

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.

Something More of Early Legislators.

The representative referred to in my last, who distinguished himself by his unusual display of learning in the preceding session of the legislature, came home after the adjournment towards the close of the winter of 1856 and 1857, and was received with some broad smiles by his admiring constituents. His home was at Winnebago, down on the Missouri, above the present site of Rulo and a few miles south of St. Stephens, a town of recent origin, and which was rapidly depopulating the hamlet, composed almost entirely of mixed bloods and Canadian gumbo Frenchmen, that had the honor of being the headquarters of the pseudo statesman from the extreme south Platte region. Most of his time for the next few months was occupied in telling how it came about that he got his Latin mixed, and paying for the drinks assessed as a penalty for his laughable mistake. There however, was no mistake about it—it was a piece of sheer blundering ignorance and was properly punished as such.

Notwithstanding its ridiculous character and the fact that it had made its perpetrator a laughing stock of the country, he had the sand—slang for grit—to offer himself as a candidate for re-election to the same office at the fall election of that year.

In launching his campaign he made the speech of his life, an effort which should not be allowed to drift out of the memories of men, though I am able to give only a very little of it—the part that would strike the ordinary mind in his audience with most force. The fact is the value of any discourse we may hear consists in our ability to recall something the speaker said, two or three weeks afterwards. Otherwise, our minds are left in the condition they would have been if nothing had been heard, as indeed nothing had been, as no impression was made. Public servants always delight in telling the people how much they have done for them, and how much they propose to do if continued in service. It is the universal stock in trade of the greater as well as the lesser politician, and the vaporing of both, have a striking family resemblance. But this is not to the point. The incident was two years old before I heard of it, but it was so characteristic of the free and easy way of such public characters on the frontier in those days, that I have never forgotten it.

The meeting was held in a shack owned by a man of the name of Cook, in which he had some kind of store and a barrel of whiskey among other vendable articles. I might as well tell the name of the candidate though there are not many in the county who will remember him. He was N. J. Sharpe, a son of the Mr. Joseph Sharpe, who represented Richardson county in the upper house of the first legislature that met in the territory in the winter of 1855 and who was one of the town company that located and laid out old Archer. He was familiarly known as "Jonse," and was usually addressed by that euphonious corruption of "Johnson," by his cronies and intimates, and indeed, with that class, Jonse Sharpe was not only popular, but a "hale fellow well met" wherever he was known. I knew Mr. Sharpe for several years and until he left Nebraska, which I think was sometime during the Civil war. Some years after the Pacific railroad was built, I heard of him as postmaster at Ogden, Utah, to which post he was appointed by President Hayes. Since then, I have heard nothing of him. He may be living yet, as he was quite a young man when he played law maker in the early days in Nebraska.

But I must get back to the meeting in Winnebago, where Jonse made the speech of his life. I think he must have borrowed his ideas of electioneering from Davy Crockett of pleasant memory, for the first thing he did was to order a gallon of Cook's best—the best and the worst all came out of the same barrel—to wet the whistles of the boys before he commenced. The libation having been disposed of in the usual way, the crowd of interested voters seated themselves on the ground and on such empty boxes as chanced to be found lying about, the orator squared himself at them and spoke to about the following effect:

"Boys, I'm a candidate for Omaha agin, and I want you all to vote for me. Last winter I done the best I cud for ye, but failed on the university bill, for the reason Archer was ahead of me, but I shorly will get in next time," here a voice interrupted:

"Say, Jones, how about that votin for a bill in Latin?" "Now Bill Morgan, just hold your clatter. That joke's gone far enough. It was just a fix up between me and the speaker to hev some fun. Nothing more. And I want to say that the bill for a ferry charter at this place will pass shore, and we will be ahead of all the rest. I was in my seat at every roll call except maybe two or three, and I don't know wher I was at them times, but I think I was off somewhere takin a quiet game of draw," (some of the present population of Falls City may know what kind of game he meant), "with some of them Omaha fellows, and you all know I'm pretty good at it; and if you elect me this fall, I will go up thar next winter and win all the money they've got, and bring it down here and spend it among you as I did las time."

