

Morton's History of Nebraska

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CHAPTER VII CONTINUED (31)

Notice that the school attached to the Otoe and Omaha mission is about to be transferred to the Iowa and Sac mission, near the northern line of Kansas, appears in this issue.

The same paper, of December 20, notes that there are in the Quincy Colony—Fontenelle—"about thirty persons who came on and commenced the settlement late in the fall," and several houses had been erected.

The Palladium of January 10, 1855, explains that "gos-noo-gah" is equivalent of Omaha, and means "sliding," "which is a favorite amusement with the Omaha youth by whom we are surrounded." The sled was a cake of ice about ten inches wide and fifteen inches long rounded on at the ends. Sometimes in its rapid descent the brittle vehicle would go to pieces, when a catastrophe would happen to the Indian boy passenger as precipitate, though not as fatal, as the result of the bucking automobile of our day.

The issue of January 17 describes the great beauties of the site of St. Mary, "on the eastern shore of the Missouri river, four miles above the mouth of the Platte, and nearly opposite the Council Bluffs agency, Bellevue, Nebraska territory. . . . The town is surrounded with scenery of unsurpassed beauty. On the east the green bluffs, rising nearly two hundred and fifty feet above the level of the river two miles back, stretch along to the north and south until they disappear in the distant horizon. On the north the Mosquito creek, skirted with beautiful trees and farms, appears at a distance of half a mile. The south presents an open view. The bluffs back of the town are covered with beautiful groves of elm, oak, hickory and black walnut." The auxiliary embellishments of this picture in unimpaired beauty are still visible from Bellevue, but the ambitious town site itself long since "moved on" and now, no doubt, forms an important part of the delta of the Mississippi. St. Mary was the eastern terminus of the considerable ferry traffic across the river.

On the 7th of March there is notice that a postoffice has been established at Bellevue with the editor as postmaster. Mails are to arrive and depart twice a week; but the postmaster gives warning that "As we are not authorized to expend anything beyond the avails of the office for carrying the mails, we hope our citizens will come forward and make up the deficiency, and thus secure promptness and regularity in the mail service." In this number there is notice of a meeting of the democracy of Nebraska to be held at Omaha on the 8th of March "for the purpose of effecting the organization of the democratic party." The meeting appears to have been held to further the aspirations of B. B. Chapman to become delegate to Congress and to discredit the sitting member, Mr. Giddings. No actual organization of the party was practicable until 1858, when the Republican party began to take form, thus influencing the democrats to united action.

In the issue of March 21 the following announcement appears under the heading "Bellevue":

"The friends of this place being desirous of changing the orthography of its name, so as to correspond with the French, from which it is derived, we have concluded to adopt that method of spelling."

Henceforward, the old spelling, "Bellevue," is dropped.

It was the duty of the governor, under the organic act, to organize the territorial courts, provisionally, this organization to continue until superseded by the act of the territorial legislature. Accordingly, by Governor Cuming's proclamation, Fenner Ferguson, chief justice of the supreme court, was assigned as judge of the first judicial district, which comprised the counties of Douglas and Dodge; Edward R. Harden, associate justice, was assigned to the second judicial district, embracing all that part of the territory lying south of the Platte river; and James Bradley, the other associate justice, was assigned to the 3d district, comprising the counties of Burt and Washington. A term of the supreme court was to be held at the seat of government beginning on the third Monday of February, 1855. The first terms of court in the several districts were to be held as follows: First district, at Bellevue, on the second Monday in March, 1855; second district, at Nebraska City, on the third Monday in March; third district, at Florence, on the first Monday in April. Thereafter the times and places of holding the courts were to be regulated by the general assembly.

"Accordingly, on Monday, March 12, 1855, the first court of record ever held in the territory, the district court of the first judicial district, with jurisdiction practically like our present district court, was opened at the mission house, Bellevue, by Fenner Ferguson, chief justice; Eli R. Doyle, marshal." The Palladium (March 21, 1855) informs us that, "The court was organized by the choice of Silas A. Strickland of Bellevue, clerk. Several foreign born residents made their declaration of intention to become citizens. No other business of importance coming up, the court adjourned to April 12." But this was not the first session of a court of record in Nebraska. The first session of the supreme court, according to the governor's proclamation, met in Omaha on the 19th of

February; and the Palladium (February 21) tells us that, "The first session of the supreme court of Nebraska is now being held at the capitol. Hon. Fenner Ferguson, chief justice, presiding. The court convened on Monday, the 19th inst. J. Sterling Morton, of Bellevue, has been appointed clerk of the court. Hon. E. R. Harden is prevented by indisposition from attendance, since the first day of the session. He is at his lodgings at Bellevue, where every attention to his health and comfort is bestowed."

