

Morton's History of Nebraska

Authentic, Complete

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CHAPTER VI CONTINUED (20)

"When the first governor arrived in this territory he found but one place entitled to the name of village, even, anywhere north of the Platte river. The town of Bellevue, the first town-site north of the Platte, was the place where it was known it was his intention to locate the capital. His death, however, left the matter in other hands, and the capital was located at its present site. Your committee are loth to say what influences are universally believed to have been brought to bear in inducing the present location. It is sufficient for them to say that the people of the territory are by no means satisfied with the location or with the means by which it was located, and still less by the means by which it has been kept there."

Omaha was exactly midway between the north and south limits of population at that time, and nearer the center of the north and south limits of the prospective and now actual state than Bellevue. Distances east and west were of little consequence, because it was thought that for an indefinite time to come the country would not be settled more than forty miles westward from the river. regard for the sentiment of the people and for superior eligibility as a site for a city and as a point for a railroad crossing certainly would have made Bellevue the capital. But the population was so small and so shifting that this consideration was of little consequence. The new order of man-made cities was soon to be illustrated in Omaha herself, so that the priority argument for Bellevue had little weight.

It is a truth or abstraction of small practical consequence to say that Acting Governor Cuming should have convened the first legislature at Bellevue in accordance with the decision of Governor Burt, though there was at most none other than a moral obligation to do so. It would be more to the purpose to say that Acting Governor Cuming should have fairly apportioned the members of the first legislature, so that the South Platte, or anti-Omaha settlers would have had the majority to which they were entitled. In that case the legislature would perhaps have located the capital at Bellevue, where it would have remained, not unlikely, to the present time, and where the Union Pacific bridge and terminals would have followed it. In other words, Bellevue would have taken the place of Omaha as the commercial capital of Nebraska but more than that, for an indefinite time would have been the political capital also. But we say "perhaps," because the same potent Iowa influence, focused at Council Bluffs, which after years of effort had compassed territorial organization and made Nebraska a separate territory, might have prevailed in spite of any adverse initiative of the governor. To contemplate this might-have-been, to conjure in the mind the splendid dual capital which might have adorned the beautiful site—the most beautiful as well as the most eligible of the available sites—of the now deserted village is perhaps idle speculation, or at most a fascinating fancy. But to relate the facts and interpret the motives which contributed to this important incident in the beginning of a commonwealth is legitimate history.

On Saturday, October 21, the governor issued the second proclamation which announced that an enumeration of the inhabitants of the territory would begin October 24, the purpose of the notice being to enable persons who were temporarily absent from the territory to return in time for the census. The third proclamation, dated October 26, gave instructions as to the duties of the six deputy marshals who were to take the census in the six districts into which the territory had been divided for that purpose—the first three lying north and the last three south of Platte river. According to the instructions the work was to be completed by the 20th of the following November and returns to be made to Mr. Lindley, postmaster, Omaha City, or to the governor, at the mission house, Bellevue. The governor appointed as enumerators Joseph L. Sharp, first district; Charles B. Smith, second district; Michael Murphy, third district; Eli R. Doyle and F. W. Symmes, fourth district; Munson H. Clark, fifth district; Charles W. Pierce, sixth district.

The fourth proclamation, made November 18, 1854, appointed Thursday, November 30, as a day of thanksgiving. The fifth, dated November 23, 1854, promulgated rules for the elections. The sixth executive document, pertaining to territorial organization, issued November 23, 1854, proclaimed that elections should be held December 12, 1854, to choose a delegate to congress and members of a legislature which was to meet January 8, 1855. The seventh proclamation, issued December 15, 1854, authorized a special election at Nebraska City on the 21st of that month to fill the vacancy in the council left by a tie vote cast at the regular election. On the 20th day of December the last two proclamations pertaining to territorial organization were issued, one convening the legislature at Omaha, and on the 16th instead of the 8th of January, 1855, the other announcing the organization of the judiciary system, and designating judges of probate justices of the peace, sheriffs, constables and clerks for the several counties, and

