

Morton's History of Nebraska

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CHAPTER VII CONTINUED (29)

Of the fourteen hamlets—and some of these not actual but merely potential—which under this division were awarded municipal charters, only three, Margaretta (named after Governor Cuming's wife) of Lancaster, Brownville or Nemaha and Elizabeth "of the counties of Dodge and Loupe" were abased with the title of town—all the rest were styled "city," and some of these first municipal blooms were born to bluish unseed.

Of the thirty-seven bridge and ferry charters under part seven, thirty-two are for ferries across the Missouri river, and two of these charters confer the right to construct bridges also. Of the remaining fifteen five are for bridges, two for bridges and ferries, three for bridges or ferries and five for ferries alone across the important inland streams.

Whatever difference of opinion may be entertained as to the virtue and abilities of the first Nebraska legislators, their individual prudence and thrift are beyond question. They bestowed on one another and their relatives the privileges and potential emoluments of these special corporations without stint and with apparent generous impartiality, so that their patronymics appear almost as regularly as beneficiaries of these special privileges as in the ordinary proceedings of the legislature. They lost no chance to "cast an anchor to windward." With remarkable disregard of the law of environment these denizens of the desert with one accord conceived a passion for navigation. Not less than twenty-one of the thirty-nine members were actually named in these transportation charters. We are not surprised that Mitchell, whose raw material as a violent opponent of Omaha in the capital contest had been manipulated into the glad commissioner for locating the state house on Capitol Hill, led all the rest with six of these tokens of appreciation of open-mindedness, and Dr. Clark of Dodge and Nuckolls of Cass followed with three apiece. The Council Bluffs and Nebraska Ferry Co. is, however, an apparent exception, for its charter runs to Samuel S. Bayliss, Enos Lowe, James A. Jackson, Jesse Williams, Samuel M. Ballard, Samuel R. Curtis and their associates. Whether the majority of the members were reluctant to add further evidence to their conduct in the capital contest of "Jim" Jackson's very practical control over, or his practical obligation to them, by being named as co-beneficiaries in their valuable gift to his company, or whether that efficient agent of Omaha's interests felt, as he no doubt would have been justified in feeling, that he had done quite enough for them in the capital enterprise without letting them into this one, is not a matter of public record; but either hypothesis would serve to explain the singular omission.

By these charters exclusive right to maintain ferries between the mouth of the Platte and a point five miles north of Florence was granted to the companies at that place, at Omaha and at Bellevue. The entire river front was parceled out to them. As a further example of the monopolistic character of these grants, the company at Tekamah had exclusive rights for a distance of ten miles.

Predatory Omaha having left no other hope or consolation to Bellevue, but in righteousness, her spokesman of the Palladium is resolved to make the most of it, and the voice he raises for virtue is as that of one crying aloud in the wilderness.

"No inconsiderable portion of the present session of our territorial legislature has been spent in creating corporations. This has been done notwithstanding the democratic creed denies the doctrine of 'chartered rights' and 'exclusive privileges,' and in theory maintains the doctrine of equal rights. We say that a large portion of the present session has been spent in the creation of paltry corporations, and petty monopolies, which enable a few individuals to bar away the public from privileges to which they are inherently entitled, and have as good a right to exercise (if the doctrine of democracy be true) as those whom the law says shall have the exclusive right. The liberality of the legislature has been most profuse in granting exclusive privileges to individuals and companies. In proof of this look at the single item of 'ferries.' 'Paper towns' are pretty thickly established up and down the river nearly the whole length of the territory. Charters have been called for at nearly every place. Not content, however, with the establishment of a corporation for each of the places referred to. We notice one of a broader character designed to cover the whole extent of the river from one end of the territory to the other, not already covered by other charters. Numerous charters have been procured by companies or individuals for ferry privileges in different portions of the territory, where there are no settlements nor any likelihood of there being any for many years to come. We presume most of these charters have been procured for no other purpose than speculation. A charter when once obtained gives the possessor the power of making something off of the public, without having made the least expenditure for the benefit of either." And then this Isaiah in idealism and Jeremiah in lamentation rebukes these monopoly-servers with the charge of

early recreancy to their democratic faith:

"A large majority of the members of the legislature claim to be the disciples of democracy, and yet, we have never known an instance where the zeal of a whig legislature led it to bestow charters with that degree of liberality which our legislature has manifested in its creations of monopolies. We look upon this charter-making spirit as democratic heresy of the vilest kind and more becoming whig faith than democratic practice. If whig principles are the best for the practice of democrats, in other words for adoption in practice, we have no objection to them, providing the theory is adopted along with the practice. The democratic theory says avoid special legislation—shun monopolies. The policy of the legislature appears to have been to cover as large an amount of both land and water with chartered privileges as possible."