The efforescent rhetoric and perfunctory bombast, which preclude apt ideas, and perhaps disguise or illustrate the inherent dullness of many of the addresses at these formal judicial openings, almost excite the risibility of present-day matter-of-fact readers; and they show that the judges of these courts—exported surplus political material of the older states—were, as we should expect, not infrequently men of commonplace parts.

CHAPTER VIII.

Second Legislature—Second Congressional Campaign—Political Conditions.

There was little diversion in the territory during the year 1855, from the time of adjournment of the 1st legislature, except the small politics of the aspirants for the offices to be filled at the fall elections. The dreams of Mr. Henn and others of the organizers about a rapid increase of population had not come true.

The first, or Cuming census, furnishes no data for comparison—except to illustrate its unreliability. By that census the first district, which comprised substantially the counties of Pawnee and Richardson, was credited with a population of 851. After the lapse of a year, during which there was some immigration, these two counties yielded only 441 people to the census of 1855. On the other hand, while the counties of Forney and Pierce in 1854 had but 614 people, in 1855 their successors, Nemaha and Otoe, had respectively 604 and 1,188. Otoe no doubt felt plenary satisfaction in so decisively outstripping Douglas, her rival of the North Platte. But the active colonizing on the part of both slavery and anti-slavery interests diverted most of the immigration to Kansas, which as early as February, 1855, boasted a population, such as it was, of 8,601.

Under the act of the 1st legislature the governor appointed Charles B. Smith as territorial auditor, B. P. Rankin, territorial treasurer, and Jas. S. Izard, librarian. Minor officers for the several counties were also appointed by the governor, and the terms of all these officers continued until their successors were elected in November, 1855. On the 15th of October, 1855, Governor Izard issued a proclamation announcing that an election would be held on the first Tuesday in November of the year named to choose a delegate to Congress, a territorial auditor, treasurer and librarian, twenty-six members of the lower house of the general assembly, and in the several counties a probate judge, sheriff, county register, county treasurer and county surveyor; and each precinct should elect two justices of the peace and two constables.

A district attorney for each judicial district of the territory was to be elected also. The first district embraced all the counties south of the Platte river; the second the counties of Douglas and Washington; the third the counties of Burt, Dakota and Dodge.

The legislature had left the task of making the apportionment of the members to the governor, and he established the representative districts as follows: Burt and Washington, jointly, 1; Cass 3, Cass and Otoe 1, Dodge 1, Douglas 8, Nemaha 2, Nemaha and Richardson 1, Otoe 6, Pawnee and Richardson 1, Richardson 1, Washington 1. The act of 1855 provided that the number of members of the house should not exceed twenty-nine; but the governor did not see fit to change it from the original twenty-six. Pawnee was the only one of the sixteen new counties, whose organization had been authorized by the 1st legislature, to take advantage of the act and become entitled to representation. The proclamation also called for the election of three members of the council to fill vacancies; and Samuel M. Kirkpatrick was chosen in place of Nuckolls of Cass county, who had resigned; John Evans in place of Dr. Munson H. Clark of Dodge county, deceased; and Allen A. Bradford in place of Hiram P. Bennet, who resigned for the purpose of becoming a candidate for delegate to Congress. The hold-over members were Dr. Henry Bradford of Otoe, formerly Pierce; Richard Brown of Nemaha, formerly Forney; Charles H. Cowles of Otoe; Benjamin R. Folsom of Burt; Taylor G. Goodwill, Alfred D. Jones, Origen D. Richardson and Samuel E. Rogers of Douglas; Joseph L. Sharp of Richardson and James C. Mitchell of Washington.

The members of the house were John F. Buck, John McE. Hagoood and William Laird of Cass county; Thomas Gibson of Dodge; Leavitt L. Bowen, William Clancy, Alexander Davis, Levi Harsh, William Larimer, Jr., William E. Moore, George L. Miller and Alonzo F. Salisbury of Douglas; William A. Finney and Samuel A. Chambers of Nemaha; John Boulware, Dr. John C. Campbell, James H. Decker, William B. Hall, J. Sterling Morton and Mastin W. Riden of Otoe; Ama-

ziah M. Rose of Otoe and Cass jointly; Abel D. Kirk of Richardson; Dr. Jerome Hoover of Richardson and Nemaha jointly; Charles McDonald of Richardson and Pawnee jointly; Potter C. Sullivan of Washington and William B. Beck of Washington and Burt jointly.

