

## 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 Election Tragedy and After.

The Meek-Davis murder produced a state of tension between the people of Rulo and Falls City that bid fair to end in a general pitched battle. Both sides were in a boiling rage and threats of dire vengeance were indulged in everywhere. No further violence however occurred, but when the result of the election was officially declared and it was found that Falls City and Rulo were the two highest on the poll, and that the final struggle for the much coveted prize, the seat of government of the county, must be fought out between those two towns, nothing less than an all-around western mix-up in a free-for-all fight was expected at the next election, then soon to be held.

It is said there is but a step from the sublime to the ridiculous, and similarly, that tragedy and comedy are equally near neighbors, in fact they are so intimately blended in the lives of men that if eliminated—supposing that to be possible—nothing is left. Something of the truth of these ethical postulates was demonstrated in the subsequent developments following the bloody denouement of the 16th of April in the Minnick. We of the prairie town were certain that Rulo would besiege us with her whole fighting population, and to prepare for the anticipated attack an edict went forth that everybody with his gun meet in the old "Broad Axe" office at a given time to take stock of our resources in the way of fighting men, guns, ammunition, and other war like material. The meeting was held as advertised, reminding me of the stories I had heard and read of the gathering of the clans in the highlands of old Scotland for war or defense, when the cry of the clouted gillie went forth "Dinna ye hear the slogan?" answering to the war tocsin of their more civilized neighbors south of the Tweed, and at an early hour in the evening the whole of the able bodied male population of our little burg were on hand in full fighting panoply. I have a strong suspicion that we presented a comical appearance, though a more earnest and determined set of fellows were never assembled to devise ways and means to meet a threatened hostile attack from an enemy. Among them was a long, slim warrior who looked like he had started to grow in one direction and had suddenly changed his mind and took another track, and continued to vacillate in his building plans, till his altitude of six feet some was attained, when a line drawn from his place on the ground to the top of his head in the upper air, would have cut him in two at least twice, stalked into our midst carrying the longest gun I ever saw, and signified his readiness for business whenever "shootin' commenced." This may be a slight exaggeration, but it is in the experience of everyone that a very tall tree, or one that is gnarled or misshapen, will attract more attention than a hundred straight, trim made denizens of the forest, and that an attempt to describe one of such, a long time after, is usually attended with much that is faulty in matters of detail. This is doubtless true of my remembrance of the man with the long gun, but as he is still in both the flesh and the country, if he happens to see this, and is disposed to demur at my description, I will, if he suggests the propriety, take a kink or two out of his body as pictured here. I have little doubt but, that in common with the other fellows who composed that council of war, I was as much an object of ridicule as any of them, and that as a whole, viewed from this distant standpoint, we were engaged in an enterprise, the absurdity of which would be difficult to overstate. The truth of the matter is, we were pretty badly scared and so were the people of Rulo; and that was what saved both towns from making greater fools of themselves than they did, and that is not saying much either.

The time for tragedy however, had passed, and the time for comedy had arrived, but it was a long time before the actors themselves knew what a roaring farce they had been playing. Well, the county commissioners called the last of the series of elections provided for the locating of the county seat, and fixed the time early in May following. The result of the last election put the final contest between Falls City and Rulo, and as we were looking for another kind of war as well, the situation was interesting in more respects than one. The day came but the hostile army from Rulo failed to put in an appearance, but instead there came one of the smoothest, brightest, best dressed young men to be found anywhere who, instead of being a walking arsenal as most fellows of his kind were about that

time, was without arms of any kind, and as affable and polite in his general demeanor as a Frenchman, or two Frenchmen for that matter, and was assiduous in his attention to our principal judge of election Jim Buchanan; so much so that when the board of election adjourned for dinner Buchanan invited the Rulo ex-quisito to partake of the mid-day meal with him at his house, over where Ben Poteet now lives.

