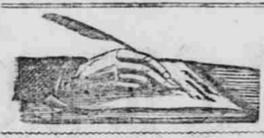


The Nebraska Herald.



PLATTSMOUTH, NEBRASKA.

WEDNESDAY, AUGUST 14, 1867

INDIAN WAR.

Gov. Butler Calls for Men

The Press of the 10th says: We received the following this morning by telegraph from Ruler:

"Indians fighting at Beatrice, eighty miles west of here. Three whites killed day before yesterday. Governor Butler is there. He called for men yesterday."

LATER—We are indebted to Mr. Bloss, operator, in this city, for the following telegraphic copy of the Governor's letter to Pawnee City, asking for aid. Big Sandy is about twenty-five miles south west of Beatrice and eighty from this city:

BEATRICE, August 9th.

TO PAWNEE CITY—I have met a messenger from Big Sandy, he informs me that the Indians and the citizens are engaged in a fight on Big Sandy and three men were already killed.—Raise and forward all the men you can, and that as soon as possible—to-night, if possible.

DAVID BUTLER, Gov.

ROAD TO GLENWOOD.

We have, upon several occasions, called attention to the necessity of having a good wagon road across the Missouri river bottom opposite this city.—It is a question in which the people of Plattsmouth have an interest, as well as the citizens of Glenwood and Mills county. There is a good ground upon which to make a road between here and Glenwood as at any place on the bottom, but it requires some systematic effort on the part of the people to secure the building of a good road. Select the best ground, no matter whose farm it may split in two, and then make the improvements upon it permanent. A road across the bottom must be made at some time, and the right of way over the ground best adapted for it can never be had for less consideration than at the present time. Mills county demands a permanent road to the river—one that can be traveled at all seasons of the year—and Plattsmouth needs it, and should give it all the encouragement possible. We are pleased to see the Opinion urging this matter, and hope it will continue to agitate it until the desired object is accomplished. We copy the following from its columns:

We wish to call the attention of the citizens of Mills county, and particularly the Board of Supervisors, to the necessity of a good wagon road from some point at the foot of the Bluffs, across the bottom to the Missouri river—we are not mentioning where the starting point is, only let it be accessible to the greatest number. If such a road had been built years ago Mills county would be worth, to say the least, five hundred thousand dollars more than it is to-day. A good wagon road across the Missouri bottom, one that can be used at all seasons of the year, will be as much benefit to Mills county as any one railroad that can be built. The farmers complain that our merchants do not pay as much for their grain as they should—when in fact it is owing to the condition of the roads in getting to their shipping point. It has cost during the present season, as much to get goods to and from the landing, as what the freight is from St. Louis, and in many cases more. We say use some of the swamp land money and make the swamps passable for teams—it will be of a more lasting benefit than to be loaning it out to Tom, Dick and Harry to speculate with. We hope the Board of Supervisors will, at their next meeting, make a move to accomplish this result, one that is so fraught with interest, and the future prospects of Mills county. People seeking locations west of us are compelled to cross the river either north or south of this county, and why? Simply because there is no road that they can depend upon to get to the river at this place. We hope the citizens will look at this matter in a proper light, and when convinced of its necessity will take such measures as will secure the building of a good road.

PLATTE RIVER BRIDGE.

Agreeable to previous notice, the Commissioners appointed by law to open books for subscription in the Platte River Bridge Company, met in the city of Plattsmouth on the 10th day of August, 1867. Present—Messrs. A. B. Taylor, J. W. Barnes, H. T. Clarke and R. Hogeboone. On motion Mr. Hogeboone was called to the chair, and J. W. Barnes requested to act as Secretary. On motion of Mr. Clarke, Mr. S. Maxwell was unanimously elected President of the Board of Commissioners.

On motion, J. W. Barnes was elected Secretary, and H. T. Clarke unanimously elected Treasurer.

On motion it was ordered that books for subscription be opened at the office of Maxwell & Chapman in the city of Plattsmouth, and at the store of Clarke & Bro. in Bellevue.

The agents were directed, until further ordered, to be governed by the act of the Legislature.

On motion, the Treasurer's bond was fixed at Five Thousand Dollars.

On motion, meeting adjourned.

R. HOGBOONE, Chairman. J. W. BARNES, Secretary.

THE BOND QUESTION.

In view of the position taken by the Republican of Omaha, and the tendency of the publication of such views to weaken public confidence in a financial enterprise of the State, and to justly extend take money from the tax-payers of the State; for no one can deny but if it succeeds, through its misrepresentations in reducing the aggregate amount realized by the Commissioners from the sale of lots in "Lincoln," just in and to that extent does it succeed in injuring the financial interests of the State. Hence, as a tax-payer, we wish to enter our solemn protest against those misrepresentations and the legal deductions of Omaha's great constitutional lawyer from certain facts; and let me say here, that I do not give the legal dicta of this or that man without any responsibility, or even a name to recommend his opinion.

