Nebraska Prestatehood Legal Materials

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Chapter 28

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INTRODUCTION

The purpose of this work is to provide a resource for identifying and locating prestatehood legal materials in Nebraska. Documents and resources are organized in six categories: historical background, state constitution, judicial branch, legislative branch, executive branch, and municipal documents/county records. Where appropriate, an annotation is provided when a resource is discussed; where an annotation is redundant (e.g., session laws), a discussion of the document type is substituted for an annotation. Because materials from this era are often reprinted in multiple resources, some publications contain documents that fit into more than one category; a notation is made in each relevant category when this occurs.

Readers should note page number references. In many cases, a page number reference is included to facilitate the finding of an act or other document in a resource; in these cases, the page number is included in the parenthetical after the document, e.g., (45).

An unannotated Bibliography of Nebraska Legal Materials listing the resources discussed in the text is included. To facilitate the location of the resources, the bibliographical entries include all information located on the title page of the work (with the copyright date included in brackets when not found on the title page, and punctuation added where appropriate). Call numbers, Superintendent of Documents numbers, and other classification numbers are included in some circumstances, again to facilitate location of materials. Multivolume sets include an italicized notation directly follow-

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ing the entry. A number of interesting and relevant materials too numerous to mention individually were also consulted in the preparation of this chapter. Many of those documents are handwritten records from territorial county courts/governments, never published. Those materials, currently archived at the Nebraska State Historical Society, are identified and briefly discussed in sections entitled “Nebraska State Historical Society Materials,” located at the end of all appropriate categories. Researchers should note that many of the types of materials listed in these sections may still be housed in local, county courts; if the Nebraska State Historical Society does not have the records, local county courthouses should be consulted.

Unless otherwise noted, all materials cited are part of the Marvin and Virginia Schmid Law Library at the University of Nebraska College of Law or the University of Nebraska Library system.

Finally, although comprehensiveness is the goal of this work, readers should note the possible existence of other relevant resources not uncovered by this author.

**HISTORICAL BACKGROUND**

The area known today as the state of Nebraska became part of the United States as a result of the Louisiana Purchase. In 1854, the Kansas-Nebraska Act organized the Nebraska Territory, setting the boundaries of the territory to include an area “beginning at a point in the Missouri River where the fortieth parallel of north latitude crosses the same; thence west on said parallel to the east boundary of the Territory of Utah, on the summit of the Rocky Mountains; thence on said summit northward to the forty-ninth parallel of north latitude; thence east on said parallel to the western boundary of the territory of Minnesota; thence southward on said boundary to the Missouri River; thence down the main channel of said river to the place beginning, be, and the same is hereby, created into a temporary government by the name of the Territory of Nebraska”; an area covering parts of present-day Nebraska, Wyoming, Colorado, Montana, North Dakota, and South Dakota.

Two issues, based on geographic divisions (North/South), were intimately entwined with Nebraska statehood—the growth of the Pacific Railroad (linking the East and the West) and slavery. Serious early efforts to organize the territory began in the 1840s from Representative Stephen A. Douglas of Illinois. According to some scholars, a portion of his impetus for Nebraska statehood was economically based; serious economic implications surrounded the path of this proposed transcontinental railroad. As a United States congressman from Illinois, he wanted the railroad routed
north, through Chicago and the Platte River Valley, on its way to the Pacific Ocean. In the mid-1840s he introduced bills in the U.S. House of Representatives to organize the Nebraska Territory, with a view to statehood. Douglas continued his efforts throughout the 1840s and into the 1850s after moving from the U.S. House of Representatives to the U.S. Senate.

The North/South division also influenced the creation of the territory, and ultimately the state, because of the issue of slavery. Slavery's impact on the forming territory began as early as 1820 with the Missouri Compromise, which sought to establish boundaries for the spread of slavery through regulation of incoming states as either slave or free. Debates in both houses of Congress during the next thirty-four years reflected growing regional divisions, especially on the issue of slavery; ultimately a compromise was achieved resulting in the passage of the Kansas-Nebraska Act in 1854.

Two other significant Acts followed: an Act enabling the citizens of the territory of Nebraska to form a constitution, state government, and for the admission of the state (April 19, 1864); and an Act admitting the state of Nebraska into the Union (February 9, 1867). Statehood was finally attained on March 1, 1867; Nebraska became the thirty-seventh state admitted to the United States of America.

This section of materials (arranged chronologically) focuses on the laws (and legislative materials) governing the creation of either the territory or the state. Other documents addressing tangential issues, such as the creation of roads in the territory, for example, are not included.

TREATIES AND FEDERAL LAWS RELATING TO THE CREATION OF THE NEBRASKA TERRITORY AND STATE


Commonly referred to as the Louisiana Purchase, this treaty between the United States and the French Republic ceded “the colony or province of Louisiana” to the United States of America.

Act of May 28, 1830 (to provide for an exchange of land with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi), ch. 148, 4 Stat. 411 (1830).

Often referred to as the General Indian Removal Act, this legislation authorized the president to work with the Indian tribes west of the Mississippi to secure title of the lands for the United States.
Act of June 30, 1834 (An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers), ch. 161, 4 Stat. 729 (1834).

Sometimes referred to as the Indian Country Act or the Indian Intercourse Act, this Act attempted to regulate interaction with the Indian tribes in the lands west of the Mississippi River.

**Organic Act**


Senate report concerning the establishment of the territory of Nebraska. The bill establishing the territory was referred to the Committee on Territories; Mr. Douglas made this report.

Staff of Senate Comm. on Territories, 33rd Cong., Report on Nebraska Territory (1854).

Report by Stephen Douglas concerning the establishment of the Nebraska Territory; presented January 4, 1854. Includes an amendment (dated January 23, 1854) submitted by Mr. Douglas, from the Committee on Territories.


House of Representatives report expressing the views of a minority of the Committee on Territories regarding the bill to organize the territories of Nebraska and Kansas [sic].

S. Misc. Doc. No. 23 (1854).

This document titled Memorial of H.D. Johnson, delegate from the territory of Nebraska, addresses the issue of slavery in the territory. The memorial claims the right for a decision on the subject of slavery for the inhabitants of the territory. The document is dated February 20, 1854, and is addressed to both Houses of Congress.

