

Reminiscences of a Wayfarer

Some of the Important Events of the Pioneer Days of Richardson County and Southeast Nebraska, as remembered by the writer, who has spent fifty-one years here.

THE COUNTY SEAT FIGHT

The summer of 1858 came to an end as all terrestrial things do, shading itself off into the autumn and the autumn into winter, and then the snow and the blizzard, and the storm of a heated—yes, red-hot county seat fight that lasted for many a year after.

As remarked in a former paper, the removal of the seat of county government, by act of the legislature, from Archer to Salem, was not at all satisfactory to the people, and the demand that the legislature provide for the submission of the question to a vote of the people, was general throughout the county. It would doubtless have been attended to by the preceding legislature which met at Omaha in the winter before, viz., 1857 and 1858, but for the fact of the split that occurred in that body, by which one faction moved up to Florence, an old Mormon town, while the other remained in Omaha. I have mentioned this circumstance in a former paper, and it is sufficient to say that neither faction was the legal law-making power, and no law was made. The one, however, that we elected in August, '58, and convened in October following, by proclamation of the governor, passed an act empowering the commissioners of the county to call an election for the purpose of choosing a permanent seat of government, by vote of the people. The law provided that at the first election, every town in the county could be a candidate for that honor, but if no one of them should receive a majority of all the votes cast, the commissioners should call another election, and only the four towns receiving the highest number of votes at the first election, (assuming that there should be more than four contestants for the place), could be voted for at the next, and if none of them should receive a majority, then the two highest was to be selected as candidates in the third and last election, which would of necessity, end the contest. By the terms of the act, the elections were to be called in quick succession, and were, in fact, held in the month of December. There were several candidates, Rulo, Winnebago, Yaucon, St. Stephens, Archer, Falls City, Salem, Geneva, Middleburgh, and may be some other points, but as only the four highest could be voted for at the second election, the others are unimportant. The first battle was to be one of the four, and to win out must be one of the two in the last heat and the highest in the number of votes, in other words, the winner must take all the tricks. It was Falls City's hour of trial, and though she took all the tricks and came out ahead in the final and last election, she was later deprived of the fruit of her victory by a so-called contest of the election, which by statute, was heard and decided by the county clerk who proved it to be an unfair or dishonest official who held against Falls City, and gave the county seat to Salem, notwithstanding the proofs showed that a clear majority of the votes had been cast for Falls City.

It was easy to see that the election had settled nothing, and that the whole controversy would have to be submitted to the arbitrament of the ballot again, and under circumstances controlled by legal safeguards that would not only evoke from the people their untrammelled expression on the subject, but would see to it, that that ex-

pression was not thwarted by trickery and dishonest officials. The battle had been a hard one, and though tricked out of our success, we were by no means subdued, and preparations for a renewal of the contest with greater vigor than ever, were at once set on foot.

There are not many in life today who remember that first bout in our county seat fight. I can call to mind less than a half dozen people who participated in it, and as some of them will probably see what I here say about it, I shall take it as a favor if they will indicate any inaccuracy of statement they may observe in my version of the facts, and rest assured that all proper corrections will be promptly made.

And now let me indulge in something of retrospection. To bring before my mental vision the times, the scenes and the principal actors in that long past struggle for local and political supremacy, I must bring back the vacant country, abolish the court house, the prosperous towns, the railroads, the splendid farms with their comfortable dwellings, barns and rural improvements that mark the intervening years of progress; think away the fine church buildings and school houses, public roads and bridges of iron and stone, resurrect the dead and re-instate the wild waste and the wilderness—things of a day that is dead, for in no other way can I present what I have in memory, blurred and faded as they are, by the flight of so many years: that what I write may become intelligible to others. The conditions were very primitive and the surroundings exceedingly poor, but everybody was full of energy, vim and hope, and the coming county seat scrimmage a something looked for. Falls City, a little hamlet of six or eight hovels that looked like they had ran away from somewhere and got lost on the prairie, had some 50 or 60 people living in it that Spring, had something near 150 when the fight opened. When it became known that the act had passed authorizing the people of the county to settle the county seat question in the mode I have mentioned, a council of war was held, noses counted and our general resources in the way of votes taken into account. We had many friends on the Muddy and its affluents—the McElroy, Goosby and Sardim branches, quite a good number on the north and south forks of the Nemaha, and on Long branch in the northwest part of the county.

There was but one voting place west of Salem. It was on the South fork of the Nemaha and not far from the west boundary of the county, at the house of a Mr. Spicer. That voting place has always retained the name and the country in the southwest part of the county is now known as Spicer township. It was arranged that some of our people should attend that poll, and as it had no candidate—and it was the only subdivision of the county that had not—we expected a good vote for Falls City, as all the people in the west end voted there and the field was a good one to labor in. Wm. Simpkins, who lived on the Nemaha just above the falls and who was the owner of a team of horses and a wagon, Jesse Crook and myself, were detailed to go to Spicer for work on election day.

