



"If any man attempts to haul down the American Flag, shoot him on the spot."

VOL. 4

PLATTSMOUTH, NEBRASKA, THURSDAY, JANUARY 28, 1869.

NO. 43

THE HERALD

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3 REASONS FOR BOARDING

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Wholesale and Retail Dealers in

Wines and Liquors,
Also a very choice selection of

Tobacco and Cigars,
Main street, second floor east of Seymour House,
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We are receiving a new stock of Genuine Old
Shiraz from Bourdeaux, France, by

STATE LEGISLATURE.

SENATE.

January 18, 1869.

Mr. Stevenson presented petition of David Elsworth and others, praying for a herd law.

Mr. Frost presented petition of citizens of Douglas precinct, against granting a tariff of one mill on the dollar to build a bridge across the Missouri.

Referred to the committee on Judiciary.

Mr. Goodwill presented petition of citizens of Burr and Cuming counties, praying for the establishment of the county buildings.

Referred to committees on counties.

Also a petition for a State Road and Main Route from Blair city to Newport. Referred to committee on Highways and Bridges.

Mr. Stevenson introduced a bill to amend the General Incorporation Law relating to indebtedness. Rules suspended and referred to committee on Incorporations.

Mr. Reavis introduced a bill to repeal certain sections of the General Incorporation Law and revised old section seventy-five.

A bill to abolish the Death penalty was read, and referred to committee on Judiciary.

Joint Resolution accepting the Agricultural College Act. Referred to the committee on Federal Relations.

Mr. Cunningham, by consent presented a joint Resolution authorizing the distribution of five hundred copies of the Agricultural paper at Omaha by members of the legislature. Laid over under the rule.

A joint resolution authorizing the people to vote for or against a convention to revise the constitution was called up and read second time.

Mr. Goodwill from committee on Public Buildings, reported back bill to transfer Old Capitol Building to Omaha for school purposes, with amendments.

Rules suspended and bill taken up for consideration.

On motion of Mr. Chapin, the amendments of the Senate were adopted.

On motion of Mr. Reavis, the bill was ordered printed.

Adjourned.

HOUSE.

January 18, 1869.

Mr. Steiman presented a remonstrance signed by Samuel Ryan and 25 others against a herd law in Richardson county.

Mr. Jones presented a remonstrance signed by A. S. Davis and others against a herd law in Nebraska, and especially in Nemaha county.

Mr. Tidwell presented a remonstrance against a herd law in Richardson county signed by Oliver Jennings and 37 others.

Mr. Loveland from the Committee on Ways and Means reported back H. R. 12, "an act making appropriation for the payment of per diem and mileage of the members, officers and employees and incidental expenses of the Legislature," with the slight amendment and recommendation that it do pass.

Also H. R. 18, "an act to authorize the publication of the laws in newspaper," with the recommendation that it do pass.

Mr. Ragood from the Committee on Privileges and Elections presented a lengthy minority report in the contested election case of Parker vs Brush and offered the following as an amendment to the resolution offered by the majority of the Committee.

Resolved, That Marcus Brush is entitled to a seat in this House as Representative from the 9th District.

On motion of Mr. Seybolt of Cass both resolutions were referred to a committee of the whole House, and made a special order for Wednesday at 10:30 o'clock.

Mr. Barnard gave notice of a bill to amend the code of civil procedure.

Mr. Speece offered a bill to attach Butler and Polk counties to the 34th Judicial District and to Platte county for judicial purposes.

Mr. Hunt offered a bill to authorize Stephen J. Hanson and John Hummer to erect a mill-dam across the Big Blue river in Saline county.

Mr. Brown offered a bill to define the liens on Horses, Neat Cattle, Mules, Asses and Sheep as they occur in chapter 46 of Revised Statutes, entitled "Revenue."

Mr. Barnard offered House Roll 28, entitled "an act to amend chapter 63 of the Revised Statutes entitled Towns. Rules were suspended.

Mr. Zimmerman offered House Roll 19, an act to amend an act entitled "an act to create a Board of Emigration to encourage emigration to Nebraska." Read a second time by its title and referred to committee on Emigration.

Mr. McCartney offered House Roll 31, entitled "an act to amend sections 186 and 190 of the code of civil procedure entitled, replevin of property." Referred to committee on Judiciary.