I believe the copy of the law as given in the Omaha Republican is correct, and upon that it claims that failing to file the bonds as designated by law the entire commission is out of office.—Now, let us examine the case a little: The State of Nebraska says to the Commissioners, you shall give a bond in the sum of sixty thousand dollars; you shall be sworn into office and your oath of office shall be transcribed upon the back of your bond, and one of the Judges of the Supreme Court shall act on the part of the State and see that all the requisites are complied with, and if so he shall approve the bond tendered and close the contract on behalf of the State. This was all done, and within the ten days. But, says Mr. Republican, the bonds were not filed where the law designated they should be filed, and that relates back to the execution of the bond; violating the entire proceedings and releasing the bondsmen. We will see. Under a law of Massachusetts, requiring coroners to give bond before entering upon the discharge of their duties, and to have that bond approved by the Court of Common Pleas, a case arises: The bond was handed to the chief judge of the court by the coroner for his approval. It was not approved, the justice doubting the sufficiency of the sureties. After that, by some mistake, it went into the files of another court—the Court of Sessions—from whence it was taken and mutilated by one of the obligors. Suit was brought upon the bond, and the legality of it was questioned; on the ground, first, that the bond had not been approved, and secondly, that it had not been filed in the Treasurer's office as the law directed, and that the coroner was not an officer. No dispute upon fact. The court says: "The circumstances of the bond being found upon the files of the Court of Sessions instead of the Court of Common Pleas, is not material, for the files of neither of those Courts was its proper depository. It ought to have been transmitted by the presiding judge of the court, or by his direction, to the Treasury department. But if it never reached the proper depository, either from accident, fraud or carelessness of any of the parties concerned, it nevertheless remains in force from the time it was handed into Court as the security required by law."—[Republican vs. Supreme Court of Mass., vol. 14, page 166.]

But, says Mr. Republican, you Commissioners did not file your bond in time, and for that reason you are out of office. What do the courts say?

Under a statute of New York, requiring sheriffs to give bond within twenty days after notice of their election, a sheriff declined to give bond until some days after the time expired. He then entered into bond and upon the discharge of his duties. Information in nature of quo warranto filed and no dispute on fact—case submitted on demurrer. The court says: "In consideration of all the provisions, I am inclined to think the sheriff does not forfeit his title to the office by omitting to execute the bond required to be given by him, with sureties, for more than twenty days after he received notice of his election. That the Statute is directory to the sheriff, and not imposing an absolute limitation upon him."—(St. A. D. Balcombe vs. Supreme Court of New York, Wendell vol. 12 page 181, also vol. 13 page 491.)

Those are only two of the many cases that might be cited, bearing directly upon the bond question. I may refer to other decisions in the future, but it seems to me those two settle the two questions discussed and decided, viz: first, that when a bond is required, within a given time, of an officer, it is merely directory; and secondly, when that bond is given the depository is merely directory, and after it is accepted on the part of the State by the officer designated by the State to accept, it is no difference whose hands it falls into, so far as the obligors are concerned—they are bound. OMAHA.

The Herald asks, "What are these bonds for?" Clearly for the protection of the State in case the Commissioners fail to "faithfully perform their duties" or to "account for all moneys that may come into their hands." The law says these bonds shall be filed with the Treasurer "before the Commissioners enter upon the discharge of their duties." The Herald thinks the failure to place the State in possession of them is a "trifling informality." A court will inform that paper that a compliance with that requirement is the essence of the whole matter—that a bond in the hands of an officer is no protection at all to the State, and that the work of making it and having it approved, is sheer nonsense, if he is to keep it in his own custody.—Republican.

The Herald has asserted, and still asserts that the filing of the bonds in the Secretary's office instead of the Treasurer's office was a "trifling informality," and it does not believe "a court will inform" it that the filing of a bond "is the essence of the whole matter." It will be borne in mind that the position of the Herald upon this question has been, and still is, that if the bonds were now deposited with the Treasurer it would be held by any unprejudiced court to be as good as though they were filed within one or ten days after the passage of the bill creating the Commission. The view we have taken of the case is this, that the bonds were for the purpose, as the Republican says, of protecting the State in case the Commissioners failed to faithfully perform their duties, etc. Now, there is no charge against the Commissioners that they have not "faithfully discharged their duties" so far, and the bonds are now in possession of the Treasurer, so that they may be held for any future action, or any action already taken. It is claimed that the Treasurer did not officially receive the bonds, but the Herald is of opinion that he will be "officially" held responsible for them. We do not believe the Treasurer is a proper judge of whether the Commissioners have complied with the law, and he is just as much bound to "officially" receive the bonds now as he was within one week after the passage of the bill.

