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# CHRONOLOGY OF NEBRASKA STATEHOOD

BY DOUGLAS BAKKEN

A VITAL part of the history of the United States involves the acquisition of large tracts of land, primarily through purchase and treaty, and the transformation of these areas into separate but equal states in the Union. The admission of the thirty-seventh state, Nebraska, provides a good example of the state-making process.

The United States acquired Nebraska as a part of the Louisiana Purchase from France in 1803. It was unorganized and unsettled territory, a part of the region designated in 1834 as "Indian Country."<sup>1</sup> This status existed until May 30, 1854, when Nebraska was officially proclaimed a territory.<sup>2</sup> The territory was terminated twelve years and nine months later with the signing of the statehood proclamation by President Andrew Johnson on Wednesday, March 1, 1867.<sup>3</sup> Statehood involved much

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<sup>1</sup> *Statutes*, 4, p. 729.

<sup>2</sup> *Statutes*, 10, pp. 277-290.

<sup>3</sup> *Statutes*, 14, p. 391.

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more than official transactions, but the following chronology outlines the basic legislative and official steps in the admission of Nebraska.

The basic legal procedures for the development of a territory into a state had been outlined by the famous Ordinance of 1787, authored by Thomas Jefferson and passed by the Articles of Confederation Congress. While this historic document underwent some modifications through the years, its basic features provided the machinery with which fledgling-states were added to the Union in orderly manner. Congress exercised control over the first stage of development with the appointment of a territorial governor, secretary and three judges to govern pioneer communities. When this area had 5,000 free, adult males, the inhabitants were permitted to elect a general assembly, composed of a Council and a House of Representatives, plus judges and a delegate to Congress. The latter person, while he had no official voice in Congress, served as an intermediary with the federal government. When a territory acquired a population of 60,000 people, it was then eligible for statehood.<sup>4</sup> Thus the basic procedures for the admission of new states were carefully outlined in the Ordinance. While there were some objectionable provisions in the law, such as property qualifications for members of the legislature, the act "did more to perpetuate the Union than any document save the Constitution."<sup>5</sup>

With the formation of Nebraska as a territory on May 30, 1854, the first phase of development to statehood was started. It was not long after, in the middle of 1858,

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<sup>4</sup> Ray Billington, *Westward Expansion*, (New York: The Macmillan Company, 1960) pp. 216-217. Thomas D. Clark, *Frontier America*, (New York: Charles Scribner's Sons, 1959) pp. 144-147. John D. Hicks, "The Constitutions of the Northwest States," *University Studies*, Vol. XXIII (January-April 1923) University of Nebraska, pp. 5-6. Earl S. Pomeroy, *The Territories and the United States, 1861-1890*, (Philadelphia: University of Pennsylvania Press, 1947).

<sup>5</sup> Billington, p. 217.

that the *Omaha Times* suggested that the people should be allowed to vote on the matter of statehood.<sup>6</sup> Approximately one year later the first official act relating to the admission of Nebraska was introduced.

### STEPS TO NEBRASKA STATEHOOD

Territorial Assembly, 6th Session, December 5, 1859—January 10, 1860

December 8, 1859: William H. Broadhead, Otoe County (House, House File No. 3) and Mills S. Reeves, Otoe County (Council, Council Bill No. 5) introduced similar bills relating to the organization of a state government for Nebraska. The bills called for an act to frame a state constitution and state government for Nebraska and while C.B. No. 5 passed both houses of the assembly, the Constitution was defeated in a popular election in March 1860, 2,372 votes against to 2,094 votes in favor of state organization.<sup>7</sup> Nebraska's first attempt at forming a state constitution was thwarted and the matter was relatively dormant for the next several years.

37th Congress, 3rd Session, December 1, 1862—March 3, 1863

December 22, 1862: House: James N. Ashley, Ohio, introduced H. R. 628 on the admission of Nebraska into the Union. A similar bill was introduced in the Senate by James H. Lane, Kansas (S. No. 522), but the Congress adjourned without passing either bill.<sup>8</sup>

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<sup>6</sup> James C. Olson, *History of Nebraska*, (Lincoln: University of Nebraska, 2nd Edition, 1966), p. 122.