in the same proclamation the three judges were placed. Chief Justice Ferguson was assigned to the first district, comprising Douglas and Dodge counties; Justice Harden to the second, embracing all of the counties south of the Platte river; and Justice Bradley to the third district, comprising the counties of Burt and Washington. Judge Ferguson arrived in the territory October 11, 1854, and the next day took the oath of office before Secretary Cuming "at the town of Bellevue." Judge Bradley arrived October 14, and took the oath before Judge Ferguson at Omaha City, October 28; Judge Hardin arrived December 1, and took the oath before Judge Ferguson at Bellevue, December 4. Attorney General Estabrook arrived at Omaha City, January 22, 1855, and took the oath before Secretary Cuming. Marshal Izard arrived October 20, and took the oath before Judge Ferguson, at Bellevue, October 14. The Palladium of December 6 gives this account of Judge Harden: "Hon. Edward R. Harden, one of the associate judges of Nebraska, accompanied by the clerk of his court, M. W. Riden, and J. D. White, Esq., of Georgia, arrived at Bellevue, December 4. The judge is a middle-aged man, spare in person and to appearance quite feeble in constitution—his manners, dress and equipage all bear the stamp of democratic simplicity and economy. He is courteous in manner, agreeable and affable in conversation."

On the 23d of December the governor called for two volunteer regiments for defense against the Indians. The date marks of these state papers show that the executive office was wherever the governor happened to be when he desired to perform an executive act; and they faintly suggest that the aspirations and hopes of each hamlet to become the capital were delicately nurtured, or at least not inconsiderably or prematurely blighted.

Giving a strict construction to the provision of the organic act that nothing therein contained "shall be construed to impair the rights of person or property now pertaining to the Indians in said territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory, which by treaty with any Indian tribe, is not without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory," he had aimed to include in these districts only such territory as had been actually relinquished by the Indians. But doubt as to the scope of this restriction having arisen, on the 1st of November Governor Cuming addressed a letter to the commissioner of Indian affairs asking whether he had done right to restrict election privileges to those actually within the Otoe and Omaha cessions and to exclude "the traders and others northward of the Blackbird Hills, who by the intercourse act of 1834 have been given special privileges, or those in any other part of the territory who are living on Indian lands not yet ceded, but to restrict all election control within the Omaha and Otoe cessions, reaching north to the Aoway river, south to the little Nemaha river and west to the lands of the Pawnees."

"Some of the territorial officers and many of the citizens," he said, "contend that election precincts should be established over all the territory wherever white men (traders and others) reside—comprising the Sioux, Blackfeet, Crows and other tribes. Others are of the opinion that such election privileges should not only be enjoyed by the settlers within the Omaha and Otoe cessions where it is now understood that the whites have the authority of the government to make a permanent residence." The commissioner was asked to "state also whether there is any neutral or United States ground south of the Platte river, south and west of the Otoe and Missouri cession, where an election precinct may be made."

The commissioner, Mr. George W. Manypenny, answered that, "Where there has been no cession made by an Indian tribe, as has not been done by the Sioux, the Blackfeet, the Crows, the Poncas, and some others, any exercise of authority for territorial purposes by the government would be in my opinion in contravention of the proviso of the act organizing the territory."

To Governor Cuming's second question the commissioner replied:

"The country west of the half-breeds and south of the Platte river west of the Otoe and Missouri cession and bounded on the north by the Platte river as far back as 101 degrees west of longitude, and from that point in a southwesterly direction to the line dividing Kansas and Nebraska near the 203d degree is of such character."

In accordance with the commissioner's opinion the governor sent Deputy Marshal Jesse Lowe to spy out this "United States ground" to the southwest. The only record we have of the object and result of this investigation is contained in Marshall Lowe's report December 10, 1854:

"To Acting Governor T. B. Cuming: 'Sir: Having been sent by you to establish what is called Jones county, bounded as follows, commencing 60 miles west from the Missouri river at the north corner of Richardson county; thence west along the south bank of the Platte river to the 101st

degree of west longitude; thence southwesterly to the boundary between Kansas and Nebraska at the 203d degree of west longitude; thence along said boundary to the southwest corner of Richardson county; and thence to the place of beginning, and instructed to apportion to said county one representative or more as the number of inhabitants should require. I respectfully report that by ascertaining from satisfactory information that there are no voters in said county unless a few living in the neighborhood of Bellevue precinct in Richardson county, and who would naturally vote at said precinct, and believing furthermore from satisfactory information, that Richardson county has been given more than her just representation, I am of opinion that no apportionment should be made for Jones county."

