet "bowed the knee to Baal." Let the President take courage. Muehlbach relates an incident

in the life of the great military hero of France. At Marengo the Man of Destiny, sad and disheartened, thought the battle lost. He called to a drummer boy and ordered him to beat a retreat. The lad replied:

"Sir, I do not know how. Dessaix has never taught me retreat, but I can beat a charge. Oh, I can beat a charge that would make the dead fall into line! I beat that charge at the Bridge of Lodi; I beat it at Mount Tabor; I beat it at the Pyramids; Oh, may I beat it here?"

The charge was ordered, the battle won, and Marengo was added to the victories of Napoleon. Oh, let our gallant leader draw inspiration from the street gamin of Paris. In the face of an enemy proud and confident the President has wavered. Engaged in the battle royal between the "money power and the common people" he has ordered a retreat. Let him not be dismayed.

He has won greater victories than Napoleon, for he is a warrior who has conquered without a sword. He restored fidelity in the public service; he converted Democratic hope into realization; he took up the banner of tariff reform and carried it to triumph. Let him continue that greater fight for "the gold and silver coinage of the Constitution," to which three national platforms have pledged him.

Let this command be given, and the air will resound with the tramp of men scarred in a score of battles for the people's rights. Let this command be given and this Marengo will be our glory and not our shame. [Applause on the floor and in the galleries.]

The above collated sentences from his silver speech of August 16, 1893, illustrate the unpleasant position in which the Democratic party found itself in the extra session of 1893; which in the Senate threatened a disruption of the party.

During the delivery of this most remarkable speech, occupying three hours, and covering every material point necessary to indicate the policy of "unlimited coinage of silver," the hall of the House—the capacious galleries—approaching corridors, retiring rooms and lobbies—with every doorway and entrance, were packed to the last point of endurance, amid a silence so profound, that it emphasized the thunderbursts of applause. The spirit of the audience may be inferred from the manner in which its enthusiasm punctuated such passages as the following:

The poor man is called a socialist if he believes that the wealth of the rich should be divided among the poor, but

the rich man is called a financier if he devises a plan by which the pittance of the poor can be converted to his use. [Laughter and applause.]

The poor man who takes property by force is called a thief, but the creditor who can by legislation make a debtor pay a dollar twice as large as he borrowed is lauded as the friend of sound currency. [Laughter and applause.] The man who wants the people to destroy the Government is an anarchist, but the man who wants the Government to destroy the people is a patriot. [Applause.]

The man who has \$10,000 in money becomes worth \$20,000 in reality when prices fall one-half. Shall we assume that the money-lenders of this and other countries ignore the advantage which an appreciated currency gives to them and desire it simply for the benefit of the poor man and the laborer? What refining influence is there in their business which purges away the dross of selfishness and makes pure and patriotic only their motives? [Laughter.] Has some new dispensation reversed the parable and left Lazarus in torment while Dives is borne aloft in Abraham's bosom? [Laughter.]

Sirs, what will be the answer of the people whom you represent, who are wedded to the "gold and silver coinage of the Constitution," if you vote for unconditional repeal and return to tell them that you were commended for the readiness with which you obeyed every order, but that Congress has decreed that one-half of the people's metallic money shall be destroyed? [Applause.]

They demand unconditional surrender, do they? Why, sirs, we are the ones to grant terms. Standing by the pledges of all the parties in this country, backed by the history of a hundred years, sustained by the most sacred interests of humanity itself, we demand an unconditional surrender of the principle of gold monometallism as the first condition of peace. [Applause.] You demand surrender! Aye, sirs, you may cry "Peace, peace," but there is no peace. Just so long as there are people here who would chain this country to a single gold standard, there is war—eternal war; and it might just as well be known now! [Loud applause on the Democratic side.] I have said that we stand by the pledges of all platforms. Let me quote them:

#### BOND OR FREE.

Suppose we try bringing her to terms by action. Let me appeal to your patriotism. Shall we make our laws dependent upon England's action and thus allow her to



legislate for us upon the most important of all questions? Shall we confess our inability to enact monetary laws? Are we an English colony or an independent people? If the use of gold alone is to make us slaves, let us use both metals and be free. If there be some living along the eastern coast—better acquainted with the beauties of the Alps than with the grandeur of the Rockies, more accustomed to the sunny skies of Italy than to the invigorating breezes of the Mississippi Valley—who are not willing to trust their fortunes and their destinies to American citizens, let them learn that the people living between the Alleghanies to the Golden Gate are not afraid to cast their all upon the Republic and rise or fall with it. [Loud applause.]

One hundred and seventeen years ago the liberty bell gave notice to a waiting and expectant people that independence had been declared. There may be doubting, trembling ones among us now, but, sirs, I do not overestimate it when I say that out of twelve millions of voters, more than ten millions are waiting, anxiously waiting, for the signal which shall announce the financial independence of the United States. [Applause.] This Congress cannot more surely win the approval of a grateful people than by declaring that this Nation, the grandest which the world has ever seen, has the right and the ability to legislate for its own people on every subject, regardless of the wishes, the entreaties, or the threats of foreign powers. [Applause.]

#### CONCLUSION.

There had been the *silence of curiosity*; can he arise again to the summit on which he stood two years ago, when unheralded, as Pallas from the brain of Jove, he burst upon the House full armed?—the *silence of affection*; he must not fail—the *silence of Silver Party pride*; he pioneers our cause—the *silence of Republican anxiety*; will the earthquake rend the mountain?—the *silence of protesting Democrats*; voiced by a Tammany, Wall Street, oracle, “My God! a damaging speech! and must be answered.”

And now came the silence of sadness at

#### THE PARTING OF THE WAYS.

Well has it been said by the Senator from Missouri [Mr. Vest] that we have come to the parting of the ways. Today the Democratic party stands between two great forces, each inviting its support. On the one side stand the corporate interests of the Nation, its moneyed institutions, its

aggregations of wealth and capital, imperious, arrogant, compassionless. They demand special legislation, favors, privileges, and immunities. They can subscribe magnificently to campaign funds; they can strike down opposition with their all-pervading influence, and, to those who fawn and flatter, bring ease and plenty. They demand that the Democratic party shall become their agent to execute their merciless decrees.

On the other side stands that unnumbered throng which gave a name to the Democratic party and for which it has assumed to speak. Work-worn and dust-begrimed, they make their sad appeal. They *hear* of *average* wealth increased on every side and *feel* the *inequality* of its distribution. They see an over-production of everything desired because of the underproduction of the ability to buy. They can not pay for loyalty except with their suffrages, and can only punish betrayal with their condemnation. Although the ones who most deserve the fostering care of Government, their cries for help too often beat in vain against the outer wall, while others less deserving find ready access to legislative halls.

This army, vast and daily vaster growing, begs the party to be its champion in the present conflict. It cannot press its claims 'mid sounds of revelry. Its phalanxes do not form in grand parade, nor has it gaudy banners floating on the breeze. Its battle hymn is "Home, Sweet Home," its war cry "Equality before the law." To the Democratic party standing between these two irreconcilable forces, uncertain to which side to turn, and conscious that upon its choice its fate depends, come the words of Israel's second lawgiver: "Choose you this day whom ye will serve." What will the answer be? Let me invoke the memory of him whose dust made sacred the soil of Monticello when he joined

"The dead but sceptered sovereigns who still rule  
Our spirits from their urns."

He was called a demagogue and his followers a mob, but the immortal Jefferson dared to follow the best promptings of his heart. He placed man above matter, humanity above property, and, spurning the bribes of wealth and power, pleaded the cause of the common people. It was this devotion to their interests which made his party invincible while he lived and will make his name revered while history endures. And what message comes to us from the Hermitage? When a crisis like the present arose and the national banks of his day sought to control the politics of the Nation, God raised up an Andrew Jackson, who had the

courage to grapple with that great enemy, and by overthrowing it, he made himself the idol of the people and reinstated the Democratic party in public confidence. What will the decision be to-day? The Democratic party has won the greatest success in its history. Standing upon this victory-crowned summit, will it turn its face to the rising or the setting sun? Will it choose blessings or cursings—life or death—which? Which? [Prolonged applause on the floor and in the galleries, and cries of "Vote!" "Vote!"]

#### HOUSE BILL WITH SENATE AMENDMENTS.

Two months and a half from the delivery of the above speech, when it was under discussion again in the House, he proved its Republican features, and its violation of the Democratic platform, exclaiming:

The gentlemen who favor this bill may follow the leadership of Senator Sherman and call it Democratic; but until he is converted to true principles of finance I shall not follow him, nor will I apply to his financial policy the name of Democracy or honesty. [Applause.]

The last words uttered in the House, before the final vote on Senate amendments, were by the member from Nebraska.

You may think that you have buried the cause of bimetallism; you may congratulate yourselves that you have laid the free coinage of silver away in a sepulchre, newly made since the election, and before the door rolled the veto stone. But, sirs, if our cause is just, as I believe it is, your labor has been in vain; no tomb was ever made so strong that it could imprison a righteous cause. Silver will yet lay aside its grave clothes and its shroud. It will yet rise and in the rising and its reign will bless mankind. [Applause.]

And thus ended one of the most memorable debates in the history of Congress.

#### REVISED TARIFF.

On the 13th day of January, 1894, in the first regular session of the 53rd Congress, Mr. Bryan appeared before the House in a night session, to defend the Wilson bill, framed for purposes of revenue, with incidental protection.

Having won his congressional spurs in a previous congress, upon the theory of tariff duties in general, he now had an oppor-

tunity of defending their application in a revised system of tariff reform. Before arising to speak, when the last possible spectator had been crowded within the walls, and the clamor was still for admission, and members' families and ladies with escorts were admitted to the floor of the House and the orator granted unlimited time, it was a revelation of that sublime confidence that crowns the victor in advance of the contest.

Gracefully thanking the House for unusual courtesy, and acknowledging inspiration from so many ladies, for three hours he reigned supreme, to his comrades' delight and admiration of opponents.

Every attack that ingenuity could devise and personal interest enforce against the bill, had to be met and parried, while such an audience as man seldom addresses demanded that facts and theories, opinions and statistics should be so woven and embellished that the most frantic outbursts of applause should be conceded a failure in meeting the demand and discharging the delightful obligation.

The last deduction drawn, the last fallacy exposed, and now came a refutation of the charge of favoritism toward the South.

Texas has more sheep than any Northern State and yet her members are willing to give free wool to the manufacturers of Massachusetts. All the cotton is raised in the southern states, and yet the members from the South are willing to give free cotton to the manufacturers of New England.

The South and West can vote for this bill because, while it gives protection to the Northeastern States, it makes the tax less burdensome than it is now. History is repeating itself. A generation ago New England helped to free the black slaves of the South, and to-day the Southern people rejoice that it was accomplished. [Cheers and applause.] The time has come when the Southern people are helping to free the white slaves of the North; and in the fulness of time New England will rejoice that it is accomplished. [Great applause.] Thomas Jefferson, although a Virginian, favored emancipation, and yet that sentiment, born in the South, ripened and developed in the North until it came down and conquered the land from which it sprung.

The idea of commercial freedom had its birthplace in the

North, but it has spread over the states of the South and the West, and it will come back from these great sections and conquer the land in which it had its birth. [Applause.] Let us not stir anew the dying embers of civil strife. I did not live through those days. It was not my good fortune to be permitted to show my loyalty to the Union or my devotion to a State; and there are over all the South young men who have grown to manhood since the war; and they and their fathers rejoice to-day in the results of the war, achieved against their objection. These men do not deserve your scorn; they do not merit your contempt. They are ready to fight side by side with you, shoulder to shoulder, in making this the most glorious nation that the world has even seen. [Loud applause.] I have no doubt of the loyalty of the South, and I honor the sentiments so eloquently expressed the other day by the gentlemen from Georgia [Mr. Black] when he spoke in praise of the flag which he once disowned.

These gentlemen from the South, sir, who speak for union and fraternal love, and the men from the North who echo their sentiments, reflect the wishes of the people of this country far more accurately than the political volcanoes which break into active eruption every two years. [Loud applause.] I welcome these sons of the South, and gladly join them in every work which has for its object equality, freedom, and justice. And I rejoice that the people of these once estranged sections are prepared to celebrate the complete reunion of North and South so beautifully described by the poetess when she says:

“ ‘Together,’ shouts Niagara, his thunder-toned decree;  
 ‘Together,’ echo back the waves upon the Mexie sea;  
 ‘Together,’ sing the sylvan hills where old Atlantic roars;  
 ‘Together,’ boom the breakers on the wild Pacific shores;  
 ‘Together,’ cry the people, and ‘together’ it shall be,  
 An everlasting charter-bond forever for the free;  
 Of Liberty the signet-seal, the one eternal sign,  
 Be those united emblems—the Palmetto and the Pine.”

[Loud and long-continued applause.]

#### INCOME TAX.

It fell to the lot of Mr. Bryan to close the debate, on an amendment to the Wilson bill, in behalf of an income tax of 2 per cent on incomes of more than \$4,000; in doing which he answered all prominent objections, claiming that stockholders in corporations should not be allowed to limit liabilities beyond those attaching to individuals, and that their interests demand-

ing the protection of the courts should be responsible for taxes; that a New York woman living in a cheap boarding house having a \$3,000,000 income was paying less indirect tax than a laboring man spending his income of \$500 in family support; that such tax was no more inquisitorial than state taxes, and would not make the perjurer, but might find him out.

He handled without gloves the puerile argument that wealthy men would flee from the country.

MR. BRYAN: In a letter which appeared in the New York World on the 7th of this month, Ward McAllister, the leader of the "Four Hundred," enters a very emphatic protest against the income tax. [Derisive laughter.] Here is an extract:

"In New York City and Brooklyn the local taxation is ridiculously high, in spite of the virtuous protest to the contrary by the officials in authority. Add to this high local taxation an income tax of 2 per cent on every income exceeding \$4,000, and many of our best people will be driven out of the country. An impression seems to exist in the minds of our great Democratic Solons in Congress that a rich man would give up all his wealth for the privilege of living in this country. A very short period of income taxation would show these gentlemen their mistake. The custom is growing from year to year for rich men to go abroad and live, where expenses for the necessaries and luxuries of life are not nearly so high as they are in this country. The United States, in spite of their much boasted natural resources, could not maintain such a strain for any considerable length of time."

[Laughter.]

But whither will these people fly? If their tastes are English, "quite English, you know," and they stop in London, they will find a tax of more than 2 per cent assessed upon incomes; if they seek a place of refuge in Prussia, they will find an income tax of 4 per cent; if they search for seclusion among the mountains of Switzerland, they will find an income tax of 8 per cent; if they seek repose under the sunny skies of Italy, they will find an income tax of more than 12 per cent; if they take up their abode in Austria, they will find a tax of 20 per cent. I repeat. Whither will they fly? [Applause.]

Are there really any such people in this country? Of all the mean men I have ever known, I have never known one so mean that I would be willing to say of him that his patriotism was less than 2 per cent deep. [Laughter and applause.]

There is not a man whom I would charge with being will-

ing to expatriate himself rather than contribute from his abundance to the support of the Government that protects him.

If "some of our best people" prefer to leave the country rather than pay a tax of 2 per cent, God pity the worst. [Laughter.]

If we have people who value free government so little that they prefer to live under monarchical institutions, even without an income tax, rather than live under the stars and stripes and pay a 2 per cent tax, we can better afford to lose them and their fortunes than risk the contaminating influence of their presence. [Applause.]

I will not attempt to characterize such persons. If Mr. McAllister is a true prophet, if we are to lose some of our "best people" by the imposition of an income tax, let them depart, and as they leave without regret the land of their birth, let them go with the poet's curse ringing in their ears:

"Breathes there the man with soul so dead  
 Who never to himself hath said,  
     'This is my own, my NATIVE LAND!'  
 Whose heart hath ne'er within him burned,  
 As home his footsteps he hath turned  
     From wandering on a foreign strand?  
 If such there breathe, go, mark him well;  
 For him no minstrel raptures swell;  
 High though his titles, proud his name,  
 Boundless his wealth as wish can claim;  
 Despite those titles, power, and pelf,  
 The wretch, concent'red all in self,  
 Living, shall forfeit fair renown,  
 And, doubly dying, shall go down  
 To the vile dust, from whence he sprung,  
 Unwept, unhonor'd, and unsung."