Act (Kansas-Nebraska Act) of May 30, 1854 (to organize the territories of Nebraska and Kansas), ch. 59, 10 Stat. 277 (1854).

Commonly referred to as the Kansas-Nebraska Act, this legislation created the territory of Nebraska. This Organic Act defines the boundaries of the territory; outlines procedures for relationship with Indians in the territory; addresses the issue of slavery; establishes the temporary government; de-
tails the executive, legislative, and judicial branches of the territory; outlines procedures for census taking and elections; addresses appropriations for public buildings; and provides for schools and school districts. The Act also addresses Nebraska’s future federal legislative participation.

The Kansas-Nebraska Act (the Organic Act) is reprinted in the session law volumes from the first through the seventh session of legislative assembly of the territory of Nebraska.

**Enabling Act**

Act (Enabling Act) of April 19, 1864 (to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States), ch. 59, 13 Stat. 47 (1864).

Commonly referred to as the Enabling Act, this statute authorizes inhabitants of the Nebraska Territory to create a state constitution and form a state government. Upon formation, the Act authorizes the admittance of the territory into the Union as the state of Nebraska. The Act defines the boundaries of the future state and prescribes a state constitutional convention; it also provides a detailed timetable for the constitutional convention, the procedures for forming the convention, and electing representatives. Finally, the Act specifically mandates the state constitution prohibit slavery or involuntary servitude, provide for religious freedom, and disclaim all right/title to unappropriated public lands.


The Enabling Act is reprinted in this resource, with previously passed acts relating to Nebraska listed in a prefatory section. The footnotes provide notations concerning other relevant statutes passed after this Act.

**Act Admitting Nebraska to the Union**

Act of February 9, 1867 (for admission of the state of Nebraska into the union), ch. 36, 14 Stat. 391 (1867).

Federal statute passed in February 1867 admitting the state of Nebraska into the Union.

The Act relating to the admission of the Nebraska by the thirty-ninth Congress is reprinted in this resource.

**Other Documents**


Reprints President Andrew Johnson’s proclamation announcing the admission of the state of Nebraska.

**STATE CONSTITUTION**

This section consists of materials relating to the creation of the first state constitution and resources reprinting that constitution.

**Federal Materials Relating to the Creation of the First Constitution**

Act (Enabling Act) of April 19, 1864 (to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal footing with the original States), ch. 59, 13 Stat. 47 (1864).

Section 3 sets forth procedures for a constitutional convention to draft the Nebraska Constitution.

Section 4 sets the date and location of the convention and prescribes the inclusion of three specific articles.

Section 5 mandates an election for the ratification or rejection of the constitution, sets the date, and designates appropriate polling places.

Section 14 directs any unexpended appropriations balance for 1863 and 1864 be used to defray the cost of the convention.
Territorial Materials Relating to the Creation of the First Constitution


Laws, Joint Resolutions and Memorials passed at the sixth session of the Legislative Assembly of the Territory of Nebraska, begun and held at Omaha City, N. T., December 5, A.D., 1859. Together with the Constitution of the United States and the Organic Law (1860).

An Act to frame a constitution and state government for the state of Nebraska (45).

Resources Reprinting the First Constitution


Bulletin Number 13 was issued as a joint publication of the Nebraska Legislative Reference Bureau and the Nebraska State Historical Society. This pamphlet provides a brief introduction to the history of Nebraska and its constitution. Arranged in parallel columns, readers can simultaneously view the 1866, 1871, and 1875 versions of the constitution with the 1920 proposed amendments.


Reprints the first Nebraska constitution.


The 1866-67 constitution of Nebraska is reprinted as follows; footnotes provide some background information on the verification and framing of the constitution.
JUDICIAL BRANCH

This section discusses materials reporting cases decided by the Territorial Supreme Court. It also includes documents detailing the formation and operation of this branch of the territorial and state governments, as well as digests indexing cases decided during the territorial period.

Federal Materials Relating to the Creation of the Territorial/State Judiciary

Act (Kansas-Nebraska Act) of May 30, 1854 (to organize the territories of Nebraska and Kansas), ch. 59, 10 Stat. 277, 280-281 (1854).

Section 9 creates a supreme court, district courts, and probate courts, and provides for justices of the peace. The section also outlines the composition and jurisdiction of all the courts and offices listed.

Section 11 appoints the attorney of the territory of Nebraska and details the appointment process, duties, and compensation for the position.

Section 12 addresses the chief justice, associate justices, attorney and marshal for the territory. The section also sets the salary for each position.

Section 17 prescribes the initial creation of judicial districts, assignment of judges, and designation of the times and places for holding court.

Act (Enabling Act) of April 19, 1864 (to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States), ch. 59, 13 Stat. 47 (1864).

Section 8 authorizes the reservation of land at the capital for public judicial buildings.

Section 13 creates the judicial district of Nebraska.

Nebraska Constitutional Provisions Relating to the Judiciary

Neb. Const. of 1866.17

The first Nebraska constitution, approved February 9, 1866, comprises a preamble and two articles. Article II is subdivided into categories; one is titled Judiciary and specifically addresses the court system of the incipient state.

Section 1 outlines the division of judicial power in the state. This section also details the number of judges composing the state supreme court,
what constitutes a quorum, when and where the court shall hold a term, election of judges, and the term of office for supreme court judges.

Section 2 sets the parameters for judicial districts and district courts.

Section 3 sets forth the jurisdiction of the supreme court.

Section 4 details the jurisdiction of the other state courts.

Section 5 addresses the election of judges.

Section 6 sets judicial salaries.

Section 7 outlines commencement of suits, fees, and disposition of fees collected.

Section 8 provides for the increase of the number of judges.

Section 9 prevents the same judge from hearing the same case in different courts.

Section 10 prescribes the “running head” for all court documents.

Territorial Legislative Acts Relating to the Judiciary

The entries listed in this section are acts passed during sessions of the territorial legislature. Under each citation, acts related to the judiciary are listed; page numbers are included in the parenthetical.