TRYING TO "BLUFF."

We are inclined to think some of our Omaha friends do not more than half believe what they say in regard to Lincoln City and the legality of the location made by the Commissioners. A citizen of Plattsmouth chanced to be in Omaha last week, when one of the men who has been and still is loudest in his assertions that the acts of the Commissioners were illegal, offered to wager \$100 against \$50 that the failure to file the bonds within the ten days prescribed by law would render the location illegal, and that it would be held by the courts that the Commissioners had no power to act. Our Plattsmouth friend being a prudent man, asked time to look at a few authorities before accepting or rejecting the offer. This was granted; and after coming home he informed the gentleman in Omaha, by letter, that he had deposited the \$50 in the banking house of Tootle, Hanna & Clarke, of this city, where he could forward his \$100—both deposits to be drawn by the winning party. This occurred last week, and our Omaha friend has failed to come to time by forwarding his \$100, and the gentleman who deposited the \$50 begins to think it was nothing but a "bluff" after all; and that the Omaha man does not really believe what he says about these Commissioners and their action. Would he dare make an even wager on the result? We think he could be accommodated.

LATEST NEWS.

Gov. Crawford has returned from the Osage reservation, and confirms the report that these Indians have gone to the plains for the purpose of stealing and committing other depredations. Large quantities of ammunition and arms have been sold them by their agents and traders. Two telegraph stations west of Ft. Larnie have been burned by Indians. Brownlow's Militia are to be mustered out except a few companies in West Tennessee. The New York Herald's special gives the following rumors: One cause for the delay in the removal of Stanton is the disagreement of the Cabinet regarding the propriety of such a step. Seward is opposing the measure. It is said that Johnson now sees that many of Seward's counsels were unwise and has resolved to request him to resign. The statement is not made on authority but should Seward retire it is believed that Adams will be recalled from England to take the position. It is also stated that Randall contemplates his resignation, and that a difficulty exists between the President and Secretary McCullough—Moses Taylor of New York is named as the latter's successor. It is stated that one of the reasons which prompted Stanton's refusal to resign was that he has received information of a scheme afoot for arming military organizations in the South with the ultimate object of another rebellion, and is determined to remain at his post and thwart their designs. Stanton refused the request of the President to assign a battery of light artillery to a militia company in Maryland composed mainly of returned rebels. The Tribune's New Orleans special says the President tendered Stanton's position to Gen. Steedman, who has gone to Washington. The President sent a communication at 10 o'clock on the morning of the 12th, to Mr. Stanton suspending him from office, and instructing him to transfer all the books, records, &c., in his custody, to Gen. Grant, who has been empowered to act as Secretary of War ad interim. Shortly after noon Stanton sent a reply to the President denying the Executive right to suspend him from office without the consent of the Senate, and without legal cause; however, as the General Commanding the Armies has notified him that he had accepted the appointment of Secretary of War ad interim; Stanton concluded by saying that he had no alternative but to submit to superior force. Grant therefore assumed charge of the War Department and appeared at the Cabinet meeting for the purpose of considering certain functions connected with Walrusia. It is reported that Judge Holt will soon be suspended from the discharge of his functions as chief of bureau of military justice. Grant, in a letter to Stanton, upon accepting the War portfolio, compliments the Secretary upon the patriotism, firmness and ability with which he discharged his duties. It is said the President desires all the Cabinet to resign, that he may make a general revision. Sheridan has written to Grant, complaining bitterly of the conduct of Gen. Roseau while in New Orleans, and says he exerted his influence with rebel citizens to prevent their acceptance of the reconstruction bill, and also complains of his general demerit towards himself. The body of Maximilian has been delivered to the Prussian Ambassador to be conveyed to Austria. Great excitement exists in Ohio on account of a newly discovered gold mine in Richland county.

Johnson vs. Stanton. Mr. Johnson seems determined to dispense with the services of Secretary Stanton, and has addressed a note to him asking him to resign. Stanton is as determined that Mr. Johnson shall not dispense with his services until Congress convenes again, and in reply to Mr. Johnson's note says: Your note of this date is received, stating that public considerations of a high character constrain you to say that my resignation will be accepted. In reply, I have the honor to say that public considerations of a high character, which alone induced me to continue at the head of this department, constrain me not to resign the office of Secretary of War before the next meeting of Congress. Signed, STANTON.