Such are the momentum and inertia of the crowd that the influences of a half century may change its course or character but little. Substitute republican for whig—bearing in mind that the republican party succeeded to the economic principles or dogmas of the whig party—and this pronouncement of the Palladium would be a typical democratic newspaper article for today.

Part eight consisted of an even score joint resolutions and memorials. Congress was memorialized for the right of way and grants of land for the construction of the Missouri River & Platte Valley, and the Platte Valley & Pacific railroad companies; to establish a safe route for mails and other communication between the Missouri river and California and Oregon; and the secretary of war was requested to send without delay a sufficient military force to afford protection to the frontier settlements from Indian depredations. Among the joint resolutions are requests to the delegate in Congress to procure a pension for the widow and heirs of Governor Burt and means for the erection of a monument to his memory, and to procure the passage of a homestead law similar to the laws of Oregon and New Mexico; requesting the governor to commission officers to raise two or more companies of mounted rangers for the protection of the frontier settlements; appointing Sherman & Strickland printers of one thousand copies of the laws of the session, and O. D. Richardson and Joseph L. Sharp of the council and A. J. Poppleton and J. D. N. Thompson of the house, commissioners "to prepare a code of laws for the government of this territory and report the same to the legislature at the next session."

The council was the mainspring, and the judiciary committee of the council the regulator of the first legislature. Most of the important legislation originated in the council, and a greater part of this either came from the judiciary committee originally or was submitted to its scrutiny and supervision. This was largely because the council contained the most dependable men of the legislature, because the judiciary committee was composed of the three most dependable men of the council—Richardson, Rogers and Bennet—and above all, perhaps, because Richardson alone of the members of both houses was possessed of ripe age and legislative experience, besides legal knowledge, a more than ordinary share of ability, and a moral character which won and deserved the confidence of his colleagues. For his committee Mr. Richardson reported the bill (C. F. 133) to adopt certain parts of the code of Iowa, the only change in it being an amendment by Jones to include chapter 61 of the Iowa code regarding private seals, and it passed the house without amendment. The bill to adopt the criminal code of Iowa was first reported by the committee on printing, but a substitute, reported by Bennet from the judiciary committee, passed the council, and the house also without amendment. The bill adopting the common law (C. F. 137) was introduced by Richardson, passed immediately by the council, and afterward passed the house under suspension of the rules. The bill to establish a common school system (C. F. 103) was reported by Rogers from the committee on schools and seminaries of learning (Rogers, Cowles and Folsom) passed the council after brief consideration in committee of the whole, and then passed the house with very little consideration and without amendment. The no less important bill to provide territorial revenue (C. F. 98) was reported by Folsom, chairman of the committee on finance, ways and means; a council substitute after passing that body passed the house without amendment under suspension of the rules. The bill providing for county revenue (C. F. 104) was also reported by Folsom, but was referred to the judiciary committee, whose substitute was passed by the house without amendment, under suspension of the rules. The bill defining the duties of judges of probate (C. F. 105) was introduced on leave by Jones, but referred to the judiciary committee, from which it was reported back by Bennet and afterward passed the council in the form of a substitute; it was then passed by the house without amendment and under suspension of the rules. The bill to

prevent the sale or manufacture of intoxicating liquors (C. F. 102), which was introduced by Goodwill on leave, was referred to the committee on judiciary, and after having been reported back by Richardson, "with several amendments" and favorable recommendation, passed the council, and then on the same day was taken up by the house and immediately passed under suspension of the rules with two dissenting votes.

On the other hand, the council overrode bills proposed by the house with freedom and, as we have seen, with impunity. A bill (H. F. 111) "prohibiting the settlement of free negroes and mulattoes in the territory of Nebraska," introduced by Latham, and which, if not barbarous and brutal, was certainly a piece of gratuitous stupidity, had been referred to the judiciary committee, from which Mr. Poppleton reported it back with the recommendation that it be laid on the table, with the enlightened and judicious intent, let us believe, of suppressing it. But it was subsequently taken up and passed under suspension of the rules, without division, so that there is no record of the vote. In the council, however, it fell into Richardson's hands in the judiciary committee, and, with the wisdom and discretion which we have learned to expect of him, he recommended its indefinite postponement; which was accomplished on his motion on the same day by a vote of 7 to 4. Those voting nay were Bradford, Clark, Rogers and Sharp. A bill (H. F. 56) exempting homesteads from forced sale, which had been passed by the house after thorough consideration by a vote of 14 to 5, was killed by postponement in the council. The house had the temerity to strike out all but the enacting clause of a divorce bill (C. F. 54), which had been reported by Richardson of the judiciary committee and passed by the council, and to insert instead its own bill (H. F. 49). But the council disagreed to the amendment, and the territory went without a divorce law until the next session of the legislature. It is not the least important or suggestive illustration of the rapidity of our social development that an expedient which fifty years ago was looked upon as a luxury, or at most a convenience, and which it was practicable to postpone indefinitely, is now a common necessary of our social life. The expedient of seeking a divorce by special act of the legislature was resorted to by Samuel King and Delila King, and a special committee of the house reported in favor of the passage of the bill. But it fell into the hands of Mr. Poppleton of the judiciary committee, and on his report and motion was laid on the table.