1855 Neb. Laws

First part of the laws is sections of the Iowa Code adopted by the Nebraska Legislature. (55)

An Act defining the duties of the judge of probate. (170)

An Act relating to courts and their jurisdiction. (181)

An Act regulating the admission of attorneys. (199)

Part three is the Criminal Code (being part fourth of the Code of Iowa). (225)

Part five contains acts establishing and locating seats of justice in the counties. (335)

1856 Neb. Laws

An Act regulating fees and salaries; sets forth the fees for clerk in criminal cases, county clerk, district attorney, jurors, witnesses, justices of the peace, and probate judge. (167)

An Act defining the limits of the several judicial districts of the territory of Nebraska. (175)
1857 Neb. Laws

An Act respecting practice and proceedings in courts of justice, and for other purposes. (41)

An Act defining the limits of the several judicial districts and fixing the terms of the district court. (138)

Supplementary to an Act providing for the permanent location of the seat of justice for Richardson County. (281)

An Act establishing the seat of justice of Johnson County. (282)

An Act locating the seat of justice of Gage County. (282)

1858 Neb. Laws

An Act adopting and establishing a criminal code for the territory; includes a forms section. (41)

An Act establishing a code of civil procedure. (109)

An Act amending chapter 2d of the laws of 1857, relative to district courts. (218)

An Act changing times for holding courts in the counties of the third judicial district of Nebraska. (225)

An Act concerning the powers of district judges. (226)

An Act requiring justices of the peace to give bond before discharging their official duties. (247)

An Act fixing the times of holding the district court in the second judicial district. (248)

An Act authorizing certain officers to administer oaths and affirmations in all cases. (248)

An Act respecting juries. (249)

An Act for the appointment of masters in chancery. (255)

An Act amending An Act entitled “An Act for the appointment of masters in chancery.” (255)

An Act authorizing judges of district courts to provide rules regulating the proceedings in chancery. (256)

An Act securing the benefits of the writ of habeas corpus. (261)

An Act providing for the holding of district court in the town of Dixon. (278)

An Act relocating the seat of justice of Washington County. (397)
1859 Neb. Laws

*An Act* supplementary to the provisions of the criminal code, relative to the custody of convicts, and for other purposes. (41)

*An Act* authorizing suits upon written instruments to be brought in the name by which the same are executed. (44)

*An Act* fixing the time of holding the district courts in the first judicial district. (45)

*An Act* providing for the holding of district court in the town of Columbus, in Platte County. (51)

*An Act* providing a penalty for assault and battery; confers jurisdiction in such cases upon justices of the peace. (53)

*An Act* of the jurisdiction and procedure before justices of the peace and of the duties of constables in civil courts. (55)

*An Act* relating to jurors’ fees. (91)

*An Act* amending the code of civil procedure, and providing for the stay of execution in district courts. (91)

*An Act* titled “An act to authorize the district court to appoint masters in chancery, in place of those who have removed from their counties.” (97)

*An Act* titled “An act to amend an act respecting juries.” (98)

*An Act* extending the jurisdiction of the district and probate courts. (104)

1860 Neb. Laws

*An Act* relative to appeals. (45)

*An Act* regulating the fees and salaries of certain officers. (47)

*An Act* authorizing holding special terms of the district court in certain cases. (56)

*An Act* providing for special terms of the supreme court. (131)

*An Act* consolidating certain actions in the district court. (132)

*An Act* amending the code of civil procedure. (139)

*An Act* conferring jurisdiction on justices of the peace in cases of misdemeanor, and requiring prosecutors to pay costs in certain cases. (143)

*An Act* fixing the time of holding the district courts in the first judicial district. (161)

*An Act* fixing the times of holding the district court in the third judicial district. (164)
An Act regulating the time of holding the terms of the district court in the counties of Pawnee, Johnson, Clay, and Gage, within the present prescribed limits of the second judicial district of the Territory. (170)

1861 Neb. Laws

An Act relating to the time of commencing civil actions. (53)

An Act amending sections eighty-three and one hundred of code of civil procedure. (57)

An Act assigning district judges to their respective districts, and adding Cass County to the second judicial district. (61)

An Act authorizing sheriffs to serve and return process issued by probate judges and justices of the peace. (62)

An Act amending the four hundred and sixty-first section of the code of civil procedure. (63)

An Act amending an act entitled “An act for the appointment of masters in chancery.” (65)

An Act attaching certain unorganized portions of Nebraska to the first judicial district. (76)

An Act repealing subdivision “B” of section seventy-nine of the criminal code, and for other purposes. (87)

An Act amending an act entitled “An act respecting juries.” (89)

An Act amending certain terms and sections of the code of civil procedure. (104)

An Act amending an act providing for the holding of district courts in the town of Columbus. (117)

1864 Neb. Laws

Chapter VI. Official bonds and oaths. (50)

Chapter XI. Removal from office. (57)

An Act changing the time for returning venires to petit jurors in the first and second judicial districts. (128)

An Act amending section three hundred and ten of the code of civil procedure, and relative to the competency of witnesses. (129)

An Act regulating practice and proceedings in chancery. (152)

An Act repealing sections one and eleven of chapter five of an act titled “An Act respecting practice and proceedings in courts of justice, and for other purposes,” and for other purposes. (170)
An Act providing for special terms of the supreme court. (183)
An Act amending section three of chapter thirty-five of an act entitled “An Act respecting practice and proceedings in courts of justice, and for other purposes,” and for other purposes. (184)
An Act authorizing garnishment in certain cases. (187)

1865 Neb. Laws
An Act regulating the salaries and fees of certain officers in the territory of Nebraska. (20)
An Act relative to the competency of witnesses in certain cases. (35)
An Act further regulating the practice and proceedings in chancery. (44)
An Act changing the time for returning venires of petit jurors, in the third judicial district. (71)
An Act attaching Saunders County to Cass County, for judicial, election, and revenue purposes. (134)

1867 Neb. Laws
An Act prescribing “forms to be used by justices of the peace in criminal cases, and to provide a uniform system of impanneling juries in criminal cases.” (5)
An Act amending the code of civil procedure, and for other purposes. (7)
An Act allowing salaries to judges of probate. (19)
An Act attaching Lincoln County to the first judicial district, and creating a term of court therein. (47)

Neb. Revised Stat. (1866)
Acts relating to the Nebraska Supreme Court or court proceedings can be found through use of the index.

Prestatehood Judicial Opinions

“Reports of Cases in the Supreme Court of Nebraska (Woolworth), 1871.” 1 Neb. 411.

Beginning on page 411, this volume publishes cases decided by the supreme court in the territory of Nebraska. In addition to publishing the cases, the volume also lists the judges of the supreme court of the territory.
Digests

Arthur K. Dame and Ralph S. Moseley, *A digest of the decisions of the Supreme Court of Nebraska from 1855 to July 10, 1928* (1929).