THE PLUM CREEK MASSACRE.

From the Omaha Republican of the 8th we copy the following particulars in relation to the destruction of the train of cars, at Plum Creek on the 7th and the massacre of those on board: At 8 a. m. a freight train left the Omaha depot as usual, for the west. It arrived at Plum Creek, which is 232 miles west of here, in good time, 12:25 a. m., yesterday. It left the station ten minutes after with a conductor, engineer, fireman, and two brakemen aboard. They had proceeded six miles westward when the whole train of seventeen cars was precipitated off the track. The cars were literally jammed into a mass, while their contents were crushed and scattered about in great confusion. No sooner were the cars off the track than about 100 Indians leaped out of the darkness, surrounding the entire train, making it almost impossible for anyone to escape. The engineer, fireman and two brakemen were immediately shot and scalped, and then fire was taken from the engine and set to the wreck. The conductor, who was in the caboose, ran off to a respectable distance to see what would turn up, as he very naturally entertained suspicions that the Indians were somehow concerned in the affair. Their yells were resounded through the darkness and warned him off, and as he saw the train coming behind he

ran with all haste to meet it and prevent a repetition of the horrible scene. As the train approached he stood in the center of the track so as to allow the light to reflect upon his person. The engineer happily saw him, and seeing a man energetically waving a flag, immediately whistled for down brakes. The conductor stepped aboard, a few words passed between them and the train returned to Plum Creek. The flames from the wreck now darted upwards, lighting the prairie for considerable distance around. The dark forms of the savages were plainly seen dancing around the scene of their atrocious work, while their fierce yells were borne savagely back to the rapidly retreating train, which had narrowly escaped sharing the same fate.

The telegraph had been out beyond Plum Creek about 9 o'clock the previous evening, and six men well armed, had gone to repair it. On arriving at the place where it had been cut, which was six miles west of the station, they were attacked by the Indians. Three of them were instantly killed, while the other three retreated to the sand bluffs where they remained until this morning. They were prevented from reaching home by the large force of Indians constantly moving and galloping about, otherwise this latter slaughter would have been prevented. Loss estimated at \$200,000.

PARTICULARS OF THE DEPREDEATIONS ON THE BLUE.

We find the following letter, relative to the recent Indian depredations on the Blue, in the Nebraska City papers.

Mr. Editor:—I cannot but wish that the poor Blue, who has just come in from the Pole, leaving everything and related to me the following pitiful tale, could have had the Congress of the United States (in their deliberations upon Indian affairs) for his audience also.

The craft used by these savages in sending only one of their number first to engage the attention of Ueberich and keep him out of doors talking; failing in this their endeavor to move his sympathies by beating the poor children; and still not succeeding in getting him out where they could kill him; their adding a view of the begging children holding out their hands pleading to be saved, shows their knowledge of human nature and reminds one of the practice of the Indians in the early settlements of Kentucky, when they used the captives they already had on the Ohio shore to decoy Flat boats of immigrants for Kentucky. Passing down the river, to come near the shore by placing the captives in sight on the river bank and forcing them to plead with the boats to come and take them off, pretending they had been wandering lost for a long time.

Peter Ueberich, a German Pele, who had taken a homestead on the little Blue, in Jefferson County, Nebraska, 108 miles South of West from Nebraska City, on the 24th of July sent his boy and girl, Foster and Veronia aged 15, into the field a short distance from the house to get grass and weeds for his hogs. A few minutes afterwards, about 9 o'clock in the morning, he saw an Indian riding up to the house, who endeavored to attract his attention by the usual Indian salutation of "How how," and evidently wished to engage him in conversation. Upon looking towards and beyond this Indian he saw twelve or fifteen (there) four of whom were engaged in leading off a horse and mule belonging to him. From this he instantly knew they intended mischief; hurrying into the house he busied himself in preparing his arms and barricading the windows and doors with means already provided for such emergencies, calling to his wife to get the children from the field. On looking towards the field they saw the children running for the house pursued by two Indians who caught them and took them into the bushes out of their sight. After he made the house as defensible as possible he reconnoitered through the cracks in the window shutters and saw them stealing a third horse from the stable, which they dare not take out by the gate of the yard near the house but took down the fence at the back side of the yard.

They then commenced whipping the children to make them fly, hoping to move his sympathies sufficient to bring him out. Knowing he could not save the children a single pang and would only sacrifice the mother and other three children, he resisted his own impulse and the mother's entreaties and remained in the house. After 20 or 30 minutes, they brought the pleading children into sight and the chief called to him.