[Loud and long-continued applause.]

#### SILVER COINAGE OF FIFTY-FIVE MILLION DOLLARS.

When the Secretary of the Treasury was proposing the sale of \$50,000,000 bonds in order to procure that amount of gold for a reserve fund and current expenses, Mr. Bryan urged the coinage of \$55,000,000 of silver bullion, already paid for and stored away in the vaults of the treasury. He showed how adroitly bankers and brokers could drain the gold reserve by presenting treasury notes and taking out gold, and then returning the same gold and exchanging it for bonds, leaving the treasury not one farthing increased in gold, but owing an additional interest-bearing debt. Said he:

If you do not want to give them this money, then let it go forth that this Congress, or those who are opposing this bill are in favor of confining a growing country to the present volume of currency, which must mean an appreciating dollar and falling prices, increasing debt, increasing suffering and the piling up of the wealth of this country in the hands of the few more rapidly than it has been done heretofore. If you are ready to say that, let us go out and fight the battle before the people. Let us leave it to them to determine the question. But, sirs, you cannot excuse yourselves for not giving the people this money unless you are prepared to show them how you can furnish them a better money with which to do their business. [Applause.]

Of the other discussions, in which he took a prominent part during the 53rd Congress, was one upon the character of money in general—a constitutional currency in particular—a home currency expanding with every demand of trade—free from the manipulations of bankers and brokers, and responsive to every legal tender demand.

Upon a bill to punish gambling, by boards of trade, in the produce of the country, he paid a beautiful compliment to his immediate neighbors and home.

MR. BRYAN: I care not whether the *purpose* of the gambler is to help or not. If the gentleman could prove that the *effect* of gambling was to take the cost of handling and transportation out of the pocket of somebody other than the producer and consumer, then he might justify gambling by showing that it is wise for us to promote laws which enable gamblers to take from the people who are willing to gamble and give the benefit of their losses to the producer and consumer alike.

But, Mr. Chairman, I am not going to assume that the gambler simply makes his money out of the people who buy for speculation. I am going to assume, upon evidence satisfactory to me, that these gamblers increase or decrease to some extent the price of the products speculated in, increasing it to the man who buys or decreasing it to the man who sells. No citizen has a natural right to injure any other citizen; and the Government should neither enable nor permit him to do so. Therefore, no man has a right to lessen the value of another man's property, and the law should not give to a man, or protect him in, the exercise of such a right.



My district is perhaps an average district; about half of my constituents live in cities or towns, and about half are engaged in agriculture. I have in my district the second largest city in the State, Lincoln, the State's capital—a city of 60,000 inhabitants. My home is in that city, and I have no hesitation in declaring that it is one of the most beautiful and prosperous cities of its size in the United States. The people who live in cities will, if gambling in farm products reduces the price of such produce, be the beneficiaries to that extent. But, sir, I do not come here to lower the price of what my city constituents have to buy, by enabling grain gamblers to take it from the pockets of those who raise farm products. My city constituents do not ask that of me, and I would not assist them in so unjust an act if they did ask it.

As I said, about half of my constituents live on farms, and they labor in a veritable Garden of Eden, for we have in the First Nebraska district as beautiful and fertile farm lands as the sun turns his face upon in all his course. I deny that it is just to the farmers of my district that gamblers should be permitted to bet on the price of their products to their injury after they have prepared their crops for the market. When the farmer has taken the chances of rain and drouth, when he has taken the chances which must come to the farmer as they scarcely come to anybody else; when he has escaped the grasshopper and the chinch bug and the rain and the hail and the dry winds, I insist that he shall not then be left to the mercy of a gang of speculators, who, for their own gain, will take out of him as much of the remainder as they can possibly get.

There is no difference in the moral character of the transaction between the action of the burglar who goes to a man's house at night and takes from him a part of that which he receives for his wheat, and the action of the gambler who goes on the board of trade, and, by betting on the price of the product, brings down that price and takes that much from the farmer's income.

Having introduced an amendment to the constitution for the election of U. S. Senators by popular vote of the people, he became its persistent and powerful advocate.

As the first session of the 53rd Congress was nearing its close, he concluded a memorial address in honor of his late colleague, George W. Houk, of Ohio, as follows:

Mr. Speaker, I shall not believe that even now his light

is extinguished. If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn, and make it to burst forth from its prison walls, will He leave neglected in the earth the soul of man, who was made in the image of his Creator? If He stoops to give to the rose-bush, whose withered blossoms float upon the breeze, the sweet assurance of another springtime, will He withhold the words of hope from the sons of men when the frosts of winter come? If matter, mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never die, will the imperial spirit of man suffer annihilation after it has paid a brief visit, like a royal guest, to this tenement of clay?

Rather let us believe that He who, in His apparent prodigality, wastes not the raindrop, the blade of grass, or the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal, and gathered to Himself the generous spirit of our friend.

Instead of mourning, let us look up and address him in the words of the poet:

“Thy day has come, not gone;  
 Thy sun has risen, not set;  
 Thy life is now beyond  
 The reach of death or change,  
 Not ended—but begun.  
 O, noble soul! O, gentle heart! Hail, and farewell.”

Such was the rapidity of his advance as a profound political debator and captivating orator, that in a little over two years from his first appearance in the House of Representatives his speeches were read in every state of the Union, while upon a variety of themes he had charmed audiences in many cities, among which were New York, Chicago, Denver, Omaha, and Washington.

In the same brief space of time he had risen from the ranks to the leadership of the Nebraska Democracy, and was their candidate for U. S. Senator.

#### LAST SESSION OF FIFTY-THIRD CONGRESS.

In the last session of the fifty-third Congress, Mr. Bryan offered an amendment to an inter-state commerce law, by which he hoped to modify in future such decisions as that of Judge Brewer of the United States Court, in which he decided that the

railroad rate law of Nebraska was constitutional, but the rates were not reasonable.

I want to insert on the second page of the bill, in line 38, these words:

“And in determining the reasonableness of rates the Commission shall allow profits only on the cost of reproducing the roads and rolling stock at the present time, regardless of the original cost, regardless of the amount of indebtedness, and regardless of the amount of capital stock issued, whether real or fictitious.”

I have no doubt that this will cause a smile on the face of some of the representatives of the railroad interests, but yet, sir, that is the basis upon which profits are calculated in the private occupations of the country.

And I am simply asking that you apply to railroad companies the same principle that must be applied to every man, woman, and child who goes into business, but who is not fortunate enough to have a monopoly of the business.

#### CURRENCY.

The subject of the currency being before the House, December 22, 1894, which he had so elaborately argued in former sessions, was handled “without fear, affection or favor,” under the mottoes: “I was derided as a maniac by the tribe of bank mongers, who were seeking to filch from the public their swindling and barren gains.”—Thomas Jefferson. “So persecuted they the prophets which were before you.”—*Matthew* v:12.

The introductory sentences were equally emphatic. Mr. Bryan said:

Mr. Chairman, I desire, in the first place, to call attention to the extraordinary circumstances which surround the presentation of this measure. This is the closing session of the Fifty-third Congress, and nearly half of the members of the House will retire in about two months. Yet the President of the United States has asked this Congress to pass a bill which changes the entire character of our paper money.

I doubt if you will find a parallel in the last twenty-five years. I doubt if you will find such a repudiation of the theory of democratic government. Why do we have platforms? It is in order that the people who vote, knowing the policies to be pursued, may express themselves on those policies, and select such agents as will carry out their pur-

poses. If that is the purpose of platforms, if we believe that what power we have really comes from the people, and if we believe that they are competent to govern themselves, what excuse can be given for proposing so important a change in the monetary policy of the country, without ever having submitted the question for public consideration?

Has any President ever proposed before to annihilate the greenbacks? Has any party ever declared for it? Have any campaign speakers ever presented that issue to the American people? And yet after an election, one of the most extraordinary elections ever held in the United States, after a political defeat without precedent, the defeated party in control of Congress is asked, before it retires, to please turn over the issue of all paper currency to the banks. More than that, the Banking and Currency Committee at once takes up the question and certain people are invited to come and be heard.

More than carrying out the spirit of his exordium, while contesting with ten of his colleagues, who occupied half his time with questions and interruptions, he came to his conclusion, in the style of intrepidity defiant.

If the President is determined to make our financial bondage still more oppressive than it now is, let him carry out his purpose with the aid of a Republican Congress. If we can not relieve the people, we can at least refuse to be responsible for further wrong doing.

We are told that the President will not approve any bill which carries out the pledge of the last national platform in favor of the coinage of gold and silver without discrimination against either metal or charge for mintage, but is that any reason why we should join him in making the restoration of silver more difficult for the Administration which shall succeed him? It is useless to shut our eyes to the division in the Democratic party. We who favor the restoration of silver deplore the division as much as our opponents; but who is to blame? Did not the President ignore the silver Democrats in making up his Cabinet? Has he not ignored them in the distribution of patronage? Has he not refused to counsel with or consider those Democrats who stand by the traditions of the party? Did he not press through Congress with all the power at his command the unconditional repeal of the Sherman law, in spite of the earnest protest of nearly half the Democratic members of the two Houses? And did he not join with the Re-

publicans to defeat the seigniorage bill, which was supported by more than two-thirds of the Democratic party?

Did he not oppose the income tax, which a large majority of the Democratic party favored? Has he not in fact joined with the Democrats of the Northeast time and again to defeat the wishes of the Democrats of the South and West? We desire harmony, but we can not purchase it at a sacrifice of principle. We desire to live on friendly terms with Mr. Cleveland and our Eastern brethren, but we can not betray our people or trample upon their welfare in order to do so. If the party is rent in twain let the responsibility rest upon the President and his followers, for no other Democratic President ever tried to fasten a gold standard upon the country or to surrender to the banks the control of our paper currency. Let the fight go on. If this bill is defeated the people will profit by the discussion it has aroused. I have confidence in the honesty, intelligence, and patriotism of the American people, and I have no doubt that their ultimate decision will be right. [Loud applause.]

#### PACIFIC RAILROAD.

February 1, 1895, Mr. Bryan said:

Mr. Chairman, I shall avail myself of the brief time allowed and run over the principal points to which I desire to call attention, and then put in the *Record* some extracts from the Pattison report which I shall not have time to read. This bill affects mainly two classes of people, namely, those who have been guilty of defrauding the Government in the management of the roads and those who for the next fifty years will pay the rates charged by these roads for transportation, and, as a bill should describe the purposes embodied in it, I think the title of this bill ought to be made to read as follows: "A bill to so amend the eighth commandment that it will read, 'Thou shalt not steal *on a small scale,*' to visit the iniquities of the fathers upon the children of *somebody else* unto the third and fourth generations, and for no other purpose." [Laughter.]

For one generation the patrons of the roads have suffered from extortion, and the pending measure would extend the injustice for two more generations and at the same time condone the crimes of those who have been in charge of the roads. In behalf of the inhabitants of the transmississippi region I appeal to you to foreclose these liens, squeeze the water out of the stock, reduce the roads to a business basis, and allow the Western States to secure reasonable rates for their citizens. [Applause.]

## GOLD BONDS.

A bill being before the House to authorize the issue of gold bonds and retire United States notes, Mr. Bryan unfurled his standard bearing the defiant inscription: "Be it known unto thee, O king, that we will not serve thy gods, nor worship the golden image which thou hast set up."—*Daniel* iii:18.

Mr. Chairman, the gentleman from Maine will not come out and say that he wants to destroy the greenbacks, but he wants to keep them idle in the treasury so that some future Congress can destroy them if it wants to do so. If those greenbacks are good, why not pay them out for the expenses of the Government? They are there in the treasury. We have enough of them. We do not need to issue bonds for the payment of our expenses. We have greenbacks enough in the treasury now to pay any deficit that can possibly occur until the receipts of the Government equal its expenditures, according to the estimate of the Secretary of the Treasury.

He offered an amendment as a summing up of his views. It reads as follows:

*Provided*, That nothing herein shall be construed as surrendering the right of the Government of the United States to pay all coin bonds outstanding in gold or silver coin at the option of the Government, as declared by the following joint resolution, adopted in 1878 by the Senate and House of Representatives of the United States of America, to-wit:

"That all the bonds of the United States issued or authorized to be issued under the said act of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor."

## MEMORIAL SENTIMENTS.

During his official career, no occasion more appropriate for the utterance of immortal truth could have occurred than memorial services for a distinguished son of North Carolina.

Mr. Speaker, there are things in this life more valuable than money. The wise man said three thousand years ago,

"A good name is rather to be chosen than great riches, and loving favor rather than silver and gold." We struggle, we sacrifice, and we toil in order to leave to our children a fortune; but I believe that Senator Vanece has left to his widow and to his children a greater, a more valuable heritage than he could possibly have left had he given to them all the money which one man ever accumulated in this world. When he left to them a name untarnished, when he left to them a reputation such as he earned and bore, he left to them that which no wealth can purchase and that which no one who possesses it would part with for money. I am not skilled in the use of obituary adjectives, and did not rise to give a review of his life, but I beg to place on record my tribute of profound respect for a public servant who at the close of his career was able to say to the people for whom he toiled. "I have lived in your presence for a lifetime; I have received all my honors at your hands; I stand before you without fear that anyone can charge against me an official wrong." I say, to such a man I pay my tribute of respect.

#### ARBITRATION.

Ever alert and ready for work, the last week of his congressional life found him appealing in behalf of arbitration between carriers engaged in interstate commerce and their employees.

Society cannot afford to allow the employer and the employees to fight out their differences even if they both desire to do so, and certainly neither desires to do so. Courts of justice are established to settle disputes, to construe contracts, and to award damages. Commissions are established to fix transportation rates and for various other purposes. Courts and commissions are simply arbitration boards instituted by society for its own protection and for the economical adjustment of personal difficulties. This bill seeks to extend the principle of arbitration to disputes between common carriers and their employees in regard to "wages, hours of labor, and conditions of employment." I am in hearty sympathy with the purpose of the bill and shall gladly support it.

There is no more danger of the abandonment of arbitration after a fair trial than there is of our going from the court of justice back to the wager of battle. Arbitration is in the line of progress and, like the adoption of the Australian ballot, is an indication, if not proof positive, that civilization is advancing, and that each new generation pitches its camp on higher ground.

## ANTITOXINE.

On the last day of the session, just before the Speaker's gavel was to make its final stroke, on Mr. Bryan's motion, the bill was taken up, "to admit free of duty antitoxine," the diphtheria cure of Germany, discovered by inoculating the horse with diphtheria virus. The bill was attacked in a strain of irony and wit by Mr. Henderson, of Iowa, and replied to and parried by Mr. Bryan.

MR. BRYAN: Mr. Speaker, I am not willing that my friend from Iowa (Mr. Henderson) shall surpass me in compliments. He attempted to give expression to his affection when I first came here. I loved him "when he was still," but as I became better acquainted with him my affection increased rapidly, and the opportunities for manifesting it were so very infrequent that I had to love him when he talked or I could not get a chance to love him at all. He has not been as happy to-night as usual; perhaps I ought not to say "happy," because he is always happy when he is talking, but he was not as felicitous as usual. The gentleman stated in the beginning that he had received a pile of information on this subject, but that he had not read it. His word is good here; he need not have made his speech in order to satisfy us that he had not read the information received. We would have accepted his statement as proof without the additional evidence afforded by his speech.

My friend says that he does not want to inflict this injury upon our horses. Why, my dear friend (if he will allow me to address him in that way), we want antitoxine admitted free so that we can make the "pauper" horses of the old country bleed and thus save our own horses.

The gentleman speaks of doing something to restore perpetual youth. When he has the gentleman from Maine in the chair, with a Republican gold-bug Congress and a silver Senate, he will not want perpetual youth. [Laughter.] He will want death just as soon as it can come.