Digests cases reported in the Nebraska Reports from 1855. The preface explains the organization and the information included with each citation.

The *Nebraska Synoptical Digest: A Digest of the Decisions of the Supreme Court of Nebraska* (J.H. Broady Jr. and D.A. Haggard, eds., 1910).

The preface discusses the methodology used in digesting the cases in this source, and how users should read the citations. In addition to indexing, this source also indicates overruled cases in two ways: first, in brackets following the citation; and, second, in a table of alphabetically organized overruled cases found in volume three. Not only are overruled cases designated, a citation to the overruling case is included as well.

E. C. Page, *Page’s Nebraska Digest: A Digest of the Decisions of the Supreme Court of Nebraska, as reported in volumes 1 to 60 of the Nebraska reports* (1902).

This source digests the first sixty volumes of the Nebraska Reports, including the territorial opinions. The preface provides a clear description of the various notations found throughout the work and its organizational structure. Volume two also includes three tables: (1) Table of Citations of the Constitutions, Laws and Code Sections of Nebraska; (2) Table of Cases Overruled, Modified, Criticised or Changed by Statute; (3) Table of Cases.

Nebraska State Historical Society

The Nebraska State Historical Society archives a number of materials related to the judiciary. Territorial supreme court “case files,” as well as “case files” from a number of other courts dating back to the early 1850s are stored here. Documents vary by county and date; researchers can access probate records, trial calendars, appearance dockets, chancery records, daily journals, executive dockets, civil case files, criminal case files, complete records, and naturalization records from many of the county and district courts in existence during the territorial period. The maintenance of many of these records was prescribed by statute: “The clerk of the district court shall keep at least five books, to be called the appearance docket, the trial docket, the journal, the record, and execution docket.” Some counties kept even more detailed records. The inventories for Nemaha County, for
example, also list powers of attorney, grand jury information, and criminal indictments from 1853 through 1866, as well as bar dockets from 1866. Many documents are handwritten, either the original or one of the few remaining copies. To identify what materials are archived from a particular court, researchers can consult the inventories compiled at the Nebraska State Historical Society. Since the bulk of these materials is housed in an off-site storage facility, after consulting the inventories researchers need to contact the Nebraska State Historical Society in advance to arrange access to these materials. Some county courts still archive their own records; researchers should also contact county courthouses when searching for the materials if they are not archived at the Nebraska State Historical Society.

Case Files

These documents relate to cases brought in various territorial courts, including the Territorial State Court. Researchers will find a variety of documents including slip opinions, petitions, motions, exceptions, notices of appeal, reports, summons, bonds, writs, subpoenas, affidavits, complaints, depositions, transcripts, and arguments.

Appearance Docket

On the appearance docket, he shall enter all actions in the order in which they were brought, the date of the summons, the time of the return thereof by the officer and his return thereon, the time of filing the petition, and all subsequent pleadings.

These are bound, handwritten ledgers recording the actions taken in suits. The title page of the volume for the District Court of Douglas County reads, "Calendar of Civil Causes and Judgement Record of the District Court for the First Judicial District of the Territory of Nebraska Douglas County." Causes of actions are listed by parties along the top of the page. Underneath that designation are notations concerning the dates and actions relevant to the suit—payments made, appeals filed, continuances, orders, pleas, motions filed, judgments, fines, etc. Each page is devoted to one cause of action. Many have the signature of the clerk in attestation of the action. Some have separate, leather-bound, handwritten indexes listing the defendants and plaintiffs; other volumes include an index in the first pages of the volume.
Complete Record Chancery

These are bound, handwritten court records; the records from the district court in Chancery 1st District were examined for this chapter. Each page is dedicated to one court action. The parties are listed along the top of the page (it appears as though the parties are listed on the left and the attorney is listed on the right). Under the caption is listed the date (year and date), action taken, and the cost of the action.

Complete Record Law

These are bound, handwritten records in ledger volumes. Volumes from the Douglas County District Court were examined for this chapter. These volumes contain narrative records of cases brought before the court named on the spine of the volume. Parties and their respective attorneys are identified, as are the types of actions being brought. That information is followed by the petition of the plaintiff—it appears as though petitions, answers, complaints, motions, orders, pleadings, and any documents related to these actions were transcribed and written in “Complete Record” volumes.

Execution Docket

The judge shall reduce all his orders to writing, which, together with a minute of his proceedings signed by himself, shall be filed with the clerk of the court of the county in which the judgment is rendered, or the transcript of the justice filed, and the clerk shall enter on his execution docket the time of filing the same.

These dockets recorded judgments against debtors; the documents transcribed and recorded include summons, orders, judgments, and other relevant documents.

An Execution Docket from the District Court of Douglas County was examined for this chapter. The first few pages of this handwritten ledger contain an alphabetical listing of the parties/actions brought; page numbers correspond to suit records in the volume. The pages of the “text” of the volume are stamped SALE BOOK along the top of the left-hand side; the pages along the right-hand side are stamped COUNTY. On the left-hand side of the page under SALE BOOK are the following columns: PARTIES, DATE OF JUDGMENT, AM'T. RECOVERED (a subcolumn for $ and one for CTS.), AMOUNT OF COSTS (a subcolumn for $ and one for CTS.), and TOTAL AM'T. OF JUDGMENT, INTEREST AND COSTS (a subcolumn for $ and one for CTS.).
right-hand side of the page is entitled OFFICER’S RETURN OF WRIT. For each suit listed in the index, an entry is made noting information in all relevant columns. The information on the right-hand side of the page, if used, is a notation concerning any writs served.

Journal

Like the other resources, the journals are handwritten records recording actions brought before the court named on the spine during the designated dates.

**LEGISLATIVE BRANCH**

There is an interesting variety of prestatehood legislative materials. In addition to the Organic Law, territorial session laws, and territorial statutes, the house and council journals provide a glimpse of early legislative activities and a publishing venue for committee reports, joint resolutions and memorials, and even testimony from certain committees.

**Federal Materials Relating to the Creation of the Territorial/State Legislature**

Act (Kansas-Nebraska Act) of May 30, 1854 (to organize the territories of Nebraska and Kansas), ch. 59, 10 Stat. 277, 278-279 (1854).