Simpkins furnished the transportation and our election committee furnished all the rest. It was extremely cold weather and

we were forced to make the trip by easy stages, and to that end we left Falls City the day before, went by the way of Salem, where we procured a supply of electioneering ammunition, which we carried in a jug, and thence by the way of North fork intending to pass the night at the house of Mr. John Rothenberger, a well to do German settler and a strong friend of our town. Mr. Rothenberger lived on the north side of the river at a point a few miles west of the present town of Dawson, and I believe his son of the same name, John Rothenberger, is now the owner of the old homestead. From Salem we traveled between the Nemahas, and to get to Mr. Rothenberger's we had to cross the river, which we could not do with the team because the river was hard frozen and the banks were so steep as to make it dangerous to try to take the horses over.

It was dark when we reached the place for crossing and as there was an old log stable on the south bank of the river, we put the horses in it and after feeding with corn we had in the wagon for the purpose, prepared to cross over to Mr. Rothenberger's house, which stood not far from the river. Crook and Simpkins, both much larger and heavier than myself, got over all right, but when I made the attempt and had reached about the middle of the stream the ice broke under me, and I went down.

I threw out my arms and caught the firm ice on each side and by a quick muscular exertion of my arms succeeded in throwing my body out of the water and onto the ice. I never could determine how I did it, but as I was young, active and a light weight, and my quick movements prevented any serious consequences.

Anyhow I got out of the river and over to the north side in double quick time, but my clothing was thoroughly soaked with water, and before I got to the house, short as the distance was, every rag on me was frozen as stiff as a board.

Mr. Rothenberger and his excellent family welcomed us to his hospitable roof, and ascertaining my predicament from the cold bath I had just been treated to, a suit of Joe Watton's clothes was furnished me and a room provided in which to make the change, when the young ladies, and I think there were three of them, took mine to the kitchen fire where they were dried and ready for use in the morning. I have never been more kindly treated, and I don't remember of a time when I needed it more. But I have a sequel to relate in connection that fall in the river which I will attend to presently.

We passed an agreeable night with our friends and after a hearty breakfast in the morning we went over to Spicer precinct and put in an active day among the voters, assisted by Mr. Rothenberger, Joseph Watton, and some others from both forks of the river, Long branch, Easy Creek and other points, and when the votes were counted Falls City had received a very comfortable majority; and when the votes of the county were canvassed Falls City was found to be not only one of the four for the next race, but had received the highest number of any of them, though short of a majority of the whole. The high towns were Falls City, Salem, Rulo and St. Stephen, and about two weeks after another election was held with those named as the candidates. In that election Rulo and St. Stephen fell out, and the final tilt occurred between Salem and

Falls City, with the result above stated. What followed as a consequence of that election contest and the unfair decision of the county clerk who heard it, will be detailed in my next paper, but just now I have something to record as a kind of addenda, to the ludicrous circumstance of my falling through the ice in that freezing December night of fifty years ago.

It was, I think, about twenty years afterwards and when the episode had passed from my recollection—we lose much of what occurs in the monotonous repetition of things common to all days—I was engaged in a trial of a cause, in our district court. My client was defendant in a suit for damages committed by trespassing animals on the growing crops of the plaintiff. Among the witnesses for the plaintiff (who was Mr. Herman Tiehen an extensive farmer and land owner west of Salem, and who is yet one of our most valuable citizens) was a lady who I learned was Mrs. Tiehen, but whom I did not recognize as any one I had ever seen. I was given an opportunity to cross-examine the witness and did it something like this:

"You are, I believe, the wife of the plaintiff."

The witness said "yes," but the manner of saying it accompanied with the amused and quizzical way she looked at me, was somewhat puzzling, but I put another question, when she broke in a pleasant laugh saying, "You know me," she evidently thought I was pretending not to know her, which was an error, for at the moment I had not the slightest notion that I had ever seen her anywhere. Then, with a still more amused manner, "You haven't forgot the night you fell through the ice on the Nemaha, and I and



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sisters dried your wet clothes by the kitchen fire? You know me." The old experience came back to me like a flash. I was back in that infernal river again, and what was more, I was in a considerably worse fix, for I was being laughed at by everybody in the court house. The crowd had got on to the ridiculous figure I cut, scrambling out of the river, wet to the skin, my clothes freezing on me, and memaking a bee line for the house and a fire. Entering into the spirit of the fun that was then rampant around me I said, "Yes I remember, and you are a daughter of Mr. Rothenberger. It has been a long time since I saw you, and I certainly did not know you as Mrs. Tiehen."

"Well, the incident passed off very pleasantly, but I must say in all candor that I was never so badly sold in the whole course of my life. I never meet that agreeable lady, which I do frequently, without observing that same amused smile on her face which leads me to think that she has not forgotten either my trouble in the river, or in the court house.

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