But we are to decide to-night whether we think more of the infant industry of this country, which is suffering from diphtheria, than of the pauper horse abroad. Those members who vote "no" on this proposition are in favor of the foreign horse; those who vote for the proposition are in favor of our children.

Thus he rode out of the House and out of office, with the passed bill as a trophy.



## HON. WILLIAM A. M'KEIGHAN.

March 4th, 1891—March 4th, 1895.

In the year 1880, Mr. McKeighan removed from Pontiac, Illinois, to a farm near Red Cloud, Webster County, Nebraska. Prior to this he had served during the war of the rebellion in the 11th Regiment Illinois Cavalry and had taken an active part in organizing the Farmers' Association. He was at that time thirty-eight years of age, having been born in 1842 in the State of New Jersey, from which he was removed in his sixth year to Fulton County, Illinois. His education was obtained in the common schools of that comparatively new State, during short intervals of change from the incessant toil of farm life.

Ready for any fate, he graduated from the dug-out to the sod house, and within five years responded to the title of judge, having been elected to that county office. In the sixth year of his residence he was the Democratic candidate for Congress against James Laird, but failed of an election.

The district contained twenty-five counties, in which he made a canvass, famous for bold aggressive attacks, sledge-hammer arguments and a prodigal display of plain Anglo-Saxon language. His Alliance training and Democratic doctrines stood him in good demand and so vigorously did he press the work of political reform that in 1890 the People's party made him their standard bearer—the Democrats confirmed his nomination, which gave him an election and a seat in the 52nd Congress.

Four years from the time the irrepressible and eloquent Laird was elected, as usual, over him, McKeighan polled a majority of 13,000 votes.

## FIRST SPEECH.

The Free Coinage of Silver was the first theme with which he came before the House of Representatives—a long elementary discussion of currency values, economic demands, financial monopolies and the behests of a swindled public.

All through the production is evidenced careful and painstaking research, with a power of comprehensive analysis little anticipated from his meteoric exhibitions on the stump. It was no mosaic of incongruities—no cottonwood piazza in front of a marble palace. Before reading it, the student will need the aids of the History of Coins and Currency, of Banks and Banking, and the apocryphal formulas of antiquated financiers. In its introduction he proudly introduced his constituents before the foot-lights.

Mr. Speaker, I represent, and am proud to represent and voice on this floor, because I most heartily sympathize with them, the principles of a party that favors a legal constitution of money which cuts loose from all pretense of metallic definition, a constitution of it which puts the regulation of its volume under intelligent scientific control, leaving it no longer subject to the accidents and uncertainties of gold and silver discoveries and the wild variations of the mineral output, as well as the malignant and selfish manipulations of crafty creditors and money-mongers, who have hitherto controlled the monetary legislation of the world, and, who, by present indications, will for generations to come continue to control it in their interests in all European countries.

#### MINORITY REPORT.

But, before entering upon any affirmative exposition, a few words upon the minority report. This wonderful document is redolent with the odor of the counting-house. There is in it no flavor of the soil or the harvest field. It has no suggestion in it as to the interest of those who smite the rock, who delve in the mine, who forge, fell the forest, break the ground, reap and gather into barns. From its reading no one would infer that money had any necessary relation to the vulgar products of toil, or that cotton, grain, or meat should have any voice in its legal constitution. Observe with what delicacy the claim of these security holders is put. They are based upon their expectations and the "faith" that these expectations would be met in the "best money." That faith is a sweet-scented bloom, till you materialize it.

On close inspection it is found to have been begotten by avarice, nurtured in hypocrisy and falsehood and its fruition is the spoliation of industry. It is not true, and these gentlemen know it is not true, that their "expectations" is

the measure of the duty of government in relation to its outstanding obligations. It is not true, and they know it is not true, that honor and good conscience demand their payment in what they call "best money." They know, and everyone who has ever given the subject any thought knows, that there never was any government promise to pay dollars in this country that was not equitably, honestly, and legally dischargeable in whichever of the two standard coins was of the lesser value at the time of payment. This "best money" outcry, and the claim of "honesty" and governmental duty in that regard, is of recent birth and is palpable hypocrisy. The government and everybody always claimed and exercised the undisputed right to pay in the cheaper coin. Whoever accounted himself cheated when his debtor always, prior to 1873, compelled him to take in payment gold coin of less value by 3 per cent than the "best money?"

Again, in conclusion, came his constituency, bowing themselves gracefully from the stage.

And now, Mr. Speaker, I have but few words to add to this already too long discussion, for I cannot close without reference to the general situation. Our people are very much in earnest in this money reform or restoration. They are not dishonest, nor are they fools. They cannot be any longer deceived by this "honesty" racket. What they have long borne as a hardship they have now come to understand as a gigantic wrong. Only by a study of this uprising among the people who are the chief victims of this spoliation can be gotten any adequate notion of the intensity of their convictions, the high moral quality of their motives, and the resoluteness of their purpose. They have been studying the subject, and the breadth of their reading, the extent of their economic intelligence, and the cogency of their reasoning puts to shame the shallowness of so-called great "financiers" and the prigs of the counting-house.

Mr. Speaker, the people I represent are not anarchists, they are not opposed to the accumulation of wealth, but they are opposed to its unjust distribution, they believe that the accumulation of wealth is the first step in social improvement, and that the next thing in importance is its proper distribution among the several members of society. This distribution, if left free to follow natural laws, would be found to be in accordance with the skill, industry and economy of those who toil.

The recent concentration of wealth in the hands of a few

is causing alarm in the minds of all thoughtful men. That wealth in this country has become a great political power, no fair-minded man will deny. Our people rely on their inherent sovereignty as the true basis of just government, and they are not willing that power and dominion should have any other foundation. They believe that when wealth usurps the place of man in government, it becomes man's oppressor. They believe that man should be above every system, and that in man all political power must center or calamity will follow.

The old idea that the favored few ought to govern and the modern idea of a government of the people are mutually antagonistic. There can be no compromise between these two opposing forces. The people are organizing for a great political contest, a contest the result of which will prove that the integrity, honor, courage, and patriotism of our people can be relied on in any emergency. This contest will not end until corporations, combinations, and monopolies bow in submission to just law. I will close by using language different, though similar, to that used by my eloquent young colleague. I say, "In that day" the people will be sovereign; "long live the sovereign." [Loud applause.]

#### SECOND SPEECH.

Wednesday, April 6, 1892, the question being to place wool on the free list, and time being limited to five-minute discussions, Mr. McKeighan said:

Mr. Chairman—Owing to the fact that my time is limited, it is not my purpose to enter into any general discussion of the tariff question at this time.

I have never been able to bring myself to believe that it is the business of the government to interfere in the regulation and adjustment of the business of our people, believing as I do that the men who are trained in the school of actual experience know better how to conduct and regulate their own business than the members of this or any other Congress know how to regulate it for them.

Taxation is to levy and collect from the people a sufficient amount of money to pay the necessary expenses of our government. Of this kind of taxation I do not complain, but, sir, when the United States government lays its heavy hand on my business for the purpose of building up the business of some one else, or takes a single cent from my family, for the use and benefit of another family, I feel that the government is going beyond its business, and all laws hav-

ing that end in view should be promptly repealed on the grounds that we have equal rights.

The reasons given for supporting the bill were, its passage would lead to a general reduction of duties, because it offers to place wool on the free list,—reduce duties on the manufactured article,—and because it would reduce the tax on mixed wool and cotton goods, so much worn by Nebraska farmers.

I and the people I represent are in favor of a system of national taxation that will compel the man who possesses one million worth of property to pay more money for the support of the government than it compels the man to pay who only has \$2,000 of property. [Loud applause.] Any system of taxation that does not do this is not a just and equitable system.

Time being extended five minutes more, it was occupied by showing the fallacy of a reform that taxed the farmer \$1.50 and promised to return in benefits fifty cents,—that assumed to run his business for him,—and offered him relief where it would not interfere with some other constituent's prerogative to plunder. In conclusion he said:

I thank God that the threats of a sugar manufacturer will not deter any member of the Nebraska delegation from standing in this House and saying that we are willing to pay taxes to support this government, but we are not willing to pay a single cent of tribute to a manufacturer of sugar or to a manufacturer of twine. When the Democratic party puts itself in harmony with the toiling masses then and not till then will it be entitled to the support of the people of the country. [Loud applause.]

When the people ask for the free coinage of silver, the opposition to it predict the most direful calamity. When the people ask for a proper regulation of interstate commerce, the cry of calamity is loud and long; when we ask that the hand of the tariff robber be taken from the pockets of our people, the cry of these aristocrat "calamity howlers" goes up like the howling of a pack of hungry wolves in a graveyard.

The protectionists of this country do not hesitate to contradict themselves or to distort the facts in the economic history of the world in their attempts to prove that it is a good thing to compel one class of our people to pay tribute

to another class, and that all the periods of depression that we have experienced in the past were the results of the refusal of the wicked "free traders" to allow these pious protected patriots to put their hands into the pockets of a long-suffering people.

Year by year this farce of protecting the American laborer goes on; year after year the jaded steed of protection is led into the Congressional circus ring, "the band begins to play," and the gentlemen in masks ride him in full view of an audience that would enjoy the show better if it cost them less.

#### THIRD SPEECH—INGERSOLL ANECDOTE.

The *Congressional Record* of July 18, 1892, introduced the Nebraska member to its readers in opposition to a \$5,000,000 appropriation for the Chicago Columbian Exposition. Mr. McKeighan said:

Mr. Chairman, this discussion has taken a wide range. I shall occupy a few minutes of the time of the House. I was much diverted by the remarks of the gentleman from Pennsylvania (Mr. Brosius), the interesting recital of the sun kissing the hills (and things) was beautiful. He related to us the way in which Pericles caused the people of Athens to submit to exorbitant taxation by a eunning appeal to their pride. His remarks brought to my mind an incident of my war experience. It was my fortune to be a member of the Eleventh Illinois Cavalry during the late unpleasantness. It was told of Col. Ingersoll that when on a certain occasion the chaplain was found in the possession of a fine horse to which he had no good title, in law or morals, the Colonel took him to task about it. The chaplain said: "Why, colonel, Christ stole an ass on which to ride into Jerusalem." "But," said the colonel, "You are not Christ, that horse is not an ass, and we are not going to Jerusalem; and I advise you to take the animal back and restore him to his owner."

This house is not Pericles, we are not representing the people of Athens, this appropriation is not for a public building. The greatest glory of our Government should be that every dollar taken from the people by taxation should be applied to the legitimate expenses of the Government.

Since the constitutional question had been ably argued he proceeded to show the inconsistency of men who would not favor a government loan to farmers, with real estate security,

but at the same time would grant an Illinois corporation \$5,000,000 without security. Incidentally the Farmers' Alliance was enlogized, government issue of greenbacks approved, and refusal to grant free coinage denounced. The conclusion was legitimate—"warp and woof" of the original fabric.

MR. McKEIGHAN: We are asked to make this appropriation to aid the World's Exposition, on the ground that it will bring us into closer commercial relations with other nations. This argument is advanced by gentlemen who are in favor of tariff taxes that restrict trade.

When the farmer sells his farm produce he is allowed to export it without paying a tax. But, sir, when he exchanges it in the world's market for supplies for the use of his family these advocates of "wider commercial relations" have passed laws that compel him to pay a tariff so high that he can not bring his goods into this country, thus forcing him to buy in a market rendered artificially dear by reason of this unjustifiable legislation. This is what they call "widening our commercial relations"; I call it robbing the American farmers for the sole benefit of American mill-owners.

Gentlemen, if you will take the shackles from the strong arms of the American farmers you will not need to vote \$5,000,000 to teach us how to sell our produce or where to buy our goods. The great wholesale and jobbing houses have in their employ thousands of bright, educated, energetic, and intelligent commercial travelers; they are on board of our ocean steamers, bound for all parts of earth, seeking for the finest fabrics of every country and choicest fruits of every climate. They are on board of every train that crosses the mountains and plains of our own fair and fertile land; they crowd our hotels and display their samples in every country store and in every mining camp.

Let Congress stop erecting costly monuments to dead heroes, stop building costly naval vessels, stop all such appropriations as the one proposed by this Senate amendment, let the people keep the money they have earned; do this and our merchants will find a revival of trade, the commercial traveler will find plenty of customers, and the farmers enough of money to pay their debts with.

Take the weight of class legislation from the backs of American people, and they will take care of themselves. Do this, and American skill, energy, and industry will widen our commercial relations and build a strong government on the sure foundation of equal rights to all.

Gentlemen, the howl of "calamity shrieker" has no argument in it. There were calamity shriekers at the time of the flood; they were in Egypt before her splendid civilization went down in chaos and darkness; they were in Persia before the Greek army shattered their magnificent forces on the plains of Marathon; they lifted up their voices in the states of Rome, and gave their warnings in her senate chambers; they warned Greece of her approaching doom; they sounded their peculiar cry in Scotland when she was a nation; they were not silent when Irish nationality was being lost; they annoyed the court of England when her conduct was driving to desperation the colonists whose valor taught the mother country a lesson in that great struggle that deprived England of an empire. The calamity shrieker has never failed to give warning, and it will be wise to heed rather than treat lightly the warning they are giving on our own country.

EXTRA SESSION FIFTY-THIRD CONGRESS.

What has already been written of Mr. McKeighan's "First Speech" in the 52nd Congress on "The Free Coinage of Silver" is equally applicable to his more elaborate and *severely logical* discussion during the extra session of the 53rd Congress.

To quote from the body of the argument proper, would be as unsatisfactory as the exhibition of a single brick in order to convey an image of a giant structure.

A few paragraphs, however, may be relied upon to indicate the temper and spirit in which it was conceived and delivered.

MR. MCKEIGHAN: This is no time to scold or eriminate, no time to mete out to political parties the share of blame belonging to each of them. Sir, in this discussion Pilate and Herod have been made friends on this floor, and the political Judas has shown no disposition to go out and hang himself. But there is a to-morrow for political parties in this country, a to-morrow that will bring condemnation and death to any political party that turns a deaf ear to the just demands of our people.

There is a God that rules over the destinies of men and nations; a God that is not deaf to the earnest appeal of His humble poor; a God who will see to it that the desire of the people of this great nation shall "not fail," but shall come to bloom and fruit not alone for those who dwell in a brown-stone front, but, sir, for those whose dwelling place



may be in the log cabins among the mountains or in the sod-built homes of the Western settlers.

Refusal to repeal that act is complicity in the guilt of the actions of that great wrong. The enforced beggary of hundreds of thousands of brave hearts and strong arms cries aloud for repeal.

That continuing wrong must be redressed. As God lives, it shall be redressed. It is in the air; the stones of the field are in league with us; time is the great champion of our cause; the conscience and rapidly growing intelligence of a stricken people is becoming enlisted; the resolute purpose of the bravest and most enterprising portion of this proudest nation on earth will not be balked by chicane and subterfuge already planning to circumvent us by a new ratio, by which the weight of our silver dollar shall be increased so as to make it "honest" as gold is "honest."

I can not find the decorous words that will adequately express my reprehension of the reckless immorality, the wanton disregard of high and most sacred equities in this proposal of increase of the weight of our standard coin, so easily assented to by pliant and weak-kneed bimetallicists. There is no precedent in all history for such an iniquity.

I can not bring myself to believe that honorable gentlemen in this august council chamber have duly considered the ethics of the legislation they propose. Have not our people suffered enough from this "best money" legislation? When shall the end be of our concessions to creditor dictation? I caution you, gentlemen, as I have before on this floor in discussing this subject, against traveling further on that dangerous road.

I am moved in this appeal to an earnestness that comes from a higher source than the wishes and special interests of my own constituents, dear as they are to me. You are sowing the wind, and it will return to you in cyclones of wrath. Do you not see what a precedent you are setting us by using your power to increase the size of the instrument which measures and defines the effective meaning of all commercial contracts in the world, and that in the interest of creditors? It will go hard if our people, when they come into power, do not improve upon your instruction and legislate such attenuated import into that great word dollar as will make those heaven-kissing mountains of credit wealth shrivel and waste away like an ice palace before a southern sun, and history with a sigh of pity will record its verdict of approval. [Loud applause.]