Mr. Speece offered H. R. 32, entitled "an act to incorporate the town of Columbus in Platte county." Referred to committee on Corporations.

Senate Bill No. 5, entitled "an act

to exempt from sale or execution property used for extinguishing fires." Passed.

H. R. 19, regarding publishing of laws in newspaper, was indefinitely postponed.

SENATE.

Jan. 19.

Mr. Chapin introduced a resolution that the Senate proceed to ballot for United States Senator, in accordance with the act of Congress made and provided in the case. Carried.

Mr. Chapin nominated T. W. Tipton of Nemaha.

Mr. Barnum nominated Charles H. Brown of Douglas.

Those voting for Mr. Tipton were Ashton, Chapin, Cunningham, Frost, Gere, Goodwill, Hathaway, Majors, Porter, Reavis, Stevenson and Taylor—12.

For C. H. Brown, Mr. Barnum—1. T. W. Tipton was declared the choice of the Senate for U. S. Senator.

Mr. Chapin introduced a petition from citizens of Seward county, praying for a new election to determine the place of their County Seat.

The joint resolution recommending the electors to vote for or against a constitutional convention came up and was referred to the standing committee on Judiciary.

Joint resolution directing the Secretary of State to furnish the State Board of Agriculture with 500 copies of the Omaha Agriculturalist, came up, and was referred to the Committee on Agriculture.

Adjourned.

HOUSE.

Jan. 19.

Mr. Seybolt, of Cass, introduced the following privileged questions:

Resolved, That the House of Representatives do now proceed to the election of United States Senator for the term of six years, commencing on the 4th day of March, 1869, in pursuance of an act of Congress, entitled "an act to regulate the times and means of holding elections for Senators in Congress, approved July 25th, 1866," and that each member whose name is called name viva voce, the person he would elect to said office.

Mr. Seybolt nominated Thomas W. Tipton of Nemaha.

Mr. Speece of Platte, nominated C. H. Brown, of Douglas.

The Clerk then called the roll of members, each naming his choice.

All the Republican members voted for T. W. Tipton, except Mr. Rhodes, who was absent.

The following voted for C. H. Brown, all Democrats:

Brush, Chase, Hunt, Naffziger, Smith and Speece.

T. W. Tipton having received a majority of the votes cast, was declared the choice of the House for United States Senator.

Mr. McCartney presented petition of citizens for a new State road to Nebraska City.

Mr. Bakely presented remonstrance of David Truman and 223 others, citizens of Gage county, against the re-establishment of Clay county.

Mr. Smith presented petition of Ed. Lewis and 53 others for a law preventing stock from running at large in Platteford precinct, Sarpy county.

Mr. Stewart presented a petition of citizens, praying for the restoration of Clay county.

Also a remonstrance against the same.

Mr. Church offered the following: Resolved, That the members of this House of Representatives believe it imprudent at the present session to consider the propriety of changing county boundaries. We therefore instruct the House Committee upon county boundaries and county seats not to report a bill or bills upon this subject.

Mr. Shook moved the adoption of the resolution. Some discussion ensued, which was participated in by Messrs. Stewart, Blakely, Griffin and Seybolt.

Mr. Stewart demanded the Ayes and Nays.

Resolution adopted by the following vote:

Yeas—Blakely, Brush, Chase, Church, Crow, Evans, Gardner, Griffin, Hoile, Jones, Naffziger, Parrish, Rathmann, Shook, Smith, Speece, Steiman, Stout, Tidwell, Tullis—20.

Nays—Barnard, Brewer, Brewster, Fitchie, Fox Farney, Hawood, Hunt, Loveland, McCartney, McCaig, McKinnon, Parmelee, Seybolt, Stewart, Talbot, Zimmerman—17.

Mr. Speece offered a bill House Roll 33, entitled "an act to attach Butler and Polk counties to the 34th Judicial District and to Platte county for judicial purposes." Referred to committee on Judiciary.

Mr. Tidwell offered House Roll 34, entitled "an act to amend section 11 chapter I of the revised statutes entitled agriculture." Referred to Committee on Agriculture.

On motion of Chapin, the bill was ordered printed.