**Section 4** creates and prescribes the duties and powers of the legislative branch of the Nebraska Territory, and provides detailed instructions concerning the number of legislators, vacancies, voting, and representation in the legislature.

**Section 5** discusses the qualifications of officer holders and voters.

**Section 6** defines the powers of the legislature and the interaction between the legislative and executive branches.

**Section 7** discusses the legislature’s role in the appointment of district and county officials.

**Section 8** restricts service in the legislature and provides that members may not hold any other office (except for that of Postmaster). The first legislative assembly is exempt from this provision.

**Section 13** outlines the procedures for the first legislative assembly.
Act (Enabling Act) of April 19, 1864 (to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States), ch. 59, 13 Stat. 47 (1864).

Section 8 authorizes the reservation of land at the capital for public legislative buildings.

Nebraska Constitutional Provisions Relating to the Legislature

Neb. Const. of 1866

The first Nebraska constitution, approved February 9, 1866, is composed of a preamble and two articles. Article II is subdivided into categories; one is entitled Legislative and specifically addresses the legislature of the incipient state.

Section 1 details legislative authority and creates a Senate and House of Representatives.

Section 2 defines electors.

Section 3 provides for census.

Section 4 sets terms of office for senators and representatives.

Section 5 details how senators and representatives are chosen.

Section 6 outlines eligibility of who may be chosen.

Section 7 defines “quorum” for legislative purposes.

Section 8 sets the number of members for each house.

Section 9 sets the mode of organizing the house of representatives.

Section 10 details the powers of each house.

Section 11 requires each house to keep a journal.

Section 12 sets forth the date of the first session and prescribes future sessions.

Section 13 prohibits legislators from holding other offices during their legislative terms.

Section 14 lists those prohibited from holding a legislative seat.

Section 15 provides procedures in the event of a vacancy.

Section 16 details circumstances when legislators are exempt from arrest.

Section 17 exempts legislators for libel words spoken during debates.

Section 18 details origination and amending of bills.
Section 19 outlines procedures for reading bills and states that bills shall contain only one subject.

Section 20 directs signature of presiding officer of each house for bills and resolutions passed.

Section 21 prescribes compensation for legislators.

Section 22 prohibits the legislature from authorizing lotteries and granting divorces.

Section 23 outlines stationery and printing procedures.

Section 24 prohibits the legislature from granting extra compensation for certain classes.

Section 25 requires members and officers to take an oath.

Section 26 authorizes the legislature to organize a state militia.

Section 27 directs voting procedures.

Section 28 prescribes impeachment procedures.

Section 29 lists officials subject to impeachment.

Section 30 directs appropriations.

Section 31 grants the legislature authority to fill vacancies not addressed by other provisions in the constitution.

Section 32 restricts legislative authority for borrowing money and issuing bonds.

Legislative Journals

Council Journals

Council journals record the day-to-day business of the council (similar to the Senate on the federal level). In addition, the journals include reports (both majority and minority); messages from the House of Representatives; joint resolutions and memorials; preambles and resolutions; standing rules of the council; and joint rules and orders of the two houses. The journals also publish a variety of reports including those from the auditor, the treasurer, and the librarian (including catalogs of the miscellaneous/family library and the law library). An appendix of questions of order decided by the council can be found in the tenth session Journal. The index to the journal offers access by broad topic, membership, ayes and nays, and type of document (e.g., “Bills” or “Reports from Committee on Agriculture”). The fourth session journal includes committee testimony and correspondence
between the governor and the majority of the members of the legislature at Florence, Nebraska.

House Journals

Similar to the journals from the council, the journals of the House of Representatives provide a day-to-day record of the legislative activity of this branch of the territorial legislative body. Committee reports; committee membership; messages from the council; reports of superintendent of public instruction; and reports of the territorial auditor, treasurer, and librarian (includes catalogs from the miscellaneous/family library and the law library) can be found in these volumes. Journals from the fourth session include testimony taken before the joint committee in relation to the secession of certain members from the fourth legislative assembly and correspondence between the governor and the majority of members of the legislature at Florence, Nebraska. Users will find a broad, general index; accessible by member, general topics, bills, ayes and nays, etc. The ninth session Journal includes an appendix detailing bonds issued, warrants bonded, and a summary statement by the secretary of the territory. The eighth session Journal includes the rules of the House and joint rules of the council and the House.

Session Laws, Joint Resolutions, and Memorials

Published individually after legislative sessions, each volume of the laws, joint resolutions, and memorials is certified by the public printers. Divided into parts, these volumes are organized by a variety of sections including general laws, special laws, incorporations, appropriations, etc. Because only those laws passed in the named session are published, the volumes do not all have the same parts. Many parts have forms interspersed with the laws. The fifth session includes a specifically designated forms section following the criminal code. The twelfth session begins organizing the laws into classes instead of parts.

In addition to the session law volumes published after each legislative session, compilations of the territorial laws were published later.

1 Laws, Joint Resolutions, and Memorials Passed at the Sessions of the Territorial and State Legislatures of Nebraska, together with the Organic Law, and the Proclamations issued in the Organization of the Territorial Government; the Enabling Act, Admitting Nebraska to the Union; and the Revised Statutes of 1866 (1886).
The preface to this compilation discusses the difficulty in procuring copies of the laws, joint resolutions, and memorials passed during the first ten territorial sessions. In addition, there were inaccuracies, omissions, insertions, and typographical errors in the publications distributed. The publishers of this volume made notations in brackets or footnotes where these anomalies occur. They also compiled an index for the volume, indicating page numbers from both the original printed law and the compilation.

The volume is organized into distinct sections, each section covering one legislative assembly. The title page for each section details the session, the date, and the location of the legislative assembly. The *Laws of Nebraska*, for each session, are divided into parts; each part corresponds to a particular section of the laws (e.g., general laws, incorporations, joint resolutions, and memorials). Two interesting notes: the first session adopted part of the Iowa Code as the basis for Nebraska law, and the fifth session laws include a forms section in the criminal code part.

*Neb. Rev. Stat.* (1866)
The appendix includes the special laws, as well as an extensive, almost annotated index.

**EXECUTIVE BRANCH**

This section includes documents related to the creation of the executive branch, as well as documents ultimately issued from it. Researchers will find a variety of documents including opening messages from legislative assemblies, special messages, proclamations, memoranda, addresses, and veto messages.