<sup>7</sup> *House Journal*, 6th Session, p. 45, *Senate Journal*, 6th Session, p. 38. Albert Watkins, "How Nebraska was Brought Into the Union," *Publications of the Nebraska State Historical Society*, 1917, pp. 378-381.

<sup>8</sup> *Congressional Globe*, 37th Congress, 3rd Session, pp. 166, 905, 914, 915 and 1525.

Territorial Legislature, 9th Session, January 7, 1864—  
February 15, 1864

January 13, 1864: Council: A. H. Jackson, Dakota County, introduced a joint resolution and memorial to Congress, C. B. No. 13, asking that an enabling act be passed in order that Nebraska could become a state. Referred to Committee on Federal Relations.<sup>9</sup>

January 14, 1864: Council: Committee on Federal Relations submitted a substitute bill as its report, this was read for third time and bill passed.<sup>10</sup>

January 15, 1864: House: Message received from the Council that they had passed a substitute bill for C. B. 13 relative to state government.<sup>11</sup>

January 27, 1864: Council: Message received from the Governor that he had signed the joint resolution and memorial to Congress.<sup>12</sup>

January 29, 1864: House: William McLennan, Otoe County, introduced H. F. No. 82, a bill enabling Nebraska to become a state. Bill was read a first and second time and referred to Committee on Federal Relations.<sup>13</sup>

February 11, 1864: House: H. F. No. 82 read a third time and passed.<sup>14</sup>

38th Congress, 1st Session, December 7, 1863—July 4, 1864

December 14, 1863: House: James N. Ashley introduced H. R. 141½ to enable Nebraska to become a member of the Union and the bill referred to the Committee on Territories.<sup>15</sup>

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<sup>9</sup> *Council Journal*, 9th Session, p. 62.

<sup>10</sup> *Ibid.*, p. 66, The voting figures are not recorded in the *Journal*.

<sup>11</sup> *House Journal*, 9th Session, p. 82.

<sup>12</sup> *Council Journal*, 9th Session, p. 104.

<sup>13</sup> *House Journal*, 9th Session, p. 124.

<sup>14</sup> *Ibid.*, p. 192.

<sup>15</sup> *Globe*, 38th Congress, 1st Session, pp. 19-20.

March 14, 1864: Senate: Message received from the House that they had passed an enabling bill for Nebraska to form a constitution and state government in preparation for admission into the Union.<sup>16</sup>

March 17, 1864: House: Discussion of several enabling acts, including Nebraska's. An amendment to strike out the abolition of slavery clause of the bill was rejected as was another amendment to require that the state not be admitted until a census was taken to determine the population of the Territory.<sup>17</sup>

April 12, 1864: Senate: Benjamin F. Wade, Ohio, moved that the Nebraska enabling bill be taken up and it was read a third time and passed.<sup>18</sup>

April 19, 1864: Congress passed an enabling act permitting a constitutional convention to be held on July 4 with vote on the delegates to be on June 6.<sup>19</sup> The question of whether to adopt statehood was not specifically stated. The majority of delegates elected to the constitutional convention were not in favor of statehood. The convention was called to order in Omaha, officers were elected and then it adjourned without forming a constitution.<sup>20</sup>

Territorial Legislature, 10th Session, January 5, 1865—  
February 13, 1865

In his message to the assembly Governor Alvin Saunders mentioned the matter of statehood and stated that the action of the constitutional convention was because "there was scarcely time

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<sup>16</sup> *Ibid.*, p. 1176.

<sup>17</sup> *Ibid.*, pp. 1166-1167.

<sup>18</sup> *Ibid.*, p. 1607.

<sup>19</sup> *Statutes*, 13, pp. 47-50.