"Very respectfully,
MARK W. IZARD, Marshal,
"By Jesse Lowe, Deputy."
Governor Cuming sent the following curious announcement:

"Omaha City, Nov. 30, 1854.
"To Editors Newspapers:
"Dear Sir: The deputy territorial marshal has been sent below the 'Platte' in the neighborhood of 'the Blues' to establish a new county."

"The notices of election in the census district above the Platte (Bellevue and Omaha) will not be circulated until he can be heard from, as it will be impossible till then to correctly fix the apportionment, which is limited by law to a certain number for the whole territory."

"It will be well to make this announcement public. The other counties have received their apportionment and this is the only district in the territory where this course will be pursued, it being the most compact and least subject to injury by delay."

"Respectfully yours,
"T. B. CUMING,
"Acting Governor of Nebraska."

The inference from this communication is that the governor intended to cut out Douglas county representation cloth to suit the whole garment after it should be completed by the attachment of that par on "the Blues," just as he evidently entirely disregarded Mr. Sharp's comprehensive count of Richardson county, quite in accordance with the suggestion or warning of Deputy Marshal Lowe.

It was at once freely and forcibly charged by the enemies of Governor Cuming, who appear to have been nearly identical with those who opposed the location of the capital at Omaha, that this first census was doctored, with fraudulent intent, in the interest of Omaha. Though at the beginning of the session the governor, in compliance with a resolution of the house, moved by Mr. Decker of Nebraska City, had furnished copies of the census returns to that body, they are not now in existence. That there were gross falsifications and other irregularities in this census there is no doubt. These legislative districts were gerrymandered by Governor Cuming in the interest of Omaha, and there is only one motive that may be assigned therefor. The interests of a coterie of enterprising Iowa speculators who had gathered in Council Bluffs, and some of whom were camping in expectation on the site of Omaha, required that the capital should be located there, and they set about to reach their end by much the same means and methods as always have been employed for like purposes. They won, as was inevitable, on account of the great superiority of their resources. If Governor Burt, who, being a southern gentleman of the old school, would have been proof against these means and adverse to these methods, had lived, his initiative might have drawn this Iowa influence to Bellevue. As governors of new territories go, Burt was the exception and Cuming the rule; more of them act as Cuming acted than as Burt would have acted—thought few would act in like circumstances with a vigor so naturally effective and so little impaired by nicety of moral scruple or conventional restraints.

The story of the proceedings in the capital contest rests mainly upon personal recollection and tradition. It is doubtless true that Governor Cuming demanded of "Father" Hamilton one hundred acres of the section of mission land at Bellevue as the price for designating that place as the capital. It would doubtless have been difficult to alienate this land at all, since the board of missions did not receive a patent for it until 1858. "Father" Hamilton seemed to be filled more with the fear of the Lord than of losing the capital, and the reader of the Palladium gains an impression that its editor, Mr. Reed, was too much possessed by a sense of the righteousness of Bellevue's cause to be willing or able to meet her opponents on their own morally less defensible but practically far stronger grounds. The moral suasion of these good people of Bellevue was not backed up with maerial arguments sufficient to meet those of the Council Bluffs & Nebraska Ferry company, which not only represented but constituted Omaha's interests.

Under authority of the organic law Governor Cuming had divided the inhabited portion of the territory into eight counties, and after the census had been taken he apportioned the several counties into legislative districts.

TO BE CONTINUED

Turned up her nose.

Opposite the two men who were talking on general topics sat a female of 35, and even a child of 10 could have identified her as belonging to that class called old maids. She was dignified and she was reserved, and perhaps a salesgirl had put her out of temper in shopping. Finally one of the men said:

"By George, but do you know that St. Valentine's Day is due next week?"