**Federal Materials Relating to the Creation of the Territorial/State Executive Branch**

Act (Kansas-Nebraska Act) of May 30, 1854 (to organize the territories of Nebraska and Kansas), ch. 59, 10 *Stat.* 277, 278 (1854).

*Section 2* vests executive authority for the territory of Nebraska in a governor, and outlines the duties and powers of the governor.

*Section 3* creates a territorial secretary and prescribes the duties and powers of the position.

*Section 4* discusses legislative authority and the role of the governor in that branch.
Section 6 outlines the interaction between the legislative and executive branches.

Section 7 discusses the governor's role in the appointment of district and county officials.

Section 12 addresses the appointment and salary of the territorial governor.

Section 13 directs the governor to set the time and place for the first legislative assembly.

Section 17 provides initial authority for the governor to define the judicial districts, assign judges, and designate the times and places for holding court until otherwise provided by law.

Nebraska Constitutional Provisions Relating to the Executive Branch

Neb. Const. of 1866

The first Nebraska constitution, approved February 9, 1866, is composed of a preamble and two articles. Article II is subdivided into categories; one is titled Executive and specifically addresses the executive branch of the incipient state.

Section 1 defines the branch and details how chosen.

Section 2 outlines the terms of executive offices.

Section 3 discusses election returns and procedures in the event of a tie.

Section 4 prescribes eligibility standards.

Section 5 details vote counting procedures absent a legislative session in the January following an election.

Section 6 vests the executive power of the state in governor.

Section 7 states that information may be required in writing.

Section 8 prescribes a gubernatorial message at every session of the legislature.

Section 9 provides authority for calling extraordinary sessions of the legislature.

Section 10 grants the power to adjourn the Legislature if a disagreement between the houses arises.

Section 11 makes the governor commander in chief of state military and naval forces.

Section 12 invests the governor with the power to suspend execution of sentences after conviction and communicate reprieves, commutations, or pardons to the legislature at every regular session.
Section 13 creates the state seal and designates the governor keeper of the seal. 
Section 14 details the issuance of grants and commissions. 
Section 15 sets forth prohibitions on who may hold and execute the office of governor. 
Section 16 outlines procedures in the event of a gubernatorial vacancy. 
Section 17 continues addressing gubernatorial vacancies. 
Section 18 provides for the compensation of the governor. 
Section 19 provides procedures for the presentation of bills to the governor. 
Section 20 outlines duties of executive officers.

Addresses, Instructions, Messages, and Proclamations

Legislative Journals

Council journals include addresses by the governor to the council and the House of Representatives, usually in the opening days of the legislative session. Messages from the secretary and other executive messages as well as messages sent from the governor are printed in the journals. The volume from the fourth regular session also includes correspondence between Governor Cuming and the majority of the members of the legislature at Florence, Nebraska.

Like the council journals, the journals of the House of Representatives also include addresses by the governor to the council and the House of Representatives. The journal from the third session contains the report of the territorial treasurer submitted to the governor. The journal from the fourth session also includes correspondence between the governor and the majority of the members of the legislature at Florence, Nebraska.

Session Laws

1855 Neb. Laws
Reprints proclamations issued during the organization of the territorial government. (41)

1864 Neb. Laws
An Act authorizing the governor of the Territory to offer rewards for the apprehension of criminals. (182)
Laws, Joint Resolutions, and Memorials Passed at the Sessions of the Territorial and State Legislatures of Nebraska, together with the Organic Law, and the Proclamations issued in the Organization of the Territorial Government; the Enabling Act, Admitting Nebraska to the Union; and the Revised Statutes (1866).

The first section of this resource is Laws, Joint Resolutions, and Memorials passed at the first session of the general assembly of the territory of Nebraska, and includes the proclamations issued in the organization of the territorial government. Proclamations and instructions issued by the acting governor during the organization of the territorial government begin on page 7 and continue through page 13.

Special Publications

Message and Proclamations of the Governors of Nebraska, 1854-1941 (1941).

One of the most comprehensive resources for documents issued from the governor's office, this project of the Works Projects Administration was sponsored by the Nebraska State Historical Society and the University of Nebraska; volume one covers the territorial and early statehood period. The preface provides a well-documented trail of where the documents published therein were found—literally. The work is organized chronologically. Each chapter is identified by the governor serving during that period, and the first document found is a biographical sketch. The table of contents then lists the documents issued by that governor—first the type of document (e.g., proclamation), followed by either the title or a brief description of the topic of the document. In addition, each entry provides a reference to the source of the document being printed (e.g., "From the Journal of the Council") and provides pagination for easy access.

Nebraska Legislative Acts and Resolutions Relating to the Executive Branch

An Act authorizing the governor of the territory to offer rewards for the apprehension of criminals. (182)

Laws, Joint Resolutions and Memorials, passed at the tenth session of the Legislative Assembly of the Territory of Nebraska, begun and held at the City of Omaha. January 5, 1865 (1865).
Joint Resolution passed by the Council and the House requesting the president of the United States to reappoint Alvin Saunders as the governor of the territory. (161)

Nebraska State Historical Society Materials

The Nebraska State Historical Society compiles inventories of all gubernatorial materials stored in its collection, organizing the materials by governor. The bulk of materials from the territorial period includes correspondence, various deeds, proclamations, petitions, and appointments.

Many of the early state governors were active in territorial politics. Researchers interested in the prestatehood period should also consult the State Historical Society’s inventories of those governors. The inventories may provide executive, judicial, or legislative information, or documents that relate to the territorial period. For example, Robert W. Furnas (governor, 1873-75) was an Indian agent who negotiated a number of treaties between the federal government and the Indian tribes in the area. His file includes a folder containing miscellaneous Indian treaties and resolutions, 1864-1866. One of the documents in that folder is a treaty transferring land ("cede, sell and convey") from the Omaha Tribe’s reservation; the opening lines of that document begin:

Articles of Treaty made and concluded at Washington D.C. on the sixth day of March AD 1865 between the United States of America by their commissioners Clark W Thompson and Robert W Furnas and the Omaha Tribe of Indians by their chiefs E-sta-mah-za or Joseph La Flesche, Gra-tah-mah-zhe or Standing Hawk, Ga-dhe-gazhin-gah or Little Chief, Tah-wah-gah-ha or Villagemaker... 23

Messages and Proclamations. Secretary’s Office.