Taking part in the great tariff discussion, in the first regular

session of the 53rd Congress, January 19th, 1894, his speech was a quiver of arrows, each shaft being barbed, and steeped in a solution presaging monopoly pall-bearers at a tariff funeral.

#### FIRST IRONICAL SHOT.

Mr. Chairman—The one element of sincerity in such pretenses is the belief, honestly entertained, by a great many wealthy gentlemen, that it is the business of the Government to take care of the rich, because then the rich will take care of the poor. They sincerely believe that they give bread to their workingmen; that they support their laborers, instead of the laborers supporting them. They regard themselves as the chief benefactors of the race, and because they see in times like these multitudes of men deprived of the comforts of life because unable to find employment under a boss, they honestly believe that the boss creates wealth and distributes it among his hired men. It never occurs to them that the reason why such multitudes of men are thus dependent upon them is that they, and those who act with them, have monopolized all the natural opportunities given by God to the American people, and have thus compelled the masses of the people to come to them, hat in hand, saying, "Put me, I pray thee, in one of the offices, that I may earn a morsel of bread."

#### A COMPANION PIECE.

I am ashamed to have to explain to anybody the transparent humbug of this Dodge philosophy, but it must be done. It is not to the interest of any farmers or of all farmers to raise small crops. There is no such thing as overproduction. There are people enough in a few European countries to eat all the wheat, corn, beef, and pork which we can raise, and who would be glad to do so if we would give them a chance. We want hungry customers. We do not want a few fat monopolists. If the farmers all over the world were to take the Dodge advice and to raise only half crops they would starve the rest of the world and would kill off their only customers. If by any such act of monstrous cruelty, they could get \$2 a bushel for a single year, they would only get 25 cents for corn the next year; and meantime they would stop the production of the very things which they want to get with their money. Money is of no use to them unless they can get the comforts of life with it; and if they starve people who make for the farmers the things which they need, they would kill the goose which lays the golden egg.

## FREE TRADE.

Europe could easily send us, every year, at least \$500,000,000 worth of the very things which farmers want; and we should pay for these things principally in wheat, corn and cotton, beef and pork.

Strike down the bars which keep out \$500,000,000 of European products, and you would, by the same blow, strike down the bars which keep in \$500,000,000 worth of American farm products, which force back our own wheat and corn upon us, choke up our markets and compel us to leave wheat to rot on the ground, and corn to burn for fuel. A deep cut in the tariff would enable our American farmers to sell all which they now raise, at prices 50 per cent higher; and the total abolition of the tariff would give to every farmer 100 per cent more in exchange for his products than he now receives.

## BOLD REMEDY.

It is said that if we admitted \$500,000,000 worth of foreign manufactures we should throw out of work people who are making the same amount among ourselves. Suppose this were true. Yet the farmers would be better off, because they would get the \$500,000,000 themselves in directly increased purchases of their products, while the whole number of people who would be thrown out of work, even if American manufactures were reduced by this amount, would be less than 30,000. We farmers can afford to maintain those 30,000 men without working and pay them as large wages as we earn upon our farms and still make a good bargain off the transaction. As the whole cost of this would be only \$12,000,000, even if they were out of work for a year, and the farmers would make a profit of \$500,000,000 by even half-way tariff reform, we could afford to pay the people handsomely out of it.

## TIN GOD.

We have the McKinley tariff in full force. The goods are weighed by McKinley weighers. The duties are calculated by McKinley clerks. The values of imported goods are decided by McKinley appraisers, and the rates of duty are determined by McKinley judges. The law was made by McKinley, and the men who have interpreted the law and ruled upon its meaning are all McKinleyites. No change has been made in anything about the law or its administration by the Democrats. Everything stands to-day just as Harrison and McKinley left it, with every American industry

protected and everybody in this country guaranteed tremendous prosperity as the result of taxing each other. Yet here we are. [Applause.]

"Oh, but," say our Republican friends, "all the trouble comes from the fear which the Democrats have caused. We have all gone to ruin because we are so desperately afraid that you are going to ruin us, that we felt bound to ruin ourselves in advance, without waiting for you to do it."

A pretty kind of little tin god on wheels is this great idol "Protection." It is still set up on its throne. The laws and the administration of the laws are still in its power, with all the Republicans falling down flat upon their faces before it, while the surrounding priests beat the Harrison gongs and the McKinley cymbals. And yet, in the midst of all this magnificence, a few little boys peep around the corner and shout "free trade," and instantly down falls the great god Protection and smashes to pieces not only itself, but its prostrate worshipers. And then its worshipers pick up the pieces and say that nothing but ruin could have been expected so long as little boys will persist in shouting "free trade," although free trade is not in sight, and everybody knows it is not coming.

Now, what is the use of a deity who tumbles off his throne and smashes his worshipers the moment that anybody begins to talk? For my part, I would like to see things turned right around. Let us adopt free trade, and we will let all the little boys in the world bawl "protection" at the top of their voices, without the smallest fear that any bad results would happen.

#### DAWN OF DAY.

We know for certain that the tariff calls for revenue in proportion to the necessities of each man's family, instead of in proportion to either his income or his accumulated wealth. We want to put an end to that system and to establish in taxation, as in everything else, the rule of fairness, equality, and justice.

The light is dawning, though but dimly; and feeble though the dawn may be, it gives hope and encouragement for the coming of the day when our statesmen shall see the truth that the different nations are only separate groups of the one great brotherhood of man. Let us base the law on truth, and the truth will make us free. [Applause.]

## COINAGE OF SILVER BULLION.

February 9, 1894, we find Mr. McKeighan for the third time before the House, on the subject of silver as a money metal, with a severe logical analysis, repeating nothing of former utterances, but following Mr. Bourke Cochran, the voluble chief of Tammany, step by step, through the devious ways of a prolonged discussion.

When the river is up and the banks are overflowed, the spectator, on the shore, powerless in the presence of the majestic rush, is only able to capture an occasional fragment, shrub or flower, as the waters in turmoil casts them in view; so the compiler, in this case, can only exhibit a few specimens of graphic word painting, piquant sentences, and pungent epigrams.

## POLITICAL COURTSHIP.

Blind and indifferent to the behavior of our standard money in its domestic utilities, the Administration became frantic lest poor Mr. de Rothschild would have to pay a premium on our gold with which to carry out his scheme of Austrian plunder.

Great party leaders, who only yesterday were waking the echoes in the chambers of the Capitol with denunciations of the crime of 1873, were fain to strike hands with the contriver of that iniquity to re-Shermanize our monetary system. Republican statesmanship, in the person of its great financial leader, rushed into the arms of Democracy. Two souls with but a single thought locked in loving embrace. And where was the vehement Kentuckian and the towering Sycamore? Forbidding the bans of that unnatural union? No! They were gleefully washing their hands with invisible water, and standing sponsors of the offspring. All this time, too, right under our own eyes the Tammany chieftain was billing and cooing with the whilom Czar, but now yielding to the tender solicitations, without even a preliminary "I'll ne'er consent." And all this political prostitution for what? Why, upon the hypocritical pretense of carrying out the policy of metallic parity, and to give the wage-earner the "best money in the world." What drivell! One who had lost all his senses but his sense of smell could penetrate that thin disguise. Why, during the last four months of this agonizing parturition, and up to the day this spawn of hell came to birth, wheat fell 12 cents a bushel following the more precipitate fall of

silver. Under the blight of that act dollars have become so much "best" that thousands of workers can get none at all, and those who find employment are being mercilessly cut down in their wages at a rate never before experienced in our history; and the deadly work still goes on.

#### HEARTLESS POLICY.

You have legislated against the interest of those engaged in agriculture, even to the extent of standing on the floor of this House and acknowledging that you will depend for your gold supply, to keep up your single gold-standard system, by compelling that class to which I belong to make sacrifices in order to enable you to get the gold. I state to you people of the East, that I would force your commodities into competition with the lowest possible labor of this earth, as you propose to force ours. I would strike down, if I had it in my power, every particle of tariff legislation and give you people a dose of your own medicine.

#### VALUE OF A DOLLAR.

The gentleman claims that the silver dollar by being cut down 45 cents under free coinage, the wages of labor will be cut down so much on every dollar paid; that is to say, that each one of these 55-cent dollars would buy and pay for "100 cents worth of labor." Why, my impetuous and bemuddled friend, please stop and think a moment and see how in the same sentence in which you affirm a debasement in the silver dollar, you show that none at all has taken place in the case supposed, for it still buys 100 cents worth of labor. The value of a dollar no matter how constituted can only be learned by observing what it actually does in buying in the open market, and here you are affirming it to be a 100-cent dollar in payment for labor, the only thing you estimate it in, yet insisting that it is only a 55-cent dollar; really you blow hot and cold in the same breath. Your proposition has committed *felo de se*. Of course such speech is not intended to be analyzed carefully. But reducing the fallacy-hiding nebulosity to definiteness, we say it is simply nonsense of the first water to affirm that a silver dollar is "really worth" only fifty-five one-hundredths of a gold dollar in the labor market and at the same instant is buying just as much as one hundred cents. Surely the applause reported in the *Record*, as following that rhetorical nonsense, must have been derisive.

Had my literary friend spent more time upon those

chapters in McLeod's Elements of Economics that treat of value, and reveled less in the sentimentalities of Stella and the drolleries of Gulliver, his discourse might have been less ornate, but would have possessed more staple.

#### MODERN DRIVEL.

It is a singular kind of lust that has taken possession of our financial advisers, viz., an inordinate desire to sell our mortgages abroad and then legislate an increase in the value of the money in which they must be paid.

The implication that the closure of the factory is due to a fear lest the proprietor would have to pay his help in fewer and cheaper dollars is humorous. The gentleman has learned his economics in the same school with the President. They seem to think that cheap money and low prices go together. Bray that foolishness to powder in a mortar with a pestle times seventy times seven, yet will its minions knead it into shape again for service in their campaign of imposture.

When the matron of our home begins to be anxious lest she lose the "confidence" of an alien suitor, and gets ambitious for a meretricious "honor abroad," it bodes ill for her self-respect and honor at home.

It is but the piteous whine of toadyism, this prediction that we shall be "out of harmony" with England if we adopt an American monetary system and use the product of our own mines for our money instead of borrowing her gold. Rather let us say England's finances will be out of harmony with ours, if so be that free coinage here fails in forcing gold back to its old normal relation to silver and products.

The beautiful conclusion might properly have stood as the headline and caption of the speech:

Let that flag, whose glory has never been dimmed on land or sea, never become the ensign of a people bereft of vision and doomed to grind in the mills of the Philistines, foreign or domestic; rather let its ample folds float over a nation, the voice of whose humblest citizen is heard in its legislative halls, and whose high mission it is to lighten the burdens of the heavy laden, break the oppressor's power, thwart the machinations of the crafty, give to useful labor its due reward and secure the blessings of industrial freedom to us and to our children forever.

## EXIT.

As the fourth and final year of his service was coming to an end, the familiar themes of currency again challenged attention, upon a bill to retire the greenback currency, and the silver treasury notes, and substitute interest-bearing bonds in their stead.

In the light of previous discussions he was fortunate in a valedictory theme, in which justice was meted out to the leeches of the treasury, and domestic and foreign manipulators of banks and bonds, and which was crowned with an appropriate climax.

Mr. Chairman—Perhaps for the last time on this floor, I again appeal to you of the majority, and you of the minority, to consider the present condition of the industrial interests of this country.

It has been the ambition of my life to live and see the time when just and righteous laws would rule, and when millions would be spent to enlighten the world where millions are now spent for sword, bayonets, cannon, and battle-ships to kill and destroy thousands of God's creatures in order that a favored few may wear the mantle of wealth and ride roughshod over the rights of the many. Let us build more schools and fewer forts. Let us lead the world in that grand policy inaugurated by Him who taught us that we are "our brother's keeper." This policy will make us a prosperous and happy people. It is the only true path to national greatness. Shall we abandon this great highway of national honor, national prosperity, and national greatness for the one pointed out to us by those who seek to—

"Reap where they have not sown  
And gather where they have not strewn?"



## HON. O. M. KEM.

March 4th, 1891—March 4th, 1897.

When Omer Madison Kem, at the age of twenty-seven years, landed in the vicinity of Broken Bow, Custer County, Nebraska, March, 1882, excavated a dug-out and settled upon a homestead, his ambition was to own and cultivate a better farm than was his Indiana home. His history was written in a few words: "brought up on a farm and received a common school education." Amidst privations and discouragements he held his steady way for eight years, until in 1890 he removed to the county seat, in order to assume the duties of Deputy County Treasurer. Ordinarily it required all the arithmetical skill of "a common school education" to ascertain the amount of salary due, where lands were not yet subject to taxation, the personal property valueless, and the impecunious emigrant unable to pay. The excited imagination of the pioneer told of the trembling of the earth when the wild buffalo herd swept by, or the earthquake telegraphed its arrival, or the cyclone moved to the music of thunder; but Mr. Kem lost all interest in such fictions after the political ground-swell of 1890. In that year he was nominated for Congress by the People's Party, against the Hon. G. W. E. Dorsey, then a Republican member, receiving 6,391 votes of a plurality, while 22,353 were cast for W. H. Thompson, Democrat.

If the whole opposition vote had been cast for Mr. Kem, as it might have been, his majority would have been 28,944.

On tariff reform, coinage of silver, issue of greenback currency and other prevailing questions, in the 52nd Congress, there was a close co-operation among the Nebraska delegation composed of one Democrat and two Populists; showing plainly that their line of separation involved "a distinction without a difference." In the sixth month after he took the oath of office in Congress, a question of irrigation being up for discussion, in which a portion of his constituents were deeply interested, he

came to the front with a plea for Western Nebraska, clear, distinct, intelligent, in manner modest, but firm and ready for any emergency.

#### GREAT STEALS COVERED UP.

At the very threshold of discussion he repudiated the mode of crowding appropriation bills to immense proportions, under the plea that each item was a paltry sum:

Time and again have I heard the point urged on the floor of this House in favor of an appropriation, that it was small and ought to meet with no objection. Particularly was this true of the appropriation asked for the Russian sufferers, and when it was refused a great cry went up from a certain class of newspapers, and we were accused of the sin of refusing to donate to suffering humanity the paltry sum of \$100,000.

Let me remind these gentlemen that it was the appropriation of these paltry sums of ten, fifty, and one hundred thousand dollars, here and there, gathered together, that brought the last Congress up to the billion-dollar point, and the wrath of the people down upon those responsible. The argument favoring an appropriation because it is small is not the argument of a statesman, neither is it worthy the consideration of such, other than with feelings of the greatest contempt.

There seems to be a well-settled conviction among the people that each session of Congress appropriates vast sums of money that amount to but little less than an actual theft of their substance, and but a few days since a member who has been on this floor for years said to me that he had never voted for a river and harbor bill because of the great steals embodied therein. This evil is looked upon by all with too great indifference and as unavoidable in procuring the appropriations necessary.

#### PEN PORTRAIT OF SETTLERS.

The portraiture of the constituency for whom Mr. Kem asked justice, was executed by an artist, inspired with sympathy and painting from nature.

MR. KEM: Over this territory are scattered to-day hundreds of thousands of as good citizens as you will find anywhere; men and women advanced in years, who know by experience the cost of citizenship when blood was the price paid; men and women of middle age, who are earnestly en-

deavoring to repair in some little degree their impaired fortunes, and establish a home they can call their own, where their declining years may be passed in peace, free from the demands of the landlord or rent-gatherer; young men and women, full of hope, courage, and energy, striking sturdy blows to subdue the virgin soil and prepare the way for coming generations. These comprise the class of citizens in whose interest these amendments will be offered, that we hope may result in the work being done, that will be followed by the establishment of a system of irrigation which in time will give to the people a supply of water, under their own control, free from the manipulations of corporation or trust.