Mr. Barnard offered House roll 35, entitled "an act to amend the code of civil procedure."

House roll 12, "an act providing for the payment of mileage and per diem to members, officers and employees of the House, and incidental expenses of the Legislature." Read a third time and passed.

SENATE.

January 20.

Senate opened in the usual form.

Gere introduced a petition from J. B. Mattingly and 86 others, citizens of Jefferson county praying for the establishment of a State Road from Towship 1 Range 3 East, on the Kansas line to Lincoln via Fairbury, Seward City. Referred to committee on Highways, Bridges and Ferries.

Chapin introduced a petition from citizens of Saunders county praying for a Herd Law.

Sepperson from Standing Committee on Incorporations reported back the Bill for an Act to extend the provisions of the General Incorporation Act relating to indebtedness, and recommended its passage without amendment.

Ordered engrossed and read a third time to morrow.

Hathaway of Standing Committee on Elections and Privileges reported that they had examined the testimony in the case of Moses H. Sycamore, consisting the right of Guy C. Barnum to a seat herein as a member from the Eleventh district, and fail to find sufficient evidence to sustain the claims of the contestant. The committee recommend that further action in the matter be indefinitely postponed.

On motion of M. Gere it was received and adopted.

Gere of committee on Engrossed and Enrolled bills reported "an act to exempt from sale in executive property used and kept to extinguish fires, and a joint resolution and memorial for a mail between Lincoln and Fremont county enrolled, and ready for signature of President.

Frost of Standing Committee on Federal Relations reported back a joint resolution accepting donation of public lands for Agricultural College with amendments. Rept. adopted.

President read the resignation of W. H. Miller, enrolling clerk, which was accepted and W. E. Shorley, of Otoe, elected to fill the vacancy.

Reavis of the Judiciary committee reported back the Bill abolishing the death penalty, recommending its passage without amendment.

Cunningham introduced a resolution moving Hon. E. S. Dundy, Justice of the United States Court to a seat upon the floor of the House. Adopted.

Chapin introduced a joint resolution and memorial to Congress asking for a grant of land for the Yankton and Columbus Railroad.

On motion the Rules were suspended and the resolution read a second time by its title and referred to committee on Federal Relations.

Stevens presented a petition of W. Bailey and 16 others, praying for relief on account of work done on the Capitol building.

Chapin gave notice of a bill to provide for locating the County Seat of Cedar County.

Reavis introduced a bill for the disposal of the State Internal Improvement lands, and made the following remarks:

Mr. President:—I hold in my hand a bill, of which previous notice has been given, for an act to dispose of the public lands granted for internal improvements, which I now desire to introduce for the consideration of the Senate. Before doing that, however, I ask unanimous consent to offer a word in explanation, that my motives may not be misunderstood. There are many Railway corporations in this State that have no other existence than that which appears on paper, yet each proposes to build great lines of railway, in all possible directions and to all possible places, and to do which, they each demand a share of the public lands. There is not enough of land to build this array of "air line Rail Roads," and hence our resources should be harnessed very carefully. This bill proposes to give lands to three roads certainly, and to one other upon certain conditions. Originally, I had intended to include in this bill all the Railway companies heretofore incorporated, and whose corporate powers have not been forfeited by limitation; but on careful examination of the map of the State, I find that many of these lines stretch through vast regions of unsettled country where the construction of railroads is wholly impracticable, not to say impossible, unless backed by an immense capital. I have dropped some of these lines from the list, but if Senators shall conclude that it is just to the whole State to parcel out these lands pro rata among all the companies, that object can be attained by so amending the bill. I do not wish to invite the hostility of any section or company, but simply desire to open up this question of the disposition of the internal improvement lands, that it may be fairly and thoroughly discussed, and amicably settled by this Legislature, and so introduce the bill in its present shape.

On motion of Chapin, the bill was ordered printed.

Cunningham introduced a bill authorizing a special tax in Richardson county, for the building of a bridge across the Nemaha.

On motion, the rules were suspended and bill read second time by its title and referred to a committee of Senators from Richardson county.

Reavis introduced a bill for an act for the relief of the State Normal School.

Rules suspended, bill read second time by its title and referred to Senate committee on expenditures.

On motion of Chapin, the Senate went into committee of the whole on bills on their second reading.