"It isn't much of a day, carelessly replied the other.

"Don't send valentines?"

"Haven't for a good many years. The last one I sent was to an old maid of about 26 or 27. She lived in my neighborhood and her tongue was wagging about everybody. I mailed her an old scorch of a valentine, and it drove her away. I heard that she fell so bad about it that—"

The old maid opposite rose up.

She glared at the man who was talking.



She Was Aware.

She stuck up her nose and there was a look of contempt on her mouth.

"So it was you!" she finally exclaimed as she withered him with a look.

"I—I don't understand, madam," he stammered.

"And I wish to say to you," she continued, "that you are no gentleman and that you are a loafer. And that you ought to be taken out and tarred and feathered, and sent to jail for a year. Yes, sir, I am aware that Valentine's Day comes next week, and I am also aware that if I can't horse-whip the man who sends me a burlesque I've got a brother who can Good day, sir!"—Joe Kerr.

A New Kansas Bank.

A Washington dispatch announces that the comptroller of the currency has authorized the Bankers' National bank of Kansas City, Kansas, to commence business. The new bank is capitalized at \$250,000. C. B. Hoffman, president of the Banking Trust Company; J. W. Breidenthal, vice president and manager of the same institution; Mayor George M. Gray, A. H. Jennings, Henry McGrew and W. R. Berry, are the organizers. The men interested in this new bank are well known financiers of the west and the institution starts out with exceptional promise. It will open for business about April 1st.

The Poor Censured.

It is not often that a man is found who is brave enough to censure the poor. It is a popular opinion that the rich man should receive all the blame, though he acquired his money honestly, and that the poor man should receive nothing but sympathy though his poverty is plainly the result of his own shiftlessness. But the Rev. Dr. James Roscoe Day, chancellor of the Syracuse university finds that the poor man is largely to blame for his poverty.

"What is all this cry that is being made about the poor wage earner?" asked Dr. Day. "The wage earner get enough for what they do, and a great many of them get more."

"I know the poor. I have been among them and have studied them. I know that they are the chief supporters of upwards of 10,000 saloons in this city. I know that they are the chief causes of intemperance and shiftlessness, and then blame is put on the hard-hearted corporations."

"We should cease some of the philanthropy which we practice and help the poor to learn their duty and to make them help themselves."

"I believe there is not a greater piece of despotism that rules today than labor unionism. It is a hindrance itself to the advance of a man."

First Freight Rider—Willie, do you know that all the railroad passes have been cut off?

Second Freight Rider—Yes. How some people must envy us hoboes.

MILLIONS IN OIL.

The Uncle Sam Company Makes an Alluring Offer.

In every part of this country the people are watching with absorbing interest the fight being made upon the father of all trusts—the Standard Oil Company. The recent report of the Interstate Commerce Commission, showing up the cut-throat methods of this organization, created a profound sensation and gave thousands, yes, millions, of people who loved the grasping greed and defiance of all law that has always marked the career of the Standard Oil company. There has never been before so great an opportunity for an independent oil company to secure a foothold and build up a great business, especially in the state of the Middle West. Attention is directed to the large advertisement of the Uncle Sam Oil Company which appears in this issue. This company was organized about two years ago when the legislature of Kansas passed the Maximum freight rate and anti-discrimination laws and made it possible for an independent company to live and do business in this state. From a small local concern at Cherryvale the Uncle Sam Oil company has grown to be a great independent enterprise with more than ten thousand stockholders scattered all over the United States, Canada and Mexico. The company has refineries at Cherryvale, and Atchison, Kansas, and Tulsa, Oklahoma; nearly 150 miles of main trunk pipe line completed and in use; forty tank cars engaged in hauling crude and refined oil; sixty-eight distributing stations, completed and selling refined and fuel oil in every part of Kansas and hundreds more projected for Missouri, Iowa, Nebraska, Oklahoma and Arkansas; oil properties in Kansas and Oklahoma worth hundreds of thousands of dollars. This enumerates in part what this company has done in the short time it has been in existence. It has now reached the point where a wonderful stride in advance is to be taken that will result in placing this company at the head of the independent enterprises of the country. The management of the company has discussed the situation from every standpoint and the decision was reached to issue 6 per cent first mortgage bonds that the great work projected might be swiftly and certainly brought to a conclusion. It is the intention to take the money raised through the sale of these bonds and at once erect storage tanks and place in storage six million barrels of oil. Owing to the grasp of the trust on the oil fields of the country oil is at its lowest ebb and can be bought for 35 cents per barrel, the lowest price in its history in the Kansas-Territory fields. Any man with half an eye to business can at once see the wisdom of this move and the result it will have on the future of the Uncle Sam Oil company.