The appropriation we ask for is preliminary to, and affects a problem, upon the proper solution of which the prosperity and welfare not only of thousands of our own generation, but millions of those to follow rests. The water necessary to irrigation, like every other necessity of the people, is fast passing under the control of corporations, and if not checked in a short time the water supply of the West will be completely in the hands of a few individuals and the millions will be at their mercy, for he who controls that supply is monarch of all he surveys, and the people will be compelled to pay him whatsoever avarice and greed may dictate.

#### INJUSTICE TO EMIGRANTS.

MR. KEM: Mr. Chairman, the gentleman from Indiana (Mr. Holman) says that this work of irrigation is going on well enough. I beg leave to differ with him on that point. The fact is that over a great portion of the territory mentioned in this amendment nothing has been or is being done. There are thousands of citizens who have entered their lands in good faith, believing, as they had a right to believe, that they were within the rain belt, that there would be sufficient rainfall for the purposes of agriculture. They were justified in so believing because these lands were opened for settlement under the homestead, pre-emption, and timber-culture laws. If there was not sufficient rainfall for agricultural purposes they ought to have been opened under the desert-land law.

I say those settlers have gone in there in good faith, and the amendment offered is to do justice to as good a class of people as you will find on God's footstool. I make no exceptions whatever. They are industrious, sober, hard-working, economical people, and are earnestly endeavoring

to establish for themselves homes and have paid millions to the Government for the privilege of so doing. I have here a letter from the Commissioner of Public Lands, which gives some idea as to the amount of money that these people have paid into the Treasury of the United States.

The letter gave about \$300,000,000 drawn from the settlers of the region in question, during twenty-three years. Mr. Kem continued:

Now in all this work, covering a period of twenty-three years, there has been expended of this vast sum but \$3,900,000, and about half of that in the Eastern States, as the map will show. These settlers have found by sad experience the rainfall to be insufficient, but have been hanging on, as it were, by the eyebrows year after year, hoping that each successive year would prove better than those preceding.

Now, I wish to say, in answer to the question of the gentleman from Mississippi, that it would be nothing more than fair and just if every dollar that has been paid into the public treasury in the manner I have referred to, except the amount necessary for filing fees, was used for the purpose of establishing irrigation systems that would supply the want of rainfall to these people on the lands upon which they have settled, and thus place these lands on an equality with other lands, opened under the same provisions, which are embraced within the rain belt.

And I say, sir, that the homestead law will never be fulfilled until this provision has been made. But all we ask here is that \$60,000 of this appropriation shall be used in a certain territory that heretofore has been almost wholly and totally neglected in this work. By referring to the map it will be seen clearly where the work has been done, and you will find that the territory mentioned in that amendment has been almost entirely neglected in the past. We only ask now that this sum be used in the manner proposed within the territory indicated, and which has been so grossly neglected in past years.

I say that if you will give us one-tenth of the amount which you have received in the way of appropriations as a protection to your people from overflow, and benefits that you have derived by appropriations for the improvement of your rivers and harbors, we will be willing to compromise on that. You have had vast sums for improving your rivers, for building levees of the Mississippi River to protect your lands liable to inundation.

Now, I want to say, Mr. Chairman, it does seem to me that every time there is a motion made or a step taken in this House for the purpose of aiding or helping in any way the farming class of our country, there is a constitutional or some other kind of objection raised against it. It seems to me, sir, that there is a combination in this House against the Western wealth-producer. I do not make the charge as true, but I say it seems to be true. And yet this amendment is offered in the interest of a class of people that feed the world, and on whose shoulders this Government rests and without them it could not exist six months. [Applause.]

#### ELECTION OF PRESIDENT BY THE PEOPLE.

Near the close of the 1st Session of the 52nd Congress, he appeared in advocacy of the election of U. S. Senators by direct vote of the people.

In this speech, quite elaborate and carefully prepared, was set forth necessity for a change, inasmuch as the fathers adapted the constitution to the prevailing condition of their day, provided for amendments as progress and experience should dictate. In reply to the conservative cry "Let well enough alone," he responded: "Nothing is well enough that can be made better, and he who conforms to the idea of well enough, has not only ceased to advance but has actually turned the wheels of progress backward." In his introduction he said:

The disposition of man to take advantage of the misfortunes and prey upon the weakness of his fellow man made government a necessity. Since the day our first parents were driven from Eden, this disposition of one man to steal from another his birthright has followed the human race like a curse; it is the underlying principle that has demoralized and destroyed every government that has gone down in past ages, and will destroy every government now existing, unless carefully guarded against by wise, just, and wholesome laws, righteously administered.

Man's greatest enemy is man, and I know of nothing against which he needs protection so much as against his fellow-men. This is not a new thought, but is as old as history, and every government that has and does exist, was and is a monument to its truth; and it is evident to my mind that the fathers of our own government realized this with perhaps greater force than we do; the evidence of

which appears in the following words of the preamble to the Constitution: "We, the people of the United States, in order to form a more perfect union, establish justice." Let us pause here for a moment to consider the significance of these words, "form a union to establish justice." It signifies, sir, that Justice had been dethroned and the time come when it was absolutely necessary for the people to unite and raise her up, that domestic tranquility might prevail, the common defense be provided for, the general welfare promoted, and the blessings of liberty secured not only to themselves but to their posterity.

#### FEARS OF THE FATHERS.

He fancied the fathers doubted the ability of the people to govern themselves unless aided with checks and balances.

MR. KEM: This fear manifests itself perhaps with no greater force than in the provisions for electing the President of the United States, which has at different times in the history of our country resulted in defeating the popular will by placing in the executive chair a man whom the majority did not want and for whom they did not vote, thus defeating the very principles sought to be maintained.

In 1876 the American people were brought to see the danger of an electoral system, which made it necessary to provide an Electoral Commission in order to preserve the peace, and that placed the judges of the Supreme Court in a position that caused many people to feel that the decision rendered was not free from party prejudice. Mr. Chairman, if I had the power I would go much farther than this resolution seeks to go; I would remedy this defect in the Constitution in order to guard the people against the dangers that threatened the peace and safety of the Republic during the continuation of the electoral contest referred to, by making the President elective by the popular vote. I would allow no middle man, as member of an electoral college, to stand between the people and the consummation of their desires as expressed at the polls and defeat the popular will, as they have done in the past. The evil of this defect is so apparent and the necessity for a remedy so plain that all sickly sentimentality should be thrust aside and a fair amount of American common sense applied to the blotting out of this remnant of British monarchial misrule.

Turning attention to a speech of Senator Chandler, of New Hampshire, who said such a change would produce a "Federal

election law," he contended that Senators' elections could be as easily effected by the states as the election of members of the House was at the present time. As to the charge that bribery could exist in a nominating convention as easily as in a state legislature, he contended that the people at the polls had a chance to reject a nominee, but none as to a bribe-elected Senator of a legislature.

He met the argument that men of wealth could secure nominations by the answer that if they were desired there would be no bar to their election, but the will of the people would be supreme. In one terse epigrammatic sentence he said: "No man should be allowed to sit as a representative of the people whom for any reason they do not want."

Of historic views on the subject, he instanced those of Senator Benton, of Missouri, previous to 1850:

Mr. Benton held as fundamental truth to which there was no exception, "that liberty would be ruined by providing any kind of substitute for popular election"; asserting that all elections would degenerate into fraud and violence as the result of intermediate elective bodies. He showed further that it was the law of the few to disregard the will of the many when they got power into their hands, and that liberty had been destroyed whenever intermediate bodies obtained the direction of the popular will; he reasoned both from history, the philosophy of government, and the nature of man, and referred to the period of direct voting in Greece and Rome as the "grand and glorious periods of popular government," when the people were more prosperous than at any other period in the history of those governments, and wound up with these words:

"I believe in the capacity of the people for self-government, but they must have fair play, fair play at the elections on which all depends."

#### VIEWS OF MR. MADISON.

The question of universal suffrage was discussed long and earnestly in the Federal convention, and the present method of electing United States Senators was a compromise between the two extremes, one side holding for direct popular suffrage without any restrictions, and the other contending for a property qualification.

Mr. Madison, in commenting on the above situation, held

that while at that time a majority of the Nation were freeholders, that the time would come when the majority would be without landed or other equivalent property, and called attention to the danger of property holders allowing that kind of a majority unrestricted suffrage. Mr. Madison's prediction as to the diminution of numbers of property holders of the Nation is only too true, and becoming more apparent every day, but he in his reasoning did not seem to grasp the idea that legislation would or could have anything to do with bringing about this result or that restricting the popular franchise would or could in any degree be responsible for the aggregation of the property of the country in the hands of the few. Nevertheless, we are firmly convinced that if it had not been for the legislation that gave 191,000,000 acres of the people's land to the railroad corporations more of the people would have homes; if it had not been for the wicked, vicious financial legislation in the last twenty-five years more people would own the property of our country. If it was not for the unjust tariff laws of the past and present by which certain classes engaged in certain occupations are guaranteed a profit while all other classes have not only to run their chances on profits, but must also pay the other fellows' profits there would undoubtedly be more property owners.

#### INCOME TAX.

During the first regular session of the 53rd Congress, January 31, 1894, Mr. Kem delivered a speech with the following affirmations: That by repeal of the income-tax law in 1873, \$640,000,000 worth of property escaped taxation; that the People's Party platform in 1892 declared for a graduated tax on incomes, increasing as they grew larger; that he accepted the provisions of the Wilson bill as an "improvement on the present iniquitous system"; that "under the present system the wealthier men became, the less tax they pay in proportion to their ability"; that the old law, from 1863 to 1873, furnished in taxes \$347,220,807, of which Nebraska paid \$244,593; that these collections were made "during a period when colossal fortunes were a rarity and millionaires a curiosity"; that \$100,000,000 could be raised easier now than \$31,000,000 thirty years ago; that 31,500 persons own more than one-half of the total wealth of the country; that the bill will reach aristocratic foreigners doing business in this



country, and that the enemies of the measure,—“and I love it for the enemies it has made,”—are the organs of “anti-silver,” and “on this floor it is opposed by that class of Republicans and Democrats who, in the recent fight for the people’s money, gave us the unprecedented spectacle of Cleveland Democrats and Cleveland Republicans standing side by side, as ‘two souls with but a single thought, two hearts that beat as one.’”

To the charge that the law would lead to perjury, he replied:

The individual who is only waiting for an opportunity to perjure himself is already a perjurer, and his morals can not be corrupted.

The whole principle of taxation means search and inquiry.

The opposition has claimed that the South would only pay 3 per cent of their tax. If so it is because the South has but 3 per cent of the taxable incomes.

The above statement proves the truth of the claim so often made by the Populists, that the Northeastern states, through class legislation, have gathered in about all of the surplus wealth the balance of the country has created. Therefore they are able to, and ought, to pay a greater part of this tax. The man who undertakes to-day for such a reason to arouse sectional hatred is an enemy to good government.

#### MONOPOLY.

In a speech delivered March 9, 1894, Mr. Kem, denouncing the “Washington Gas-light Company,” proclaimed his theory of monopoly:

Mr. Chairman, I believe in the principle, and have advocated it before my people, that it is the duty of government to see, so far as it is possible, that no corporation or combination of men shall control any of the necessities of the people; for it is evident that, when such conditions exist, the party or the power having control of such necessities will also have the power to extort for those necessities more than the people ought to pay as a matter of justice and equity.

Therefore, Mr. Chairman, I believe each municipality should control these necessities, such as local transportation of freight, humanity, or intelligence, water systems, and lighting plants, by its own municipal government. I believe in forming a monopoly of all the people to control the necessities of all the people for the sole benefit

of all the people of each municipality. And in cases where these necessities are national, affecting the interests of the whole people, I believe it is the duty of the National Government to take control of them in the interest of all the people.

A municipal or national monopoly for the purpose of controlling any of the necessities of the people, in which all the people are partners and alike reap the benefits, is always right; but a monopoly of any such necessity by a few private individuals for private gain is always wrong, and should cease. Congress should never again grant a charter, franchise, or subsidy to any individual or corporation through which public necessities may be controlled.

As the first regular session of 53rd Congress was coming to a close Mr. Kem prepared a speech upon irrigation, from the standpoint of a progressive Populist.

#### ITS IMPORTANCE.

The work of redeeming these arid wastes through a system of irrigation is more gigantic and fraught with greater good to humanity than any work ever undertaken in this country. It is so colossal both in size and benefits that the mind of man can scarcely comprehend it, and no power on earth can successfully grapple with it, except that of the whole people combined operating through the National Government. But this power can solve the problem successfully, cause this desert to blossom as the rose, and dot its hillsides and valleys with prosperous, happy homes.

#### ITS MAGNITUDE.

Nearly one-half the total area of the United States lies in the arid and subhumid district, all of which needs irrigation for successful agriculture. The district is composed of the following seventeen states and territories: North Dakota, South Dakota, Nebraska, Kansas, Indian Territory, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Nevada, Arizona, Washington, Oregon, and California. Narrow strips on the eastern and western borders of this great district are well watered naturally. Contiguous to these strips are considerable tracts that are classed as subhumid. The rainfall in these tracts is often sufficient to produce good crops, but it can not be depended on year after year. This subhumid region includes about half of the Dakotas, Nebraska, Kansas, Indian Territory, and Texas.

This arid and subhumid region contains about 2,000,000 square miles of territory, or 1,280,000,000 acres, 100,000,000 acres of which may be irrigated in time. This at a fair estimate gives ample room for 1,250,000 rural homes, sheltering an agricultural population of 6,250,000. Along with these will come other millions to engage in various trades and professions. Just as irrigation spreads out over this vast region will it become populated and brought within the pale of a higher civilization.

#### PRIVATE ENTERPRISE INSUFFICIENT.

If the work of reclaiming these arid lands is left to private enterprise it will only be accomplished in spots, here and there, where the water is most available. The vested rights of those private parties who first enter the field will interfere with the rights of those who may come after. The work will be done under seventeen different sets of laws in as many different states. As a result of this a large amount of irrigable land will remain in a wild state. Endless litigation will follow. The water supply will pass into the control of syndicates. The farmer will be robbed, as is always the case when his necessities are controlled by others. And the final outcome of the whole business will be that the husbandman will become a tenant on his own land, while he turns over to the attorney and water owner everything he makes for the privilege of eking out a miserable existence in his own home.

#### PATERNALISM,

Mr. Chairman, is a word that has been in great demand ever since the organization of the Populist Party. It has been hurled at us upon every occasion with a vim and energy worthy of a better cause. We are accused of seeking to establish a paternal government. Why should we seek to establish something we already have in its very worst form? Paternalism is just what we are organized to destroy.

What is paternalism in government? It is the favoritism of the government towards a few of its citizens by which they are given special privileges, enabling them to control the necessities of the people and rob them. The Pacific Railroad case just cited is an example. This is the government paternalism of an unjust parent pure and simple.

But I think it should be called infernalism, for really that is its nature. No more paternal infernalism, if you please. We have already had too much of that under Republican and Democratic rule. Our motto is: "Equal rights to all

and special privileges to none"; and we hope to see the day soon when the present paternal form of government, which means the government for the few and the devil take the balance, will be changed to a fraternal form, which means the good of all.

In denouncing precedents of railroad construction, special protection and monopolistic banking he said:

The relation that should exist between the Government and the people is not the same which exists between the parent and his helpless infant or a doting father and a favorite son, in which the father lavishes upon the son all the good things of life, while his brothers and sisters go hungry and ragged. The true relation is that existing between the members of a fraternal organization and its officers, the members contributing to the support of the organization according to their several abilities, the officers in turn enacting and executing the laws in such a way as to give protection to all alike.

The conclusion of a candid and searching speech, of which these few extracts give but a faint idea, was not enthusiastic of immediate results:

Mr. Chairman, as above stated, I have no hope of getting any relief from Congress as now constituted. It is almost impossible to get even a hearing on this matter, to say nothing of action that will accomplish the work. Thousands of dollars are appropriated for monuments to dead men, thousands for firing the sun-down gun, millions to build cannons so large that it costs hundreds of dollars to fire them once, and millions more for the general interests of the East; but not one cent for irrigation, the West's greatest interest, although we are more than willing to repay it.