Committee rose and reported back to the House S. R. No. 1, and recommended the adoption of the amendment of Standing Committee, and also S. B. 14, and recommended its passage. Adopted.

On motion of Chapin, S. B. No. 14, ordered engrossed and read a third time to morrow.

Select committee of Richardson county, reported back the bill authorizing a special tax in Richardson county, with amendments. The report was adopted.

Reavis moved that a committee of two be appointed to notify the House that the Senate was ready to meet the House in joint convention at twelve o'clock in to canvass the votes for United States Senator.

Carried, and Messrs Reavis and Fitt were appointed that committee.

H. F. No. 1, for an act providing for the payment of per diem and mileage for the members of the Senate and House of Representatives.

Read first and second time by its title.

On motion the Senate proceeded to the Hall of the House of Representatives to meet in joint convention.

After the adjournment of the joint convention the Senate met and on motion, adjourned.

HOUSE.

Brush presented a petition signed by 21 citizens for a herd law in Lancaster county from May 1st to December 1st. Committee on agriculture.

McCaig a remonstrance from citizens of Cass county, against a herd law. Committee on agriculture.

Ragood a remonstrance against a general herd law. Committee on agriculture.

Stewart presented a petition from citizens of Johnson county, praying for a State Road. Committee on Roads.

Loveland from Committee on Ways and Means, reported back Senate Bill No. 1, with an amendment.

Blakely from the Committee on Corporations, reports back H. R. 25 with an amendment.

Brewster from the Committee on Public Lands, reported back the petition praying that the State lands be held for actual settlers.

Zimmerer from the Committee on Emigration, offered the following: Resolved, That the Governor be most respectfully requested to furnish a report of the Board of Emigration for the use of the House.

Also the following: Resolved, That each member of this be allowed two daily papers published in the State, to be selected by himself, Resolution lost.

Brewster offered the following: Resolved, That the Hall of Representatives be tendered to the State Board of Agriculture for their meeting this afternoon. Resolution was withdrawn.

McCartney called for the special order of the morning upon which the House went into Committee of Whole. Seybolt of Cass co. in the chair.

The chairman stated that the special order was the contested election case of Parker vs Brush.

The majority report was then read.

On motion, the minority report and depositions were read by the chairman after which

Brush took the floor in his own defence, but was interrupted in the midst of his able argument, by the arrival of the time for the joint session of both Houses to compare the votes of yesterday.

On motion the committee rose, reported progress and asked leave to sit again. A motion was adopted that the House go into committee of the whole on the same subject at 2 o'clock this afternoon.

The President and members of Senate were here announced, and the two Houses went into a

JOINT SESSION.

Rolls of the Senate and House were called by the clerks, and a quorum of each were present. So much of the journals of each House for yesterday as relates to the election of U. S. Senator, was read by the respective clerks.

The President then declared Thos. W. Tipton duly elected U. S. Senator for the term of six years from the 4th day of March 1869.

On motion the joint committee adjourned sine die.

The House resumed its regular session, a motion prevailed to take a recess till 2 o'clock.

AFTERNOON SESSION.

The House reassembled at two o'clock

and immediately went into a committee of the whole, Seybolt in the chair.

Mr. Brush resumed his argument and made a telling speech.

Furay of Douglas moved that the contestant H. W. Parker be allowed to make an answer if he wished.

Parker said as the committee on "Privileges and Elections" who made the majority report had had all the evidence before them would probably go over the whole ground, he would say nothing.

Snook took the floor in defence of the majority report and was sustained by Brush.

Church next spoke in favor of Parker and was followed by Furay of Douglas in favor of Brush.

Mr. Gardner, chairman of Judiciary committee made a very able argument, sustaining the report of the majority, and was answered by Mr. Brush.

The question then came up on the amendments, offered by the minority of the committee, to the resolution of the majority of the committee as follows:

Resolved, That Marcus Brush is entitled to the seat he now occupies as a member thereof from the 9th Representative District of the State of Nebraska. Adopted.

On motion committee rose and reported progress to the House.

A call of the House was demanded, and Brewster and Parmelee were absent. The Sergeant at arms was sent to bring them in.

Brewster now came in, and on motion of Griffin, further proceedings under the call were dispensed with and the question came up on the adoption of the amendment.