"Father come out and we will give you your papoose." He replied, "You have my three horses and most of our clothes," (they had secured the weeks washing hanging out) "take them and leave my children alone."

After persuading him to come out until they saw it was no use in trying, they laughed at him and went off, leaving the children on to the horses before they. He then, by watching, saw them form an ambush for him nearly out of sight of the house, hoping he would follow probably.

The most of these Indians had on good, new looking, dark cloth pants; and white shirts with common broad-brimmed black hats. They had probably robbed some train. Only two or three were dressed in Indian costume. Mr. Ueberich thinks the hair and skin showed they were unmistakably Indians. Does their knowledge of English and their taste for white man's dress, lead towards the suspicion that they may be some of the Osages who have left their reservation? Mr. Ueberich fears his children will forget their language and begs that the knowledge of his loss may be spread far and wide.

The girl is tall, slim, yellowish hair, light complexion, blue eyes. Boy, medium size, light hair and eyes. If anyone thinks this is a manufactured tale and will come to my house in Kearney Ward, I will take them to see the family, what there is left of it, and I think they will be convinced. As soon as Mr. Ueberich gets his family into a house he asks for work from our citizens. A. Bowen

CHOLERA.

It is probable that very few of our people have ever sincerely thought that that dread scourge, the very name of which appals the bravest heart—Cholera—would be likely to visit our city the present season. We assure them there is every reasonable prospect that it will, and would suggest to the city authorities that steps be taken to enforce the measures recommended by the Board of Health last season. The disease has already made its appearance in Leavenworth. The following from the Medical Herald of that city, dated August 1st., is as applicable here as there.

Since penning our article headed "Cholera at Fort Harker," we are in possession of more recent developments in relation to the ravages of the disease. There can be no good obtained by concealing the fact, that cholera is raging at Ellsworth, and is rapidly extending eastward to the towns along the line of the Pacific Road. We are reliably informed that fifteen deaths occurred yesterday, July 25th, in Ellsworth, and a number in Junction City. Much allowance must be made in relation to the reports which reach us, for the people are panic stricken and fleeing in every direction. A few have arrived in Leavenworth with the choleraic diarrhoea full upon them, and this act prompts us to ask where is our Health Board? Can it be possible that those who assume to lead our people through the melancholy waste of an epidemic scourge are ignorant of the very first principles upon which their action should be based? Will they never get above the idea of slop-carts and foul privies?

The gentlemen composing this Board are our personal friends, and as such we esteem them; but we must say to them in all kindness, that they have a fearful responsibility resting upon them; the responsibility of 25,000 lives, and thus far we have not had a substantial guaranty for one of these lives. We point to these cases in evidence. They have come among us, and, officially the Health Board are totally oblivious of their existence, and as a consequence have had nothing to do with their supervision. Fortunately, they have fallen into hands which will promptly extinguish "the sparks;" but what of other cases which will from this time forth flock into our midst, and be distributed among those who may not be so vigorous in their actions?

It is now a recognized fact that the excretion of Cholera cases contain the germ of the disease. No amount of public and private cleaning up will avail against the disease, unless the excretions are properly disposed of. Will our board, then, see that it is imperatively necessary they should have personal supervision, by themselves or agents, of every case of cholera, whether developed or in its incipency, coming under the notice of any physician in the city? Let them pass an ordinance requiring every person under heavy penalty, to report at once every such case; and when so reported let them have assurance that "the sparks" are being put out. In addition to this recommendation we would respectfully advise our Board to study the cholera literature, or else avail themselves of the counsel of those who are acquainted with it.

We are no alarmists, for we have been through several epidemics of the disease, and are thoroughly familiar with it and its horrors, but we must protest in the name of humanity against allowing the riotous entrance of a disease among us, which shall carry the desolation of death to a thousand homes, and cripple the business interests of our city, when all experience demonstrates its susceptibility to subjugation by intelligent and conservative effort.

SURRATT.

The Washington Chronicle expresses no confidence in the final conviction of Surrott. On the contrary it says: "One of our evening contemporaries is nervous about the fate of Surrott. There need be no alarm on his account. Nobody expects him to be found guilty in this city, under the present arrangements for selecting a jury. We have no doubt Washington is eminently loyal here to secure at least one member of any jury that may be empaneled to try Surrott. That one member is as good as a dozen, so far as defeating a verdict of 'guilty' is concerned. Neither Surrott or anybody else is very likely to be punished in this city for aiding the rebellion whether as an assassin of the nation's President or as a Confederate spy (blockade runner). Surrott is more likely to get a clerkship in one of the departments in a few weeks than he is to be hanged for his crimes."

H. G. Worthington Attorney and Counselor AT LAW.

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