## HON. E. J. HAINER.

March 4th, 1893—March 4th, 1897.

Eugene J. Hainer, of Aurora, Hamilton County, Nebraska, was born August 16, 1851, at Funfkirchen, Hungary; emigrated to the United States with his parents in 1854; the family, after living one year at Chicago, moved to the Hungarian Colony at New Buda, Iowa; remained there until 1857, when they removed to Columbia, Missouri, where they resided until 1860, returning again to New Buda; his early boyhood was spent on his father's farm; at the age of 15 he left home, working as farm hand near Garden Grove, Iowa, until 1873; received his education at Garden Grove Seminary and Iowa Agricultural College, teaching school during vacations to meet expenses; graduated from the Law Department, Simpson Centenary College, Indianola, Iowa, in 1876; removed to Aurora, Nebraska, in 1877, where he has since resided and engaged in the practice of law; is interested in banking and in a line of creameries in southern Nebraska; was never a candidate for an elective office until elected to the 53rd Congress as a Republican, receiving 15,648 votes, against 11,486 votes for William H. Dech, People's Independent, 8,988 votes for Victor Vifquain, Democrat, and 1,312 votes for J. P. Kettelwell, Prohibitionist.

In 1894 he was re-elected to the 54th Congress, receiving 19,493 votes, against 15,542 for W. L. Stark, People's Independent, Silver Democrat; 2,763 for S. S. Alley, Democrat, and 905 for C. M. Woodward, Prohibitionist.

## POSTAGE REDUCTION.

Entering upon the duties of a Representative, in the 53rd Congress, where this sketch leaves him, his business capacity qualified him for successful work; and integrity of character held the confidence of his constituency, and gives abundant promise of future success. Having introduced a bill to admit

scientific, educational, fraternal, historical, and trades union papers and periodicals to a lower grade of postage, and the bill being disfavored by the Post Office Committee, at the investigation of the P. O. Department, Mr. Hainer was specially delighted when a deluge of a 1,000,000 petitioners demanded its passage, and as an amendment to an appropriation bill it was enacted into law.

#### TARIFF.

During the second session of the 53rd Congress, the Wilson tariff bill being before the House, Mr. Hainer delivered a carefully prepared speech upon protection and free trade, without attempting to discuss the minutiae of the bill.

In the introduction he made beautiful reference to his constituency:

I represent a constituency having their homes in the territorial center of the United States. To the east are the great manufacturing and business marts of the distributing centers. To the west are the great Rockies with their wealth of ores, and semitropical California. To the north are the immense fields of wheat and oil and forests of timber. To the south are the broad fields of cotton, cane, and rice. My people are engaged largely in agriculture and the trades dependent upon that great industry. They sell the products of their fields mainly to Americans engaged in manufacturing, mining, transportation, and in mercantile pursuits. They are excelled by no constituency in intelligence, straightforwardness of purpose, and loyal devotion to country. They are not to be deceived by words, be they uttered with the vehemence of the tempest or the easy grace of the most polished and suave orator. No smiting of the Congressional breast, coupled with agonizing protestations of a determination to "serve God and the people regardless of party dictation," will reconcile them to a measure which strikes down the industrial independence and interests of our Nation, cripples its markets and degrades its labor.

And in his conclusion, twined a garland for his adopted country:

Mr. Chairman, the supreme test of true greatness in either individual or nation is its capacity to endure pros-

perity. In adversity and great trial America not only retained her place among the nations but deservedly gained the unqualified admiration and respect of the world. Entering upon her second century, favored beyond the power of speech to declare, may she be given the saving common sense to cherish and "hold fast that which is good." Respect comes to the self-respecting. Freedom is his who waits not on another; who commands that which satisfies his wants—abiding greatness and prosperity to the nation which promotes thrift, dignifies labor, and encourages, advances, and protects its people.

In the spirit of Kossuth, his thoughts were of the exile and emigrant:

Prosperity comes only from industry, labor, saving, and thrift. Waste does not conduce to it. Above all, Americans will be independent. That spirit has become a fixture here. Our forefathers and some of us grew tired of contributing by our sweat to the luxury of lords and to enrich royalty. We welcome to our midst, even as we ourselves were but recently welcomed, every honest, industrious, law-abiding man who wants to better his conditions and become a loyal American citizen. Let such bring here their machinery, their skill and strength, wealth and enterprise, their manhood, and join with us in upbuilding and sustaining a policy which has for a generation made our country's name synonymous with opportunity.

In his argument, proper, he contended, that all the Presidents have favored protection; that the country prospered most under the highest tariffs; that free trade would equally cripple agriculture and manufactures; and that an income tax was the pet of demagogues; and in illustration of these and kindred propositions, numerous authors, messages, speeches and statistical tables were consulted and arguments adroitly adduced. He arrayed the bill itself against the doctrine that protection was unconstitutional:

The pending bill refutes the objection. The committee reporting it admit, as everyone who examines it must see, that it is not shorn of protective features. It covers nearly 4,000 articles. The greater part of these are produced in this country. No one giving the question a moment's consideration will deny the proposition that a tariff on an article the like of which is produced in this country is

necessarily protective. It may not be sufficiently high to accomplish any useful purpose, but it is protective. The importer must in the first instance pay the duty. That is conceded. With this added cost he meets in competition the domestic article which has not paid the duty.

Can you convince the importer this is no disadvantage to him? Will the tariff reformer who is selling the domestic article deny the duty is a protection to him?

Nevertheless, Mr. Hainer retired from the arena of debate, exclaiming: "This bill has no merits. It is full of demerits. Its very shadow is a blight and palsy. In its operation it will be worse than pestilence."

#### FEDERAL ELECTION LAWS.

On the 26th day of September, 1893, Mr. Tucker, of Virginia, advocated his bill, "To repeal all statutes relating to supervisors of elections and special deputy marshals and for other purposes." Mr. Tucker said:

The first proposition, therefore, to which I ask the attention of the House is this: That the *right* of suffrage emanates from the state and is not conferred in the Constitution on the citizen by the Federal Government, but is reserved to the states and so declared to be in the Constitution itself. In the second section of Article I of the Constitution we find this provision:

"The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

That is, whatever provision Congress may make under its powers with reference to the "manner of holding" elections, the original *right* of suffrage rests with the states of the Union. By this provision of the Constitution suffrage is conferred through the states, and it leaves in the states the determination of the right and the conditions of suffrage; and the citizen is entitled to it because he is a citizen of the state and not because of his citizenship of the United States.

Such right of suffrage and conditions of are subject to the suffrage laws of the state of the citizen and must be prescribed and limited by such state. The state may say that no man under 21 years of age can vote, which is a condition of suffrage; or it may say that none but property holders can vote, which is a condition of suffrage; or it may



say that no man can vote until he registers, which is a condition of suffrage; or it may say that no man shall vote who can not read or write, which is a condition of suffrage. None of these conditions, confessedly, can be regulated by the Federal Government, but are left wholly to the states.

These laws ought to be repealed, Mr. Speaker, because they seek to take away from the state, that alone can bestow suffrage on the citizen, the power of determining the right to vote; they ought to be repealed because they have been the subject of collisions and jealousies and unnecessary clashing of authorities since their enactment; they ought to be repealed, sir, because they are reconstruction measures, the unhappy reminders of a period in our history forever gone, except from the memory of the people; they ought to be repealed because the states are as much interested in seeing that their Representatives are properly elected as the Federal Government can possibly be.

Mr. Hainer, of Nebraska, indicated his readiness to enter the discussion by propounding an inquiry; and a week thereafter occupied the House with a carefully prepared speech. He said:

Mr. Speaker—The question now before the House is one of the deepest interest, affecting essentially the foundations of the Federal Government. Nominally the bill under consideration seeks merely to repeal certain sections of Federal law looking to the supervision of Federal elections by supervisors and deputy marshals, practically it goes further and seeks to wipe out every possible trace of Federal control and Federal supervision of elections.

In approaching the discussion of this question, I confess I hail from a district which regards this Union not simply as an aggregation of states, but as a great nation, not merely exercising delegated but original powers based upon the fundamental law.

Representing as I do, in part, the people of a state nearly every quarter section of which is occupied by a man who gave evidence of his loyalty to the Union by bearing a musket in the days when many gentlemen who now declaim against these laws were fighting against the Government, I confess that I have some feeling on this question.

1st. Proceeding with his argument, he examined two cases decided by the United States Supreme Court affirming the constitutionality of the last amendments.

2nd. Argued the necessity of Federal election laws, from the

character of state legislation before the war of the rebellion, when it had been enacted that: "The servants shall be quiet and orderly in their quarters, at their work, and on the premises; shall extinguish their lights and fires, and retire to rest at seasonable hours."

"Oh! what humanity there is in this?"

3rd. Protested against the home rule of the South, but made the following admission: In North Carolina—

In the prohibition campaign of 1881 negroes and whites spoke from the same platform. There was no political question at that time before the people; it was simply a question of prohibition or anti-prohibition.

My Democratic friends then forgot the wonderful menace to society and government which inhered in the so-called black vote. No objection was then made to the negro vote. Since then, and in the same State, railroad elections were held and negroes were registered and voted without difficulty. In May, 1886, in the City of Greensboro, the whites organized negroes to assist in the election of a mayor, and, being successful, that same mayor made a congratulatory address to them. In 1891, at Greensboro, in a contest between two Democratic candidates for mayor, negroes were sent for in carriages to vote for one or the other of these white Democratic candidates.

In 1891, at a bond election, where \$30,000 was voted to secure an industrial and normal school for white girls, negroes were allowed to register and vote. They were sought for. But in 1888 these same negroes did not dare to celebrate the election of President Harrison.

4th. Included a statistical report of the proportion of votes cast in districts North and South, for members of the House, showing the larger percentage in behalf of Northern members.

5th. He furnished proof of the charge that a North Carolina school board published a revised edition of a State School History, which agreed with their own views of the cause, the progress and collapse of the war, and in which they refused to say, "The Confederate government fled from Richmond;" but put it mildly, "left Richmond."

Of the voter he said:

There is some danger, I admit, from the ignorance of voters. There is that danger in the South as well as in the

North. We shall hail the day when every man shall be raised to a much higher standard educationally than is his to-day.

But I venture to remind the gentlemen from the South that neither intellect nor intelligence is synonymous with education.

#### SUGAR BOUNTIES.

A proposition to repeal the act allowing a bounty on sugar, which had cost the government \$9,000,000 per year, met the opposition of the member from Nebraska. He claimed that "it is the duty of the government to continue the bounty now provided by law till July 1, 1905."

Quoting from President Cleveland's Hawaiian message: "That the United States in aiming to maintain itself as one of the most enlightened of nations would do its citizens gross injustice if it applied to its international relations any other than a high standard of honor and morality," he continued:

That these sentiments are correct and creditable will hardly be questioned. They have met with general approval on both sides of the House.

I quote them only to re-enforce the suggestion that a principle so strangely and strenuously invoked in behalf of a foreign Queen, disreputable both in public and private life, be not withheld when dealing with nations with whom we have treaty relations, and our own people who have taken the Government at its word and invested millions in a useful industry. This bill annuls our reciprocity treaties, without even consulting the other contracting parties. It takes from our own people the inducement which alone led them to engage in an otherwise losing venture.

We have no moral right to do this. I greatly question our legal right to abrogate this law, running as it does for a specific time, and for which the appropriation has already been made.

It is more than a mere bounty or gratuity; it confers a vested right.

On the supposition that the Democratic majority must respect the sentiment of party friends, he attempted to array Secretary Morton, the *Omaha Herald* and Dr. Miller upon the side of the sugar bounties. His conclusion was as follows:

I am surprised that any gentleman should hesitate for one moment to vote the protection needed. You ought not

to hesitate. You ought to stand for everything that is American. Do that and you will cease to be dependent upon foreign countries.

Now, Mr. Chairman, in the few moments which have been given me, I cannot possibly hope to cover any considerable portion of the ground which should be traversed. I know that gentlemen on the other side are only too anxious to vote down this industry. They are not in a temper to listen to the reason and the facts in the case.

But, gentlemen, let me tell you that two years from now there will be a Congress sitting in this hall which will listen to the voice of the people and protect their industries. [Applause on the Republican side.] You spit upon the industries of the North and West to-day, but the people whom you so insult will in turn administer a fitting rebuke to you. Do your worst now, but the day of reckoning is at hand. [Applause on the Republican side.]

#### MISSOURI RIVER COMMISSION.

Without indirection, circumlocution or hesitancy Mr. Hainer attacked the general course of improvement by the Missouri River Commission, March 19, 1894:

Mr. Chairman, what is the object of this Missouri River Commission? Its first and great object, in the broad sense, is and must be to facilitate and extend commerce; not simply to make that river navigable, though that may be incidental to the final object to be attained.

What is the character of the commerce along this stream? Clearly it is of a double character. First, it is the commerce which extends up and down the stream itself, and secondly, the commerce which goes over and across the stream.

As a matter of fact, the commerce which extends up and down that stream is, as the gentleman himself admits, inconsiderable. On the other hand, the commerce which passes over the river at the city of Omaha alone exceeds all the commerce which floats either on the Mississippi River, the Missouri River, or both combined. There is no question about that fact.

Let us get at the truth of this matter, the real kernel of it; for what we want to do here, as intelligent legislators, is to expend the money of the people in serving the needs of the people. We are not interested simply in making a stream navigable if no commerce is to be benefited thereby; and if there is more of benefit to be had in improving the

river along those points where commerce is engaged, then it may be wise and to our interest to expend money for that purpose.

Having affirmed that improvements should proceed from upstream downward and finding that \$1,000,000 had been expended on a stretch of fourteen miles near Jefferson City, where no boat in commerce was entered, he exclaimed:

Now, at that rate, Mr. Chairman, how much money will be required to bring that Missouri River into a navigable condition from its mouth to Sioux City? Why, it would take \$80,000,000. How much time will it require at the rate which work has been progressing? It will take one hundred and twenty years. And yet these gentlemen say that the contract system requires that all expenditures be made in continuation of this project, slower in execution than the wrath of God, and more expensive than the most prodigal would care for one moment to stand as sponsor.

Having by an unanswerable array of facts shown that the commerce crossing the river at Omaha and other points was peculiarly "interstate and transcontinental," and was threatened by disasters to the great bridge from floods and changing channels, he gave an analysis of the pending bill:

Take the appropriations asked for here. They are \$750,000. What does this Commission propose to do with that? It proposes to pay for traveling expenses and salaries \$20,000; for surveys, permanent bench-marks and gauges, \$30,000; for operating snag boat, \$35,000; and for a system of improvement in the first reach, that means from the mouth of the Osage River down, about 150 miles, \$665,000, which makes up the whole \$750,000; and not a particle of it is for the protection of the real commerce that goes across this river, or for the protection of the great interests which ought to be protected, as it seems to me.

It is time that great national interests located in the West were heard in these halls. The South and East find ready audience, and their petitions seldom denied.

Of this I do not complain, but submit to your sense of fairness that the reasonable and just claims of the West be no longer ignored.

Ending his labors in the 53rd Congress, second session, he added to the literature of the *Record* a speech, contrasting state bank issues with national currency.

## HON. D. H. MERCER.

March 4th, 1893—March 4th, 1895.

David H. Mercer was born in Benton City, Indiana, in 1857; and came to Nebraska from Adams County, Illinois, in 1866, after his father, Capt. John Mercer, returned from the Union Army. Here young David received advantages of the Brownville, Nemaha County, High School, and in 1877 entered the Nebraska State University, graduating in 1880. Returning to Brownville he was admitted to the bar in 1881, was elected City Clerk and served as Police Judge. After standing an examination before Judge Thos. M. Cooley, he entered the senior class, law department, at Ann Arbor, Michigan State University, graduating with the degree of LL. B. in 1882. He was for two years secretary of the Republican State Committee before removing to Omaha. Soon after acquiring a residence there, and while a comparative stranger in the county, he received a nomination for county judge but was defeated. For several years he served the city and county as chairman of their Republican Committee, and previous to 1892 was for two years Master in Chancery of the U. S. Court.