The invitation was very graciously accepted, and Buchanan, carrying the ballot box with him for greater protection and to prevent unlawful interference with it and its contents, along with the young emissary from Rulo, went over home and in due time returned and the election went on in peace and quiet. Word had been passed at our poll that no man be allowed to vote unless his legal right to do so was known and unquestioned. We knew that Rulo was preparing to vote everybody, and would scruple at nothing to swell her vote, and we were determined that our poll should show nothing but an absolutely legal tally sheet. There was no disturbance of any kind during the day but it was remarked that Buchanan again took the ballot box and the Rulo visitor home with him for supper.

It was not believed that a single Rulo vote had been cast at our poll besides that of the polite young man from Rulo, but to the utter astonishment of everybody the count of the ballots showed that of the one hundred and thirty cast, Rulo had received thirty-five and Falls City the balance, about ninety-five. That a fraud had been committed was plain to everybody, and the modus of its commission was also plain—the ballot box had been stuffed, and at Buchanan's house. The Falls City ballots were printed but the Rulo ballots found in the box were in writing and it was afterward proven that every one of them were in the hand-writing of the young man from Rulo. He and Buchanan had abstracted thirty-five Falls City ballots and substituted therefor the same number of Rulo ballots. All this was established to the satisfaction of the court in the contest that followed. Just what he paid Buchanan for his fraud and treachery was never known. But the country got too hot for Buchanan and he made himself scarce.

In after years it was learned that Buchanan went to the state of Oregon and for some pleasantries of his of a felonious nature the authorities over there gave him a berth in the states prison for a term of years and that was the last we ever heard of him. It was the boldest piece of rascality I ever knew or heard of, and so transparent that the dullest mind could comprehend it in all its very simple details. In the trial, we called every man who voted at the Falls City poll and had him tell under oath how he voted, and in every instance, except one as above stated, each voter answered that he had cast his vote for Falls City. That settled the question of fraud, the way it was committed, and the men who did it, as it was proved that nobody had access to the ballot box out of the presence of the other members, except Buchanan and the smooth young man from Rulo.

In the last and final election we were determined that no fraud or sharp practice of any kind should be indulged in to carry it, as we were satisfied that a fair poll of the people would give Falls City the majority; and on the final test in the judicial examination that was made necessary by the conduct of our opponents, they were not able to prove a single instance of illegal voting on behalf of Falls City, or any of its friends. It was not so with the opposition. We proved by its poll list that at the general territorial election the fall before, that Rulo only polled sixty-five votes, while at the last county seat election, that occurred some four or five months afterwards, the poll list showed that 225 men had voted thereat and nearly, if not all of them were cast for Rulo.

That could not be an honest poll, for Rulo had no such number of voters. There were some who had not voted the fall before, but voted at the last election. Their number was not considerable and the names of each were easily identified. We took the poll book for the fall election and compared it with the last, and in that way and by other evidence at our command fixed the status of every voter. The thing to do then was to locate the illegal voters and establish the fact that they did vote at Rulo, and how they voted. It was a tedious job, but we went at it in a systematic way and succeeded in finding the men in Missouri and Kansas, to the number of

125, and proved by each one that he voted at Rulo at the May county seat election, and voted for Rulo. Adding that number to the thirty-five illegal votes put in the ballot box at Falls City as already stated, and subtracting the amount nominally cast for Rulo, it gave Falls City a majority of the legal votes cast at that election and so made her the permanent county seat, and she has been such ever since.

E. S. Dundy, Aug. Schoenholt, who had temporarily located at Falls City—and myself, represented Falls City, while certain local talent at Rulo, and one or two lawyers from Missouri and Kansas, looked after the interests of Rulo. It was a fair stand up fight, and the truth as ascertained and declared by the court, was acquiesced in by both sides, and the long drawn out struggle was ended forever.