<sup>20</sup> Watkins, "How Nebraska Was Brought In," pp. 396-397; Addison E. Sheldon, *Nebraska, The Land and the People*, (Chicago: The Lewis Publishing Company, 1931) Vol. 1, pp. 327-328.

enough allowed between the date of the reception of the bill in the Territory and the election of the members of the Convention, for the people to learn of its passage—certainly not enough to enable them to consider, thoroughly and dispassionately the principles of the bill or the terms on which it was proposed to admit the Territory into the family of states.”<sup>21</sup> Saunders went on to say that he was leaving the matter of statehood in the hands of the assembly because they undoubtedly had the interests of the people in mind.<sup>22</sup> No further action regarding state organization was taken in the session.

Territorial Legislature, 11th Session, January 4, 1866—  
February 12, 1866

February 5, 1866: Council: John R. Porter, Douglas County, read C. F. No. 22, a joint resolution submitting a constitution for state government to the people for their approval or rejection. Resolution was read a second time and referred to special committee.<sup>23</sup> On the same day the file read for third time passed by vote of 7 to 6.<sup>24</sup>

February 6, 1866: House: Joint resolution C. F. No. 22 read for first time.<sup>25</sup>

February 7, 1866: House: Motion to refer C. F. No. 22 to Committee on Federal Relations defeated.<sup>26</sup>

February 8, 1866: House: C. F. No. 22 read third time and passed by a vote of 22 to 16.<sup>27</sup>

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<sup>21</sup> *Council Journal*, 10th Session, p. 18.

<sup>22</sup> *Ibid.*, p. 18.

<sup>23</sup> *Council Journal*, 11th Session, p. 129.

<sup>24</sup> *Ibid.*, p. 138.

<sup>25</sup> *House Journal*, 11th Session, pp. 152-153.

<sup>26</sup> *Ibid.*, p. 158.

<sup>27</sup> *Ibid.*, p. 168.

February 9, 1866: Council: Message received from the Governor that he had signed the joint resolution relating to a proposed constitution for the state of Nebraska.<sup>28</sup> The resolution called for an election on June 2, 1866, to approve or disapprove of the constitution and at the same time elect state officials. The constitution was approved by a vote of 3,938 to 3,838 and the Republicans won practically every office on the slate.<sup>29</sup>

39th Congress, 1st Session, December 4, 1865-July 28, 1866

July 23, 1866: Senate: Benjamin F. Wade introduced S. No. 447, a bill for the admission of Nebraska into the Union. The bill was read twice and with the constitution adopted by the people of Nebraska referred to the Committee on Territories.<sup>30</sup>

July 27, 1866: Senate: After ill-fated attempts to recommit the bill to Committee on Territories to inquire about the population of the Territory and the fairness of the June 1866 election, and an attempt to amend the denial of franchise in the constitution, the bill was passed by a vote of 24 to 18.<sup>31</sup> House: Bill for the admission of Nebraska into the Union read a first, second and third time and after an unsuccessful attempt to table it, the bill was passed by a vote of 62 to 52.<sup>32</sup> With the adjournment of Congress on July 28, no further action was taken regarding the admission of Nebraska.

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<sup>28</sup> *Council Journal*, p. 184. For a discussion of the drafting and passage of the resolution relating to the constitution, consult Olson, *History of Nebraska*, 1966, pp. 123-127, Sheldon, *Nebraska, The Land and the People*, Vol. 1, pp. 338-341, and J. S. Morton and Albert Watkins, *Illustrated History of Nebraska*, (Lincoln: Western Publishing and Engraving Company) Vol. I, Third Edition, pp. 509-516.

<sup>29</sup> Olson, p. 125.

<sup>30</sup> *Globe*, 39th Congress, 1st Session, p. 4044.

<sup>31</sup> *Ibid.*, p. 4221.

<sup>32</sup> *Ibid.*, pp. 4264, 4275-4278.