Inasmuch as he was elected to Congress in the Democratic year 1892, when Cleveland and the House of Representatives were against his party, and his opponent the popular and talented Judge G. W. Doane, it was a source of much party congratulation. His majority over the Democratic candidate was 1,100.

During the 53rd Congress he secured two branch postoffices for Omaha, introduced military training in the High School, secured \$75,000 for Missouri River improvement (in House) for Omaha, aided in adding \$200,000 to appropriation for Fort Crook, at Bellevue near Omaha, and for South Omaha secured a public building to cost \$100,000.

His constituents gave him an unanimous endorsement by a

nomination and election to the 54th Congress, by the following vote: D. H. Mercer, 12,946; James E. Boyd, Democrat, 8,165, D. C. Deaver, Populist, 3,962; and for G. W. Woodberry, Prohibitionist, 393.

During the 53rd Congress, on June 6, 1894, his colleagues and friends, assembled in the venerable St. John's Church, Washington, congratulated him on his marriage with Miss Birdie Abbott, of Minneapolis, Minnesota.

#### IN HOUSE OF REPRESENTATIVES.

The question being as to what newspapers should be selected as advertising mediums for furnishing paper for Government uses, Mr. Mercer moved to add the name of papers published in Omaha.

MR. RICHARDSON, of Tennessee: I wish to ask my friend from Nebraska (Mr. Mercer), in all seriousness, whether he really thinks there are any paper-making establishments so far from the seat of government as Omaha that would make bids for furnishing paper which would have to be transported so great a distance as from Omaha to Washington? Does the gentleman think that any establishment out there could compete in this matter with gentleman right here in the East who would propose to furnish these supplies?

MR. MERCER: How will we find out unless we give them a chance?

MR. RICHARDSON: Oh, well, you know that all these papers circulate out there.

MR. MERCER: On the contrary, we read our own papers instead, as they are just as good as Eastern papers and much fresher in news. We dislike even stale news out West. The great trouble is that you people do not get far enough West.

#### MAIDEN SPEECH.

MR. MERCER: Mr. Chairman, there are some persons on the floor of this House who, never having had occasion to go farther west than the Allegheny Mountains, are forgetful of the fact that far beyond the Mississippi River extends a rich country filled with people and with vast natural resources, a country through which they have never traveled and of which, perhaps, they have never read. When my friend from Tennessee, in an off-hand way, says that when the committee recognize Cincinnati and St. Louis they have

gone west far enough, I wish to say to him that when you go as far as those cities you have scarcely gone a third of the way across this continent.

Does not the gentleman know that the Missouri River runs through the geographical center of this great country? Gentlemen of the Eastern States should realize that there is a large body of people living west of the Missouri River; that there is a large amount of capital invested in that region; that there are paper-manufacturing industries out there as well as printing industries, which are of too great importance to be ignored.

I sorely regret the attitude assumed upon this floor by many Eastern and Southern members in the discussion of legislation affecting the West. The city of Washington is no longer the center of population of this Nation. "Westward the star of empire takes its way" and has been so traveling for lo, these many years. Because Washington continues to be the seat of our National Government, and is so near the great cities of New York and Philadelphia and within a few hours' ride by train to populous New England and the East, is no reason why representatives of the great West should be forbidden the privilege of reminding the country that beyond the Mississippi River lies a magnificent empire which some day will refuse to perform the services of tail to the dog, will protest against the dominations of the East, and will obtain a recognition in national councils befitting its resources and station, and this recognition will be obtained, not by war, not by threat or intimidation, but by peaceful legislation.

The time is not far distant when the center of population will be near that great metropolis, the queen city of the Missouri Valley, the commercial gateway to the Occident—my home city, Omaha. Some people in New York City firmly believe that Central Park is the center of population in the United States. The poor deluded creatures. That point is now in southwestern Indiana, and at the rate population is increasing in America it will find a location at Omaha before this century will have ceased numbering years.

This bill does not recognize in section 3 that there is any United States west of Chicago and St. Louis. But there is a great deal of America west of those two cities. Early in this century Indiana and Illinois could properly be considered in the West; but since civilization has traveled to the Pacific Ocean, leaving in its wake magnificent cities, beautiful and fruitful farms and mines of wealth in almost every state west of the Mississippi River, we politely ask



the conservative East to include in the West all that region west of the Father of Waters.

Does the gentleman from Tennessee not know that Omaha, Kansas City, Sioux City, Lincoln, Des Moines, Minneapolis, St. Paul, Denver, Salt Lake City, Los Angeles, San Francisco, Portland, the beautiful cities of Washington, and many other commercial centers in the great West are as much superior to many of the older cities of America as is the illumination of the sun stronger and brighter than that of the moon? These cities began where the Eastern cities finished, taking advantage of experience.

We profit by experience in the West, while the East is eternally experiencing a profit at our expense. All we ask is a recognition that we are still a part of the Union. We pay taxes, we will fight to preserve the Union, but we ask a little more than glory and empty promises. Omaha is the home of newspapers. In this city they prosper, they grow, they succeed. Our people are a reading, thinking people, and they include advertisements in their literary bill of fare. I will venture the assertion that an advertisement inserted in one of Omaha's newspapers would receive as much notice and call for as many replies as would a similar notice appearing in any newspaper published in half the cities mentioned in section 3.

Our papers circulate to the Pacific Ocean, to the Gulf, and even force an entrance into cities along the Atlantic seaboard, while we all know there are cities mentioned in this bill whose papers have a limited circulation beyond the confines of the State in which they are published. In our city we have one of the largest newspaper office buildings in the world. In fact, Omaha is such an important factor in Western America that I propose to read you a few statistics simply as an "eye-opener" to those of you who have been confining your visits to a small fraction of this great country.

Omaha has 8 public parks.

Omaha has 71 miles of paved streets.

Omaha has 100 miles of sewers.

There are 42 public schools, employing 296 teachers.

There are 22 church and private schools, employing 152 teachers.

The school census shows over 30,000 children of school age with an enrollment of 15,500.

Omaha is a city of churches, having 109 houses of religious worship.

There are 53 hotels.

There are 13 trunk lines of railway, covering 38,233 miles of road operated from Omaha. One hundred and thirty passenger trains arrive daily.

Omaha has the largest smelter in the world.

Omaha has the largest linseed oil works in the United States.

Omaha has the largest distillery in the world, and three of the largest breweries in the United States.

Omaha has the largest white lead works in the world.

Omaha has 160 manufacturing enterprises, with a combined capital of \$11,508,400. Last year their products amounted to \$34,104,200.

The principal shops of the Union Pacific Railway are located in Omaha. They cover 50 acres of ground and represent an outlay of \$2,500,000. They furnish employment to 1,200 skilled mechanics and 200 day laborers.

There are 207 jobbing houses, with a capital of \$14,116,000. During 1892 their sales amounted to \$50,000,000.

The actual real estate valuation is \$250,000,000, while the assessment for taxation is based on a one-tenth valuation.

Omaha has sixteen banks, of which eight are national and eight are State banks.

During 1892 the clearings were \$295,319,922.

The post-office receipts for the year 1892 were \$290,799. This department gave employment to 106 carriers.

Omaha has one of the most complete water works systems in the world. The plant cost \$7,000,000 and has 175 miles of mains. The pumping capacity is 85,000,000 gallons daily.

There are 95 miles of street railways, mainly electric. The system employs 600 men and operates 275 cars. The monthly pay roll is \$40,000.

Population in 1860 .....	1,861
Population in 1870 .....	16,083
Population in 1880 .....	30,518
Population in 1885 .....	61,835
Population in 1890 .....	140,452
Population in 1893 .....	175,600

The telephone company has had 4,427 telephones in use during the past year.

In this connection I desire to add that the city of South Omaha, the third city in size in the State of Nebraska—scarcely five years of age, yet the liveliest baby city in America—situated in the same county as Omaha, each city growing so rapidly that it is difficult to ascertain where one begins and the other ends, would gladly assist Omaha in protecting her name and fame as a commercial center. This city of South Omaha is the third packing center of America; 185,000 sheep, 800,000 cattle, and 2,000,000 hogs killed annually.

The packing-house product alone requires 35,000 cars annually to ship it, and is worth \$45,000,000, being as much as the total silver output of American mines in 1889; one weekly and four daily papers; population, 15,000; six banks, doing a daily business of \$3,000,000; miles of paved streets; elegant viaducts; a dozen railroads, and during the late panic not a bank failure, while the city of Omaha led all the

cities of the United States but seven as a substantial, safe banking center. Talk to me about commercial centers and newspapers and progressive industries! Give us a chance. Who knows but what we can bid upon work needed by the Government as low as our Eastern friends, and protect our laboring men at the same time. The Lord knows we would not pay starvation wages for all the contracts in the universe.

FIRST REGULAR SESSION, FIFTY-THIRD CONGRESS.

Early in the session of the 53rd Congress Mr. Mercer supplemented his maiden speech, as above, with a large mass of manufacturing statistics, and the protests of numerous business men and manufacturers against the reduction of tariff duties on foreign importations, all tending to add additional lustre to Omaha's crown of honors.

But in the midst of general jubilation his farmer constituency were not forgotten:

Mr. Chairman—The farmers of Douglas, Sarpy, and Washington Counties, the territory which comprises the Congressional district which I have the honor to represent upon this floor, have been materially and handsomely benefited by the growth and development of Omaha and South Omaha as markets for the products of the farm. The more manufacturing plants, the greater the diversity of interests, the stronger becomes the home of such benefits as a receiver, consumer, and distributor of farm products. Then, too, a home market like Omaha and South Omaha increases in value the price of farm lands tributary thereto. Although not to so great a degree, the smaller cities and towns in this territory afford a convenient market for the product of farms situated nearby. Town people and the agriculturists should be the best of friends. Their interests are reciprocal, and protection to one is protection to the other, and in all instances they should be inseparably joined in a contest against foreign invasion, whether that invasion be of the nature of pauper immigration or the products thereof. If America is to be flooded with the cast-off cheapness of foreign lands the stability of our institutions will surely fall from its foundation and American honor will have suffered an unfortunate stain.

I am proud of the enterprising citizenship in the State of Nebraska. I am proud of the important and prominent position occupied by Douglas County and its enterprising

cities in the agricultural, commercial, and manufacturing domain of this Republic, and I firmly believe that with a national policy of protection in America this greatness in Nebraska will increase and the good times of the Harrison Administration will return to this land now stricken with a business depression brought about by a false economic policy.

#### BEET SUGAR.

A few days later, while indicating the policy of a bounty upon beet sugar production, he exploded a rhetorical bomb in the camp of the Arkansas delegation, they having failed to succeed in the new industry, and being opposed to that policy which he believed desirable for Nebraska.

MR. MERCER: Mr. Chairman, some years ago a farmer in the state of Ohio made up his mind that he would change his place of residence and move to Arkansas—the reason why nobody knows; history has never given us an explanation. It seems that a short time after he landed in Arkansas a country fair was held. He had taken with him from Ohio to his new home some very fine Chester White pigs—six in all—beauties every one of them. He thought it no more than right that he should encourage the industry of raising fine thoroughbred hogs in his new home; so he took to this country fair these six elegant Chester White pigs and placed them on exhibition. After the awards had been made the Ohio man discovered that the breed of hogs in which he had been dealing all his life were not appreciated in the State of Arkansas. The first premium ribbon was pinned upon a pen that contained six “razor-backed looking” hogs—hogs with long legs—hogs that looked more like greyhounds than any hogs ever before raised upon American soil.

The man from Ohio was not very much chagrined because he had not received the first premium, but his curiosity was excited. So he called upon the chairman of the awarding committee and asked him the reason why his hogs were rejected for a premium while the pen containing the “razors” was recognized. The chairman said to him, “My dear sir, you must be a stranger in this part of the country. In Arkansas the people have no use for hogs that can not outrun a negro.” [Laughter.]

Now, Mr. Chairman, I am not surprised that Representatives from the State of Arkansas on this floor—

MR. MCRAE: Before the gentleman gives us another “chestnut” will he please pick out the worm?

MR. MERCER: The gentleman by rising in his seat has given one himself and therefore it is not necessary that I should do so.

Mr. Chairman, the people of Arkansas tried the experiment with beet-sugar seed. They sent to the Agricultural Department of the United States for seed, and they were furnished. They experimented, as also did the people of Missouri, and the people of those two states made the poorest exhibit made by the people of any state where the experiment was tried.

#### TARIFF.

Again, upon the 27th of January the *Record* contains a speech, with editorial and manufacturers' views, and sentiments from the author of the McKinley tariff, and from the Hon. James G. Blaine, with Mr. Mercer's protest against a reduction of tariff duties. Of employer and employee he said:

Profit and loss as knowledge should be common property to employer and employee. If the head of an establishment is living beyond his means, he should throw pride to the dogs and make a confession. If prosperity smiles upon him, he should see to it that the wage worker shares with the stockholder in some of the dividends. If reverses occur, the wage earner should in turn extend the employer aid and assistance. While legislation does not compel this course, an honest conscience and a generous heart would suggest it.

In regard to a certain equalization of wages he said:

These are cruel words. When such a condition exists in America I trust my days will have been numbered, as I have no desire to witness the scenes of starvation and struggle for bread that will then be daily observed upon this American soil, a soil hallowed in patriotism, love of country, and protection to American industry and American labor. Then will the dignified, intelligent American bread-winner grovel in the mire side by side with the pauper labor of Europe; then will hordes of Mongolians infest our territory, enjoy the fruits of our labor accumulated in better days, and the anarchist will prevail in resplendent glory.

In rebuttal of all charges or insinuations against his constituency he drew the following glowing picture of life upon the farm:

It is my privilege and pleasure to represent a constituency rich in natural and acquired resources. Although there are

only three counties in my district, these three counties in agriculture, in manufacture, and in commerce, challenge the world for superiors. The counties of Washington and Sarpy and the agricultural part of Douglas are filled with bountiful farms and intelligent farmers and farmers' families. The farmers in this district are well to do and many quite wealthy. They have excellent farms and they know how to farm them. What is more, they farm the soil with the plow and other implements and machinery and not with the mouth. Instead of occupying a place upon a dry goods box with the whittling knife in hand, grumbling at that which labor and industry would prevent the happening, the farmers of these counties exercise their brain in the management and control of their possessions, and they employ industrious, honest labor in the cultivation and management of the same.

The farmers in this district ride in carriages. They dress in fine linen, and their homes are conveniently and advantageously furnished. It is not a strange thing to find a piano in the farm houses, Brussels carpet upon the floor, excellent parlor furniture, pictures upon the walls, well-dressed inmates, and bountifully-laid tables. The rich meadows and rich soil properly tilled produce magnificent crops of everything planted therein, and the whole country blooms with prosperity and richness. If I cannot say something good about the neighborhood in which I live, rest assured I would not call attention to the unfortunate happenings therein.

More damage has been done in certain sections of the United States west of the Mississippi River by the mouthings and vaporings of cranks and demagogues, who assume to be farmers and farmers' guardians, than was ever done by windstorms, grasshoppers, drouth, or by any pestilence whatsoever. In many instances, you show me a man who claims to be a practical farmer, who travels from place to place stirring up strife and discontent among his neighbors, criticising everything in the Government but himself and those whom he seeks to use, and I will show you a man who, if a farmer, does not know how to farm.

The sum and substance of the plea for State and national protection is easy of comprehension:

I desire the mills and spinneries to come to Nebraska. I contend that if protection has filled New England with mills and spinneries, has enriched her people in city and on farm, that the same legislation will make of Nebraska another and

greater Massachusetts. Our time in the West has arrived. New industries are springing up everywhere. They are welcome, thrice welcome. Encouragement they need, protection they must have. Stand up for Nebraska!

On the subject of Missouri River improvement Mr. Mercer did not forget the interests of Omaha and Council Bluffs, but his colleague, Mr. Hainer, had so completely occupied the ground that but little was left to be added.