The yeas and nays being demanded resulted as follows:

Yeas—Chase, Evans, Furay, Hagood, Hunt, Loveland, McCartney, McCaig, McKinnon, Naffziger, Rathmann, Seybolt, Smith, Speece, Steiman, Stewart, Stout, Tidwell & Tullis—10.

Nays—Barnard, Blakely, Brewer, Brewster, Church, Crow, Fitchie, Fox, Gardner, Hoile, Jones, Shook, Talbot, and Zimmerman—14.

Absent or not voting Parmelee, Parrish and Rhodes.

The question then came up on the Resolution as amended which was adopted by the above vote.

Adjourned.

The Oldest City in the World.

Damascus is the oldest city in the world. Tyre and Sidon have crumbled on the shore; Babee is a ruin; Palmyra is buried in a desert; Nineveh and Babylon have disappeared from the Tigris and Euphrates. Damascus remains what it was before the days of Abraham—a centre of trade and travel—an island of verdure in the desert—a presidential capital—with martial and sacred associations extending through thirty centuries. It was near Damascus that Saul of Tarsus saw the light above the brightness of the sun; the street, which is called Straight, in which it was said "he prayed" still runs through the city.

The caravan comes and goes as it did over a thousand years ago; there is still a sheik, the ass, and the water wheel; the merchants of Europe and the Mediterranean still "occupy" these with "multitude of their wares."

The city which Mahomet surveyed from a neighboring height, and was afraid to enter "because it was given to man to have, but one paradise, and for his part he was resolved not to have one in this world," is to this day what Julian called the "eye of the East," as it was in the time of Isiah "the head of Syria." From Damascus came the damon, our blue plums, and the delicious apricot of Portugal called demas co; damask, our beautiful fabric of cotton and silk, with vines and flowers raised upon a smooth, bright ground; the camask rose, introduced into England to the time of Henry VII.; the Damascus blade, so famous the world over for its keen edge and wonderful elasticity, the secret of whose manufacture was lost when Tamerlane carried off the artist into Persia; and the beautiful art of inlaying with wood and steel, silver and gold, a kind of mosaic engraving and sculptural united—called damaskeening—with which boxes, bureaus, swords and guns are ornamented. It is still the city of flowers and bright waters; the streams of Lebanon and the "river of gold" still murmur and sparkle in the wilderness of Syrian gardens.

Nasby approves the scheme of Mr. Johnson for paying the public debt. He says: "Johnson's policy roots me. He takes the debt which bears interest and in the most simple manner possible, makes the interest pay the principal. He takes this box constructor puts its tail in its mouth and makes it eat itself up. Such financial skill hez been ekalied by few and surpassed by none."

James Laning, of LaSalle, Illinois, late volunteer lieutenant in the United States navy, calls on all officers who served in the Western flotilla and Mississippi squadron during the war, to assemble at Cairo, February 18th, and form a society in honor of the character of that of the Armies of the Tennessee, Cumberland, Ohio and Georgia.

It is stated that there are numbers of young men now wearing corsets and that some of them do not hesitate to borrow their complexions from cambric sachets.

The Woman and the Crow.

At a certain cross roads in the State of Alabama stood a small grocery or whisky shop, where "bust head" and "chain lightning" were dealt out to the thirsty unwashed at five cents a drink or twenty cents a quart. The residing genius of this delectable institution was one Bill Sykes, who among various pets had a domesticated crow, black as the ace of spades. This crow had learned among other things to repeat quite plainly the words "damn you!" which he of course heard frequently used in the gallery. During the prevalence of a knock-down and drag out fight one day, however, the crow was frightened from home and flew to the woods, never to return.

About three miles from the grocery was a settlement meeting house, an old tumble down affair, on certain occasions when a circuit rider happened that way. Into this building went the crowd taking peaceable possession; two days after the church was thrown open for preaching, and a large crowd assembled, among whom was a very old lady, who was compelled to use crutches in walking, who took her seat in the front pew and was soon deeply absorbed in the eloquence of the preacher. The reverend gentleman had hardly got under full headway and commenced thundering his anathemas at all grades of sinners, when a hoarse, croaking voice from above uttered the ominous words:

"Damn you!"</