The actors in that drama of the long ago have nearly all passed over the river, while those who remain are in the "sere and yellow leaf," few in number and to become fewer every year. Many of these people, and they were excellent people too, went all through the rest of their lives under the impression that the people of Falls City had robbed them of something of their own; deprived then of an advantage that of right belonged to their particular town or section. The poll, before it was scrutinized in a searching, judicial examination, showed prima facie, that their town had a majority, and that was enough for them. Many errors are older than theirs and have been cherished with the same unreasoning and dogged persistence time out of mind, and it is not at all certain that their votaries are any the worse or better on that account. The fact is, there are people everywhere who are so constituted that they will sit down quietly and comfortably and love a lie. Most of such people like to tell one too. The liar and the tale-bearer are the worst scourges of civilized society but like other social afflictions, as well as physical diseases, they have to be endured as part of the burdens of this life.

There was no wrong done anybody by the result of the election contest mentioned, and the reflecting, fair-minded men among our friends in the east end of the county, after the chagrin of the moment had worn away, were manly enough to acknowledge it.

Had Rulo been successful it could not have retained the seat of government for long, and for obvious reasons—the reasons in fact that defeated it, the controlling one of which was location. It was in the extreme southeastern corner of the county, and to reach it the people in the western end would have to travel forty miles or thereabouts, and that inconvenience, not to say hardship, could not be tolerated, and so they voted pretty unanimously for Falls City.

Notwithstanding, those troublous days threw their dark shadows far into the future and militated against the material development of the country to a greater extent than most people are aware of. For one thing, it defeated Judge Dundy for the United States Senate in 1866, when in anticipation of the admission of the state two senators were elected, and were seated in the following March and who were about as poor excuses for senators as this or any other state has ever had. Dundy would have done this city and county material good, for he was a man of eminent ability and force of character, while the men who were elected possessed neither.

They were excellent men in their way, but the senate of the United States is no place for the mediocre, and those gentlemen were misplaced in that body.

The mass of the people have a very imperfect idea of what the senate really is, and hence the flippant manner of speaking of it, indulged in by some of their loudest and most senseless talkers. To describe it tersely and comprehensively it is sufficient to say that the senate of the United States, is the United States—a body that by positive constitutional grant possesses the powers of every department of the government—the executive, judicial, and legislative—and though clothed with those functional powers only in a limited degree it yet has been sufficient to constitute it the balance wheel of the government and the sheet-anchor of its hope. Besides, it is the only branch of the government—the real acting governmental agency—that never ceases to exist. Every two years the house of representatives dissolves by limitations and goes out of existence, and every four years the chief executive step from his high place as one of the rulers of the nations, to surrender it to another selected, in lawful manner, and between the moment of laying down the scepter of power by the outgoing president, and the taking it up by the incoming one, there occurs, through imperceptible to the senses, an infinitesimal period of time when there is no president in office, and an actual interregnum obtains. Not so with the senate. It

is always a perfectly organized body, that never dissolves. Like any other assembly it adjourns at stated periods, but it is susceptible of convention at a moment's notice and can resume its functions without a single preliminary act. Every hour since high noon on the 30th day of April, 1789, when the senate created by the constitution first organized for business, that body has been in existence ready for official action. It is the one branch of the government that never goes out of commission, never ceases as a legal body, but from year to year is always the same ready-made governing body, full and complete, and endowed with eternal life.

Every two years one-third only of its numbers go out of office, but no accident or revolution can ever deprive the senate of power to act officially, as two-thirds of its members are always in office, and this, the strongest and greatest of all the official trinity of the great republic, is thus forever on the watch-tower, there to remain ceaseless and eternal, while time, or the government itself shall endure.

The constitutional mode of electing members of the senate is confessedly the best, and besides the unhallowed hands of the demagogue must be kept off the fundamental law. Matter purely administrative may without danger be added to that instrument, but principles of constructive governmental framework, necessitating a change in the general scheme of the authors of the constitution, should not, and I don't believe ever will be, incorporated into it, for when innovation commences no one can tell where it will end. "Touch not Carthago."



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