Some time having elapsed since Mr. Mercer's last eulogy upon Omaha and Nebraska a suitable occasion offered during a discussion upon irrigation, which was promptly embraced.

Mr. Chairman—Some years ago it was my good fortune to visit the State of Oregon, and I there noticed some of the benefits of irrigation. On one side of a roadway the soil was pure sand, while ten feet away the same sand, through the merits of irrigation, was made rich in a most profusive production of vegetation. In Nebraska the same success has crowned the efforts of the enterprising farmers who have attempted irrigation. The sand lots of one year were made to produce a most remarkable yield of potatoes, while farm after farm emerged from the valueless to the valuable.

Eastern Nebraska has been fortunately blessed in nature's gifts, and does not need irrigation or other artificial methods to insure crops. I venture the assertion that this part of Nebraska is the cream of the agricultural kingdom, no matter in what part of the world competition is sought. A failure of crops has not occurred since the first settlement, and year after year this qualification of the soil increases in its usefulness.

It is the western part of Nebraska which seeks and needs irrigation, and if irrigation is given this part of Nebraska—a State which now stands second in the Union as a corn-producing State—it will soon take rank with the eastern part, and then will Nebraska be the greatest corn and wheat producing State in America.

Leave being granted to print in the *Record* a speech of ex-Senator Warren, Omaha "came up smiling."

We remember, nearly all of us, when Omaha was a little, struggling hamlet, and it seemed to me then and it seems to me now, that scarcely a place above or below upon this river but what a city could have been as well built as here. It has been, however, the spirit of her people, the ambition,

the brain, and the will power of the citizens of Omaha that have made it what it is.

Omaha, when but a small village, took advantage of opportunities and made her supreme effort at a time when the Nation declared that it would have a railroad constructed across the continent, connecting the vital life of the great East with the mighty possibilities of the boundless West. Omaha became the gateway of this transcontinental line. There has always been in Nebraska and in Omaha supreme hospitality. In this State, especially in Omaha, a spirit has always existed which said to every man seeking a home, "We welcome you. Law-abiding citizens, all come to us and make your home with us."

#### EDUCATION, SUFFRAGE, AND NATURALIZATION.

As the last days of the 53rd Congress were being numbered Mr. Mercer placed upon record sentiments of general national import.

Mr. Speaker—The public school in America is a necessity, and I rejoice that it steadily grows in favor. The American flag should decorate every school building in the land, and the pupils should be taught to reverence as well as respect one equally with the other, for the moment our public school system is allowed to crumble and disappear that moment will the Stars and Stripes cease to be emblematical of American patriotism, and the Constitution and the law will have gone the way of the dead.

If we will carefully keep church and state separate in all legislative matters, and continue to throw around our public school system walls of protection, sift the suffrage of the country so a man will not be allowed to vote until he realizes the full responsibility of the act, cure our naturalization laws so a man will not be allowed to become an American citizen until he is properly qualified to wear the dignity which that honor and title bear, to so remedy our immigration laws that only the best elements of foreign society will be allowed an opportunity to mingle with and become a part and parcel of American civilization and make it impossible for the anarchy and pauperism of the Old World to find a lodgment here, we will have done much to uplift American institutions.

I am glad to note that in educational matters great steps of progress have been made, especially in the western part of the United States. The great universities of Chicago and Stanford illuminate educational circles to-day, while the



great universities of several western states, notably Nebraska, Iowa, and Kansas, occupy an enviable position in the educational world. Their instructors and their students are gradually achieving a prominence which cannot do otherwise than reflect the greatest of credit upon them and upon the institutions they respectively represent. It is a good sign of civilization when education is pushed into the frontier of this, as well as other countries, because education always civilizes, but public money should be expended in a nonsectarian direction. Such a course will insure less division, less trouble, and more efficiency than any other method which might be pursued.

## HON. GEORGE D. MEIKLEJOHN.

March 4th, 1893—March 4th, 1897.

Hon. George D. Meiklejohn was born at Weyauwega, Wau-paca County, Wisconsin, August 26, 1857, and brought up on a farm. He was educated at the State Normal, Oshkosh, and Michigan University, Ann Arbor; and graduated from the Law Department of Michigan University in 1880; prior to which time he was principal of the High School at Weyauwega and Liscomb, Iowa. He was a lawyer at 23 years of age, the same year in which he came to Nebraska, at 27 he was in the State Senate, at 30 was chairman of the Republican State Central Committee, at 31 was elected Lieutenant Governor; and at 35 years of age elected to Congress, as a Republican, receiving 13,635 votes against 10,630 for George F. Keiper, Democrat, and 9,636 for William A. Poynter, Independent. In 1894 he was re-elected to the 54th Congress.

He was fortunate in the circumstances of life upon the farm—early education—self support—settlement in a new and progressive community—ability to acquire and integrity to hold the confidence of a constituency till landed in Congress with a legislator's resources and a presiding officer's experience, acquired in presiding over the State Senate, by election, and ex-officio, as Lieutenant Governor.

The gentleman had also acquired a terse and comprehensive use of language, as evidenced by the introductory sentences of his first speech in the 53rd Congress January 12, 1894. Mr. Meiklejohn said:

One year ago the prayer for "a change of party" was, through the voice of a plurality but not a majority of the electors of this Nation, answered, and for the first time for more than a third of a century the executive and both branches of the legislative departments of the Government were placed in the absolute control of the Democratic party. The American people prior to this "change of party" were

enjoying the blessings guaranteed to them by the Constitution. Industry, the great heart of the arterial system of trade, was beating normally and regularly; her pulsations filled the conduits of commerce with the products of American labor, American capital, and American genius. She blessed with wealth and prosperity the most remote part of the Nation; she fed the bread-winners of the land with the produce of American soil and made a home market for the American farmer; capital had a field for investment; labor, employment; transportation, trade and commerce; manufactures, a demand for their products.

The Nation was blessed with universal prosperity, and happiness and contentment beamed from the home. The maxim of Daniel Webster, that "Where there is work for the hands there is work for the teeth," was never more fully verified. This was the condition of our Republic before the transformation scene of a year ago.

#### "A CHANGE OF PARTY"

was the verdict of the ballots; the "change of administration" had not yet come. Its realization was four months in the future. The prospect of Democratic experimentation and platform translation began its work of industrial prostration and commercial depression. Capital took fright; industry moved sluggishly; products of manufactures decreased to the current demand; labor saw her wages decline and the doors of employment slowly close.

Doubt and uncertainty drove our medium of exchange into hiding; banks were forced to realize on securities to keep up reserves; exports decreased and contents of bonded warehouses increased. The Nation for the first time since 1857 began to taste the unripened fruit of free trade and that sweet morsel of Anglomaniaes, the markets of the world. Who could predict what was in store when a "change of administration" should come?

#### BEET SUGAR.

Having made the point that the legislation of the extra session had failed to tranquilize the country, and a tariff bill being before the House for revenue, with incidental protection only, he argued the constitutionality of protection, of itself, instancing legislative custom and the opinions of Madison, Jefferson and others. Passing to what he affirmed would be the result of the bill, if passed, upon two Nebraska industries, beet sugar and

binding twine, he enumerated the vast sums saddled upon our people, on account of foreign importation of sugar, which he would finally lessen, through the stimulus of bounties upon home manufactures.

#### RESULTS.

Wherever a beet-sugar factory is located and within a radius of many miles the agricultural country seems touched as with a new life. There is a rise in the value of land and labor is in demand, towns and villages take on vigor and growth, and every man, laborer, banker, merchant, and farmer, feels the touch of a new industry. Thousands of dollars are annually expended by the factory in every direction, giving business a steady impetus and a demand for the products of other industries.

No man, of whatever political faith, who is not a demagogue can go through a beet field and visit a sugar factory without feeling that God's sunshine is indeed a partner with labor and capital in one of the great agricultural industries.

Are the energy and capital invested in this enterprise, the hopes of the farmers and planter in this great sugar industry, to be paralyzed? At whose behest? Is it possible that Claus Spreckels has found favor in the eyes of a Democracy which only fourteen months ago was yelling itself hoarse in denunciation of trusts?

Mr. Brigham, in 1890, Master of the National Grange, composed of one and one-quarter millions of farmers, said:

"I think our people would not favor a bounty on any commodity that we now produce in sufficient quantities to supply our people. There are many of them in favor of bounties. Take, for instance, sugar."

At the transmississippi convention, held at Ogden last spring, a convention composed of over 600 delegates from 22 States, a resolution passed without opposition against a repeal of the bounty from or protection for sugar.

Let no one suppose for a moment that but two or three states growing sugar are the only ones interested in this industry. On the contrary, the mechanic, the laborer, the merchant, and the farmer in many states, aside from the cane, beet, and sorghum belt are deeply interested in this struggle. Prior to 1857 Louisiana had paid to Eastern foundries and machine shops over \$10,000,000 for engines, sugar mills, kettles, furnaces, doors, grates, bars, vacuum pans, pumps, water pipes, wagons, and harness. She had paid to Tennessee, Ohio, Kentucky, Illinois, and Indiana over \$7,500,000 for mules and horses for her plantations.

She had purchased every year over \$1,500,000 of pork, \$65,000 of flour, \$275,000 of shoes, \$1,250,000 of clothing, half a million dollars of blankets, and \$1,250,000 of horses and mules, or a total of nearly \$4,700,000 annually. When she had with a capital in this industry increased fourfold and now reaching \$150,000,000, her calls on the North and border states for machinery, animals, wagons, harness, provisions, and clothing makes an interstate commerce of \$50,000,000 annually.

Is such an industry in such a state to be stricken down or crippled?

Her product in 1870-'71 was, pounds ..... 168,878,592  
 In 1890-'91 it was ..... 483,489,856

A gain of nearly 200 per cent, or pounds... 314,611,264

The planters have invested at least ten millions new or additional capital, and increased their planted area 100,000 acres since the bounty law was enacted, and on the faith of its continuance as promised and provided.

#### LAST ROSE OF SUMMER.

He entered a protest, also, because binding twine was placed on the free list; and playfully alluded to Mr. Bryan:

My colleague (Mr. Bryan) will remember, in the Fifty-second Congress, in speaking of the election of 1890, he said that he would not find fault with Mr. Reed if he consumed his time in recalling those words of Thomas Moore, "The last rose of summer."

You will remember that you predicted that the "revolution" might reach the shores of Maine. Little you then thought that it would reach the prairies of Nebraska before the shores of Maine. With the victory of the Administration in the last Democratic convention in Nebraska and the Republication victory in the Nation I know my colleague will find no fault with me if I consume sufficient time to recall the words in the last stanza of that beautiful anapest:

"So, soon may I follow,  
 When friendships decay,  
 And from love's shining circle  
 The gems drop away.  
 When true hearts lie withered,  
 And fond ones are flown,  
 Oh, who would inhabit  
 This cold world alone."

[Laughter and applause.]

#### PERORATION.

In his peroration he charged Democrats with "wrecking in-

dustries"; of treason, by alliance with "England and Canada"; canonized Thoreau and lay under contribution the rhetorical figure of Echo, to intensify the knell of destiny.

"What humiliating contrast, gentlemen of the majority, does your plan and purpose to wreck the industries of this country present to that patriotic utterance of Thoreau which made him immortal—

"There is no hope for him who does not think that the bit of mold under his feet is the sweetest spot on earth."

You propose to sacrifice this industry, destroy this new field for agriculture, and place this necessity of the American farmer under the control of foreign manufacturers.

You propose to give preference and priority to foreign lands and foreign productions. In this you have succeeded in securing the support and indorsement of the Canadian and English press.

Sirs, pass this bill and you will lock the vaults of American resources.

Pass this bill and you sign the death-warrant for American industries.

Pass this bill and you issue a proclamation for the enslavement of American labor. [Applause.]

Pass this bill and you will declare for the destruction of our home market; the depletion of the national treasury; the placing of labor on a plane with ryots, coolies, and kanakas, and the transfer of American manufactures to foreign shores. [Prolonged applause on the Republican side.]

#### SECOND TARIFF SPEECH.

In the last hours of the 53rd Congress, second session, after hundreds of speeches had been delivered upon the subject of a tariff for revenue or protection, Mr. Meiklejohn, under leave to print, wrote and filed a speech, as a political attack upon the Democratic party.

In the first sentence he charged "a lowering of the flag of tariff reform"—"a surrender without terms." To stigmatize the Senate amendments to the House bill (634 in number), he published the celebrated letter of President Cleveland to Mr. Wilson, Chairman of the Ways and Means Committee of the House, in which the Senate bill was characterized as meaning "party perfidy and party dishonor," involving "outrageous discriminations and violation of principle."

Inasmuch as Democrats had to conciliate the coal states, the iron ore states, and those having cotton, silk, tin, glass and sugar interests he found it convenient to put on record Senator Vest, of Missouri; and Senator Mills, of Texas:

No wonder the Senator from Missouri, in turning the calcium light on this tariff bill and exposing the tribulations of the Democracy in framing it, was led to say:

“Sir, were it not for this tariff I could now indulge in the ecstasy of that well-known hymn—

“There shall I bathe my wearied soul  
In seas of endless rest,  
And not a wave of trouble roll  
Across my peaceful breast.”

No wonder Mr. Mills, one of the present Democratic leaders in the Senate and the author of the famous Mills bill, speaking of this Gorman compromise bill in a speech delivered in the Senate on the 15th of August, 1894, was led to exclaim:

“Mr. President, I have not risen either to attack or defend the bill which has recently passed Congress and is now awaiting the signature of the President. I think perhaps *the least that we can say about that measure the better it will be.* It is *the most remarkable measure* that has ever found itself upon the pages of the statute books of any country. It is a phenomenon in political science; and especially is it so when we consider that this is a popular government and that legislation in a popular government is the crystallization of the public will. *I make bold to say here to-day that that bill does not reflect the sentiment of one thousand people of the United States.*

“I do not think I will be far from the truth when I say there is not a Republican in the United States who favors it. I do not think I will be far amiss when I say *there is not a Populist in the United States who favors it,* judging by the votes of their representatives in this chamber. I do not believe I will be far from the truth when I say that *the great masses of the Democratic people of the United States eoudenn it.* It is the product, as we all know, of five or six, or at best seven, members on this floor.”

In adjusting rates some had been lowered, some removed, and some increased, while of those increased, a list was given of fifty articles.

The sugar schedule was very thoroughly examined, and the repeal of bounties denounced, while certain Missouri members were warned of the indignation of their sugar-eating constituents.

In conclusion, he invoked the muse of History and called on the House to join in the refrain:

TUNE—"The Old Oaken Bucket."

"How dear to our hearts is our Democratic Congress  
 As hopeless inaction presents it to view;  
 The bill of poor Wilson, the deep-tangled tariff,  
 And every mad pledge that their lunacy knew;  
 The widespread depression, the mills that closed by it,  
 The rock of free silver where great Grover fell,  
 They've busted our country, no use to deny it,  
 And darn the old party, it's busted as well.

    This G. Cleveland's Congress,  
     This Queen Lilly Congress,  
     This wild free-trade Congress  
 We all love so well.

"Their moss-covered pledges we no longer treasure,  
 For often at noon when out hunting a job,  
 We find that instead of the corn they had promised,  
 They've given us nothing—not even a cob.  
 How ardent we've cursed 'em with lips overflowing  
 With sulphurous blessings as great swear words fell,  
 The emblems of hunger, free trade and free silver,  
 Are sounding in sorrow the workingman's knell.

    This bank-breaking Congress,  
     This mill-closing Congress,  
     This starvation Congress  
 We all love so well.

"How sweet from their eloquent lips to receive it,  
 Cursed tariff protection no longer uphold.  
 We listened—and voted our dinner pails empty,  
 The factories silent, the furnaces cold.  
 And now far removed from our lost situations,  
 The tear of regret doth intrusively swell,  
 We yearn for Republican administration  
 And sigh for the Congress that served us so well.

    This Fifty-third Congress,  
     This Democratic Congress,  
     This sugar-cured Congress  
 We wish was in —."



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