One large, leather-bound volume; includes no official publication information. A collection of messages, proclamations, annual addresses, and general orders issued during Alvin Saunders’s term of office. Page 1 begins with two handwritten entries entitled “Arrival of Alvin Saunders 15 May 1861” and “Arrival of Algernon S. Paddock 18 May 1861.” A curious combination of handwritten transcriptions and pasted copies of issuances from the governor’s office up to November 1866.
**MUNICIPAL DOCUMENTS AND COUNTY RECORDS**

**Omaha**

Omaha, Neb., Ordinances (1857).

The first section of this document is a bill to incorporate the city of Omaha; it outlines the boundaries and sets forth the governance of the city. Thirty-five ordinances of the City Council of Omaha, Nebraska, and an index follow the initial bill. The ordinances cover a variety of issues; a sampling includes “To Levy Taxes and Pay Current Expenses in the City of Omaha” [No. 3]; “Regulating the Licensing of Billiard Tables, and Ball and Ten Pin Alleys” [No. 18]; “To Prevent Hogs From Running at Large in the City of Omaha” [No. 24].

Omaha, Neb., Rev. Ordinances (1867).

City Clerk Byron Reed certified the delivery of a copy of the city ordinances to the publishers on December 24, 1866. An index is included.

**Brownville and Nemaha County**

Brownville, Neb., Ordinances (1859).

A brief history of both Nemaha County and Brownville preface this volume. A miscellaneous directory naming various county and city officials follows. The Brownville Charter begins on page 27, and the ordinances begin on page 35. The “directory” referenced in the title begins on page 46 and is a listing of businesses and services in the area.

Brownville, Neb., Ordinances (1866).

Small pamphlet copy of the city charter and ordinances from 1866.

**Other Cities and Towns**

Records of the board of trustees of the town of Nevada for 1858.

Includes handwritten records from the town of Nevada, which include the petition for incorporation (16) and the town ordinances (beginning on page 19).

Record of ordinances passed by the town council of Rock Bluffs, N. T.

Includes handwritten ordinances from the town of Rock Bluffs. The first ordinance passed July 21, 1857. It is written in a ledger book with amendments added as passed. The last entry appears to be December 23, 1877.
Proceedings of the City Council of the City of Rulo, N. T. April 29th, 1857. This includes the city council records from Rulo. This resource also includes the Mayor’s Docket of 1865.

**Nebraska State Historical Society**

In addition to the documents listed, the Nebraska State Historical Society is the repository of a number of municipal and county territorial records. Documents vary in coverage dates and types by county. Documents include, but are not limited to the following: county treasurer records; school district records; assessment records; county commissioner proceedings; county board minutes; marriage records; register of deeds records; county clerk records; county surveyor records; voter registration records; bond records; bounty and estray records; and military records. One example of the variety of documents available to researchers can be found for the city of Florence. The municipality of Florence was an outgrowth of the Florence Land Company. The State Historical Society has a number of documents relating to both the Land Company and the municipality including a handwritten copy of an Act to Incorporate the Florence Land Company, dated March 9, 1855, as well as deeds, stock certificates, and other records from the Florence Land Company. Researchers should also consult the county and/or municipality for other records that may not have been archived at the State Historical Society.

**BIBLIOGRAPHY OF NEBRASKA LEGAL MATERIALS**


By Authority of Congress. The Public Statutes at Large of the United States of America, From the Organization of the Government in 1789, to March 1845. Arranged in Chronological Order. With References to the Matter of Each Act and to the Subsequent Acts on the Same Subject, and Copious Notes of the Decisions of the Courts of the United States Construing those Acts, and Upon the Subjects of the Laws. With an Index to the Contents of Each Volume, and a Full General Index to the Whole Work, in the concluding volume. Together with the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; and also, Tables, in the last volume, containing lists of the acts relating to the judiciary, imposts and tonnage, the public lands, etc. Edited by Richard Peters, Esq., counsellor at law. The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of congress, passed March 3, 1845. Vol. II. Boston: Charles C. Little and James Brown. 1845.

By Authority of Congress. The Public Statutes at Large of the United States of America, From the Organization of the Government in 1789, to March 3, 1845. Arranged in Chronological Order. With References to the Mat-
The Public Statutes at Large of the United States of America, From the Organization of the Government in 1789, to March 1845. Arranged in Chronological Order. With References to the Matter of Each Act and to the Subsequent Acts on the Same Subject, and Copious Notes of the Decisions of the Courts of the United States Construing those Acts, and Upon the Subjects of the Laws. With an Index to the Contents of Each Volume, and a Full General Index to the Whole Work, in the concluding volume. Together with the Declaration of Independence, the Articles of Confederation, and the Constitution of the United States; and also, Tables, in the last volume, containing lists of the acts relating to the judiciary, imposts and tonnage, the public lands, etc. Edited by Richard Peters, Esq., counsellor at law. The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognised, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of congress, passed March 3, 1845. Vol. III. Boston: Charles C. Little and James Brown. 1846.

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By Authority of Congress. The Statutes at Large, Treaties, and Proclama-tions, of the United States of America. From December 1863, to December; 1865. Arranged in Chronological Order and carefully collated with the Originals at Washington. With References to the Matter of Each Act and to the Subsequent Acts on the Same Subject. Edited by George P. Sanger, counsellor at law. The rights and interest of the United States in the stereotype plates from which this work is printed, are hereby recognized, acknowledged, and declared by the publishers, according to the provisions of the joint resolution of congress, passed March 3, 1845. Vol. XIII. Boston: Little, Brown and company. 1866.

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Congress of June 30, 1906 by Francis Newton Thorpe, Ph.D., LL.D.
Member of the Pennsylvania Bar; fellow and professor of American
Constitutional History at the University of Pennsylvania, 1885-1891;
member of the American Historical Association; author of the Constitu­­tional History of the United States, 1765-1895; A (State) Constitutional
History of the American People, 1776-1850; A Short Constitutional His­­tory of the United States; A (Social and Economic) History of the Ameri­­can People; A History of the Civil War; editor of the History of North
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Page’s Nebraska Digest. A Digest of the Supreme Court of Nebraska, as reported in volumes 1 to 60 of the Nebraska Reports, with Citations of All Subsequent Nebraska Cases by the Court, Grouped Under the Particular Point or Syllabus, and with Cumulative References to American Reports, American State Reports, and Northwestern Reporter; also a Table of Cases Showing Where the decisions are Reported and Where to be Found in this Digest. In Two Large Royal Octavo Volumes. By E. C. Page, Ph. M., LL. B., of the Omaha Bar. [volume] San Francisco: Bancroft-Whitney Company, Law Publishers and Law Booksellers. 1902. In two volumes.