Neither the dominant spirit nor the general work of this first legislature may be commended or admired. It worked under abnormal conditions and without the restraints of organized society. There could be no appeal to public sentiment through public discussion—the present criterion and referee of public measures—because there was as yet no public. When the Israelite adventurers determined to appropriate Canaan, Moses sent twelve spies "to search the land." Our first handful of pioneers had come to spy out the land while it was still in possession of its original occupants. Ten years before, Douglas had served unequivocal notice—in his bill of 1844—of the intention of the stronger to "go in and possess the land" of the weaker race. This was no new departure, but the natural process and the immemorial rule of the progress of civilization, and never perhaps pursued by the strong nations of the earth with such unanimity and aggressiveness as in the last quarter century. As a token of the refinement of civilization nineteen centuries after Christ in contrast to the barbarism of fifteen centuries before Christ, unlike the Israelitish summary dealing with the Canaanites, our pioneers offered the people the grace of peaceful, as the alternative of enforced surrender of their homes. But the difference was merely conventional, and there was the same notion and spirit of conquest and force in the one case as in the other. The chief difference between these beginning years of Nebraska and those of the easterly territories was that while, owing chiefly to the legal barrier against gradual occupation of this forbidden "Indian country," our invasion was sudden and comparatively artificial and superficial, their settlement was the result of steady purpose, and their institutions, accommodating themselves to these conditions, were more the product of growth and development. In short, the differentiation of Nebraska territory was that it did not grow but was made.

As there was no settled citizenship to consult, many of the legislators themselves refraining yet to "declare their intentions" to cast their fortunes in this untried and uncertain desert, the first legislative session was a game of scramble with "the devil take the hind-most" for its guiding rule.

TO BE CONTINUED



SLEEPING UNDER THE WATER.

Sleeping sickness has developed among the divers employed in the Mediterranean and the Levant to such an extent that it has seriously affected the revenues of the wrecking and salvage companies—that is, the divers say it is "sleeping sickness," but their employers have another name for it.

The companies do all their business by contracts with the owners of the wrecked steamers, and the divers are paid according to the time they are under the water at work, says the Philadelphia Ledger. Wages are regulated by the number of hours the men can stay down. A diver, for example, who received \$5 for the first hour, would get \$10 for the second hour, and \$20 for the third.

Capt. Samuel Ridge, who passed through Suez recently on his way to Aden to scuttle a steamer which had been on fire for two weeks, spoke very freely on the subject. His salty, weather-beaten countenance resembled Mercator's Projection, with its lines of latitude and longitude, when he related the fondness of divers for sleep at the bottom of the sea.

"It is quite true," said Capt. Ridge, "that divers spend the greater part of the time under water in comfortably snoozing instead of doing their work. I have been down myself and found fourteen men asleep in the cabins on board a wrecked steamer. They prefer to get inside the wreck because the ground sharks cannot knock them about with their tails and try their jaws on the copper helmets. In the Levant there is a danger from the big devilfish which swarm around the coasts, and divers have been frequently carried off some little distance before these huge monsters discovered their mistake and dropped them.

"Diving appliances are so perfect nowadays that it is a pleasant experience to go down any easy depth and walk about with an electric lamp along the sand bed of the sea. Good divers can easily remain under water for three hours if the depth is less than ten fathoms. The greatest depth I have seen men go down is twenty-three fathoms, and they only remained for twenty-three minutes, as the pressure was so great."

Asked why it was that divers had developed the submarine sleeping habit, Capt. Ridge said:

"There is a soft, undulating motion under the water which is most soothing and almost irresistible. The most fractious baby would be instantly lulled if it was placed carefully in the bed of the ocean. I have felt the influence myself, and have had to refrain from going down to any more wrecks, in case I should get the sleeping habit myself. I can only describe the sensation as one of 'Peace, beautiful peace.' There are no cars, no crowds, no subways, and no street hawkers or flies to bother you.

"Strange-looking fish peer into the glass of your headress and dart away when you flash your electric lamp on them. These new powerful lamps enable divers to see as well as if they were above water. Many of the wealthier divers have the habit of sleeping under water so badly that they cannot sleep on land. I know two men who have recently retired and bought a big diving outfit between them, so that each man can go down and have three hours below while his mate sits in the boat above and sees that he gets his supply of air."