Comparing this second apportionment with the first we find that the audacious stuffing of the North Platte counties of Burt, Dodge and Washington by the deft hands of Governor Cuming is acknowledged by his successor; for in place of her two full representatives allowed by Cuming, Burt is now tacked to Washington to divide one with that county, which in turn is reduced from two members to one and a half. Dodge is cut down from two to one. Cass county retains its three members and divides another with Otoe, which has six of its own—a gain of one. Douglas holds to its original eight. But since Governor Izard's census awards a population of 712 to Cass, 1,028 to Douglas, 1,188 to Otoe and 604 to Nemaha, the principle of Governor Izard's apportionment is still past finding out. The rights of Cass, Otoe and Nemaha are shamefully abused to the profit of Douglas. Councilman Sharp's very keen appreciation of the responsibilities of a pioneer census taker in 1854, in the case of Richardson county in 1855, to be at all presentable, had to be discounted at about 40 per cent of its face value; though with a population of only 299 that county still held on to one representative and shared two others with Nemaha and Pawnee respectively. It has been pointed out that in an addendum to his census returns Mr. Sharp admitted that the number of voters in Richardson county, excluding the half-breed tract, should be reduced from 236—his census figures—to about 100.

Beck, the joint member for Burt and Washington, lived at Tekamah, Burt county; Rose, the member for Cass and Otoe, lived at Nebraska City, Otoe county; Hoover, member for Richardson and Nemaha, lived at Nemaha City, Nemaha county; and McDonald, member for Richardson and Pawnee, lived in Pawnee county. So that in the popular adjustment of the apportionment Burt and Washington in fact shared alike with one member each; Cass retained her original three and Otoe gained two, making three in all; and Richardson retained her original number—two.

With 34.4 per cent of the population the North Platte is awarded 42.3 per cent of the representatives. The hold-over council, with 54 per cent of its members from the North Platte, presents even a worse travesty of decency and justice. In view of such a piece of his handiwork as this the impartial judge must demur to the modest disclaimer of Governor Izard's home paper (the Helena, Arkansas, Star) that he was "not endowed with shining talents," and must also question its ascription to the governor of the compensatory virtue of probity.

The 2d legislature convened at Omaha, Tuesday, December 18, 1855, at 10 o'clock in the morning. The temporary officers of the council were Origen D. Richardson, president; John W. Pattison, chief clerk; Lyman Richardson, assistant clerk; Samuel A. Lewis, sergeant-at-arms, and Niles R. Folsom, doorkeeper. The regular organization consisted of Benjamin R. Folsom, president; Erastus G. McNeely, chief clerk; M. B. Rose, assistant clerk; Charles W. Pierce, sergeant-at-arms; Henry Springer, doorkeeper; Le Grand Goodwill, page.

The house was organized by the election of the following temporary officers: Speaker, William Larimer, Jr., of Douglas county; chief clerk, Joseph W. Paddock; assistant clerk, H. C. Anderson; sergeant-at-arms, A. S. Bishop; doorkeeper, Ewing S. Sharp; fireman, Patrick Donahue. In the permanent organization Potter C. Sullivan of Washington county was elected speaker, his principal opponent being Abel D. Kirk of Richardson county. Isaac L. Gibbs was elected chief clerk; H. C. Anderson assistant clerk; A. S. Bishop, sergeant-at-arms; E. B. Chinn, doorkeeper; and Rev. Henry M. Giltner, chaplain.

From the council we miss Hiram P. Bennet, a prominent leader, Dr. Clark, cut off by death from a career whose beginning gave promise of future activity and influence, and Nuckolls, whose name was and is well known. From the house we miss a principal figure—Poppleton—but in his place we have Dr. George L. Miller, and from Otoe county J. Sterling Morton—two names destined to be linked together in the political activity and the general progress of the commonwealth for some forty years, and until they should become familiar to the popular ear through all its borders.

TO BE CONTINUED



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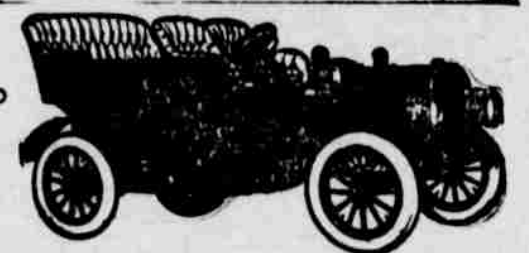
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