This company has proved in the past that its promises can be relied upon absolutely. It promised to pay a dividend and the knackers howled that it would never do it. Yet two dividends have already been paid the stockholders. A careful perusal of the advertisement in this issue will furnish food for thought to the careful investor. It is without doubt one of the best propositions that has been placed before the public in many years to invest. In addition to the bonds, which are amply secured, the company offers a handsome bonus of its stock which has always commanded a ready sale. Here is an opportunity for any man to not only make a wise and conservative investment but at the same time help strike a blow at the un-American, thief-in-chief mistake that has had this country in its grip for so long. The time is ripe and the Uncle Sam Oil company stands ready to take advantage of the wave of public sentiment which is slowly, but none the less surely, driving the trust to the wall. This is your opportunity to help and incidentally make an investment that the future will prove to have been an eminently wise one. Read the advertisement printed in this issue and make your decision. It has the right ring and the men behind it are willing and able to back up every promise made. Their past history proves this beyond the shadow of a doubt.

Senator John T. Dryden of New Jersey, withdrew from the race for re-election because the legislature, alleging ill health. Senator Dryden's secretary gave out a statement for him, which follows in part: "Senator Dryden had hoped at this meeting to be able to convince the gentlemen who have refused to be bound by the action of the party caucus that their opposition to him was based on a mistaken ground. Feeling constrained to heed the imperative injunction of his physicians, and knowing no other means of influencing the minds of the gentlemen referred to, or having any reason to anticipate that they would change their attitude in the near future, he concluded that a continuance of his deadlock would tend to the injury of the party of the state. Accordingly he formally announced his intention to withdraw. He will make public later the statement he desired to make to the Trenton meeting. Senator Dryden is not dangerously ill. His condition is such, however, that his physicians and family consider it imperative that he be relieved of any further strain upon his strength and that complete rest is absolutely necessary." Seven Republican members of the New Jersey legislature had declared their unwillingness to vote for the election of John F. Dryden to succeed himself as senator. The Republican caucus on joint ballot is only four and thus Democratic votes would have been needed to elect Dryden. The New Jersey situation is almost identical with that which confronted the Nebraska legislature in 1901, when Thompson, had a clear majority in a Republican caucus. Seven Republicans signed a written agreement to remain out of the caucus unless there was an amendment that three-fourths majority would be necessary to nominate. The legislature was deadlocked until the last week of the session and Thompson was defeated.

In response to a direct cable from the editor of the Chicago Tribune to Marquis Saloni, minister of foreign affairs at Tokio, the Japanese government has instructed its embassy here, also by cable to convey to the American people its disavowal of all inclination toward war with the United States and its belief that the differences between the two countries are and always have been susceptible to pacific treatment. The emperor's government sent the following cable to the Tribune: "Answering your telegram to Marquis Saloni, I am directed to refer you to the Japanese ambassador at Washington for information concerning the absolutely unfounded rumors. This was followed by a dispatch to the Viscount Suizo Aoki, ambassador extraordinary and plenipotentiary to the United States: "The Chicago Tribune has sent a telegram direct to the imperial government to ascertain the attitude of Japan in the present situation. You are authorized to give out categorical declarations of absolutely pacific character of the Japanese intentions."

The oldest valentine in the United States is in Cleveland, Ohio, and was addressed to Miss Sarah Brett, in 1790. The British museum has one almost like it, in the hand of the same fickle youth who affected to admire Miss Brett. It is a sheet in dimension, folded into squares of four inches; sealed with a red heart.