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NOTES

1. Most documents at the Nebraska State Historical Society are organized by Records Group (RG), then often further organized by Subgroup Group (SG) and in some cases Series (S). Contact information: Nebraska State Historical Society, 1500
2. For other documents related to the Louisiana Purchase, see generally Convention Between the United States of America and the French Republic, Apr. 30, 1803, U.S.-Fr., 8 Stat. 206; Convention Between the United States of America and the French Republic, Apr. 30, 1803, U.S.-Fr., 8 Stat. 208; Act of October 31, 1803 (to Enable the President of the United States to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the thirtieth of April last; and for the temporary government thereof), Ch. I, 2 Stat. 245 (1803); Act of November 10, 1803 (authorizing the creation of a stock, to the amount of eleven million two hundred and fifty thousand dollars, for the purpose of carrying into effect the convention of the thirtieth of April, one thousand eight hundred and three, between the United States of America and the French Republic; and making provision for the payment of the same), Ch. II, 2 Stat. 245 (1803); Act of November 10, 1803 (making provision for the payment of claims of citizens of the United States on the government of France, the payment of which has been assumed by the United States, by virtue of the convention of the thirtieth of April, one thousand eight hundred and three, between the United States and the French Republic), Ch. III, 2 Stat. 247 (1803). Available online, see generally The Avalon Project at the Yale Law School, <http://www.yale.edu/lawweb/avalon/diplomacy/france/fr1803m.htm>; U.S. National Archives and Records Administration, <http://www.archives.gov/exhibit_hall/american_originals/louistxt.html>; Library of Congress, American Memory, A Century of Lawmaking for a New Nation, <http://memory.loc.gov/ammem/anlaw/lawhome.html>.

3. Act (Kansas-Nebraska Act) of May 30, 1854 (to organize the territories of Nebraska and Kansas). Ch. 59, 10 Stat. 277, 277 (1854).


5. A curious discrepancy in the spelling of Mr. Douglas’s name appears; while a member of the U.S. House of Representatives, The Congressional Globe spells “Douglass” with double “ss”; The Congressional Globe from approximately ten years later, when Mr. Douglas was a member of the U.S. Senate, drops one “s” from the spelling of his last name.

6. See Olson and Naugle, History of Nebraska at 70; 1 Addison Erwin Sheldon, Nebraska The Land and the People 231 (1931).

7. Mr. Douglas’s efforts concerning the Nebraska Territory are documented throughout The Congressional Globe. See Cong. Globe, 28th Cong., 2nd Sess. 21, 41, 165, 173 (1845).

8. Sec. 8. And be it further enacted, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the state, contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have
been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same, from whom labour or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labour or service as aforesaid.

Act of March 6, 1820 (To authorize the people of Missouri territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, and to prohibit slavery in certain territories), Ch. 22, 3 Stat. 545, 548 (1820).

9. For statements and debate concerning the Nebraska Territory, slavery in the territory, the Missouri Compromise (as it related to the Nebraska Territory), and the Kansas-Nebraska Act, see Cong. Globe, 33rd Cong., 1st Sess. (1854); Cong. Globe App., 33rd Cong., 1st Sess. (1854); Cong. Globe, 33rd Cong., 2nd Sess. 91 (1855); Cong. Globe App., 33rd Cong., 2nd Sess. 35, 39, 166, 313 (1855).

10. A review under the subject of Nebraska in the CIS US Serial Set Index: Part I American State Papers and the 15th-34th Congresses 1789-1857 (1977), lists a number of resolutions from various state legislatures concerning the admission of Nebraska into the Union. Most entries note the state legislatures from which these resolutions arose, and make some reference to either the Missouri Compromise or the issue of slavery.

11. Act (Enabling Act) of April 19, 1864 (to enable the People of Nebraska to form a Constitution and State Government, and for the Admission of such State into the Union on an equal footing with the original States), Ch. 59, 13 Stat. 47 (1864).

12. Act of February 9, 1867 (for admission of the State of Nebraska into the union), Ch. 36, 14 Stat. 391 (1867).


15. The abbreviation N. T., found in many cited documents, refers to Nebraska Territory.


17. Reprinted in The Statutes of Nebraska, Embracing all of the General Laws of the State in Force August 1st, 1867 . . . lxi (1867).

18. For an interesting article discussing county government and the development of county government in Nebraska, see A.C. Breckenridge, “Nebraska County Government: 100 Years,” 19 County Officer 80 (1954).

19. Civil Code, 1858 Neb. Laws § 303; see also Neb. Rev. Stat. § 321 (1866). Laws passed at the first general assembly of the territory address the issue of dockets as well: “§ 5. Every justice of the peace shall keep a docket in which shall be entered in continuous order, with the proper date to each act done, all the proceedings in the
case.” Act of March 16, 1855, § 5, 1855 Neb. Laws (1855); see also 1855 Neb. Laws §§ 97-99 (1855).

20. The resources listed as Appearance Docket, Complete Record Law, Complete Record Chancery, Journal, and Executive Docket are handwritten records in large ledgers. The “title” is actually the information printed on the spines of these volumes. These materials are archived in the Nebraska State Historical Society at RG58.


22. Civil Code, 1858 Neb. Laws § 487. Other sections from session law volumes also detail information to be included in Execution Dockets. See generally, Civil Code, 1858 Neb. Laws §501.

23. From RG1, SG10, Subgroup 4, Box 15 of the records of Robert W. Furnas archived at the Nebraska State Historical Society. Handwritten document.

24. The Nebraska State Historical Society records from the Florence Land Company are archived at RG303.

25. Variant spelling of “Nebraskan” found in some documents from the territorial period.

26. The Nebraska State Library is often referred to as the Nebraska State Law Library, and is located in the Nebraska State Capitol Building, Room 325, Lincoln, NE, 68509. Phone: (402) 471-3189.