39th Congress, 2nd Session, December 3, 1866-March 2, 1867

December 5, 1866: Senate: Benjamin F. Wade introduced S. No. 456 relating to the admission of Nebraska into the Union and the bill referred to the Committee on Territories.<sup>33</sup>

December 14, 1866: Senate: S. No. 456 considered in Committee of the Whole and during the next several weeks was subjected to no little debate. Discussion centered on an amendment by B. Gratz Brown, Missouri, that statehood should not take place until Nebraska's Constitution contained no denial of elective franchise because of race or color; and a controversy over whether Nebraska had sufficient population for statehood.<sup>34</sup>

January 9, 1867: Senate: S. No. 456 read for third time and bill passed by vote of 24 to 15.<sup>35</sup>

January 10, 1867: House: Bill for the admission of Nebraska into the Union read a first and second time but not referred to any committee.<sup>36</sup>

January 15, 1867: House: House passed the bill for admission of Nebraska by a vote of 103 to 55 with 33 members not voting.<sup>37</sup>

January 16, 1867: Senate: Senate agreed to admission of Nebraska by vote of 28 to 14 with the amended provision that there would be no denial of elective franchise or any other right because of race or color, "excepting Indians not taxed."<sup>38</sup>

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<sup>33</sup> *Globe*, 39th Congress, 2nd Session, p. 13.

<sup>34</sup> *Ibid.*, December 14-January 9, 1867, pp. 125-360 not all-inclusive.

<sup>35</sup> *Ibid.*, p. 360.

<sup>36</sup> *Ibid.*, pp. 399-401.

<sup>37</sup> *Ibid.*, p. 481.

<sup>38</sup> *Ibid.*, p. 484.

January 29, 1867: Senate: Message received from President Andrew Johnson that he had vetoed the admission of Nebraska into the Union.<sup>39</sup>

February 8, 1867: Senate: Benjamin F. Wade moved that the admission of Nebraska into the Union and the President's veto message be taken up. This was agreed to and bill passed with the necessary two-thirds vote, 31 to 9.<sup>40</sup>

February 9, 1867: House: Message received from the Senate that they had passed the bill for the admission of Nebraska into the Union over the President's veto. James N. Ashley, Ohio, moved that the House take up the admission of Nebraska and the bill was approved by a vote of 120 to 43, with 28 not voting.<sup>41</sup>

February 14, 1867: Governor Alvin Saunders issued a proclamation that the legislature convene on February 20th for the purpose of taking action

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<sup>39</sup> *Ibid.*, See pages 851-852 for the entire text of the President's message.

<sup>40</sup> *Ibid.*, p. 1096.

<sup>41</sup> *Ibid.*, p. 1120.

upon the bill passed by Congress for the admission of Nebraska into the Union.<sup>42</sup>

State Legislature, 2nd Special Session, February 20-21, 1867

February 21, 1867: Legislature approved Senate Bill No. 1 for the admission of Nebraska into the Union.<sup>43</sup>

March 1, 1867: President Andrew Johnson signed Proclamation admitting Nebraska to the Union.<sup>44</sup>

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<sup>42</sup> *Senate Journal*, 2nd Session, pp. 27-28. Congressional act is printed on pp. 31-32. Because of the complexities of state organization, Nebraska had both state and territorial legislatures in operation during the period of 1866-1867. The 11th Territorial Assembly met from January 4, 1866 to February 12, 1866. The 1st Special Session of the State Legislature met from July 4, 1866 to July 11, 1866, after the adoption of the constitution in June and elected two U. S. Senators, John M. Thayer and Thomas W. Tipton. With the "pocket veto" of President Johnson on the admission of Nebraska (passed on July 27, 1866), Nebraskans were forced to continue Territorial government and accordingly held an election on October 9, 1866. The resulting legislature, 12th Territorial, met from January 10, 1867 to February 18, 1867, and discussed matters of general legislation. With the passage of the admission bill on February 9, the State Legislature, 2nd Special Session, was held from February 20 to February 21, 1867, to approve the Congressional act. The 3rd Special Session of the State Legislature was held from May 16, 1867 to June 24, 1867, to provide necessary legislation for the transition from territorial to state government. The members of the territorial and state legislatures were often the same men. Sheldon, pp. 365-366, Morton and Watkins, Vol. III, pp. 3, 8, 41 (footnote 74). See also the *Senate and House Journals*, State Legislatures, 1st, 2nd and 3rd Session, 1867.

<sup>43</sup> *Senate Journal*, 2nd Session, pp. 33-38.

<sup>44</sup> *Statutes*, 14, pp. 820-821, contains the text of the proclamation.