The speech was further embellished with other statesmanlike propositions of a similar nature, but for want of an accurate report, I am unable to give its full text. That he spoke in part substantially as I have written it above, I had the word of William Morgan, the one referred to as interrupting the speaker, and one or two others, who were present on that occasion, and they were regard-

ed as truthful men, and besides, Sharpe never denied it. I think Bill Loan told me about it first, though he was not present but had been told by those who were. There is no kind of doubt about the fact. I would give a pretty penny for a verbatim report of that speech. The Oration of Demosthenes on the Crown, nor would that of Webster in reply to the South Carolina senator, Hayne, or that of the Monk Luther before the Diet of Worms, (an old lady remarked that in her opinion such a diet would not be good for the health, as a regular thing, and judging from her understanding of the matter, I am inclined to agree with her), but the speech was made as reported, and listened to and laughed at by the men who heard it, and by everybody who heard of it, and so passed into the melodramatic traditions of the community, unique in kind, and unrivaled in character.

I give this as a specimen brick of the early legislative material at hand for the work of government construction in the wilderness, but it should be borne in mind that in most cases the real legislators are not members of the bodies which pass the laws. This may sound a little strange to some of the people, but it is the plain truth, nevertheless. Legislatures are little less than ratification meetings, and the same in large measure, is true of the congress of the United States. Any distinctive measure affecting the material interests of the people, receives their attention, in the way of discussions in the press, on the hustings, from the platform and more or less from the pulpit, long before it receives the constitutional legislative touch that gives to it the force of law, and yet, if we listen to the hungry, uneasy politicians and place-hunters, we might conclude that ours is anything but a "government of the people, by the people and for the people," but happily for the general weal the meaningless clatter of those harpies is about as harmless as it is generally senseless and silly.

Three other eminent men in our history had expressed the same idea, so aptly put by Mr. Lincoln at Gettysburg, to wit, "government of, by, and for the people," namely, John Quincy Adams, Justice Joseph Story and Daniel Webster; each using his own form of words, yet no two of which were alike; but it remained for the man of obscure origin to work over the old material and produce a patent of his own so entirely original as to become, for all purposes of definition, sui generis.

Translated into the plain language of the people, it means nothing more than, that ours is a government of laws, constitutionally enacted by authority of the people, and for their benefit and control. Law, whether constitutional or statutory, is merely crystallized public sentiment, the controlling force of which, con-

sists in the fact that those charged with the duty of its enforcement must themselves obey it.

The modern constitutional tinkers and referendum law makers, interpret the formula announced by Mr. Lincoln as meaning government of, by, and for the people in their mob capacity. They have about as clear an idea of what the great president meant, and of the true nature of our government, as the scarlet women of Babylon, might have had of the immaculate conception. What their idea would have been of that miracle without a parallel, can be better imagined than expressed.

I have observed in my wandering through the world, that there is hardly anything that exactly suits everybody; that there are always a few who, had they been consulted, would have had things made a little different, or not made at all. This class probably were necessary, or they would not exist, but it taxes the credulity and puzzles the finite brain sometimes, in conjecturing what possible good their creation was intended to subserv. They are a curious lot, but not rare by any means. Generally speaking, they are long on amendment of other men's works, but short on construction of things of their own. The fundamental law must be amended every time a fad suggests itself, that it may have the authority of the constitution for its existence. What a patchwork instrument that would be if all the fool thinkers could succeed in grafting their senseless vaporings upon it. The constitution is broad enough in its provisions to authorize the doing of every act and thing, necessary to the well being and happiness of the people, and for the preservation and continued existence of the government itself; and yet the tinkers are continually suggesting this and that addition, to meet some imaginary emergency, which properly understood, is matter for current legislation, and fully warranted by the constitution as it now is.

The income tax amendment now pending before the tribunal of the states, is the latest on the list. It is urged that the amendment is necessary because the supreme court of the United States has decided, that the constitution will not support a law of congress imposing a tax on the income of the people.

In the first place, the court as such, has decided no such thing. Five of the nine judges of the court, said such a law was unconstitutional, while the other four said it was not unconstitutional, and with much the better reasonings in support of their position. The reason urged in the majority opinion is, that much of the income of the people is derived from rents from real estate, and to tax the rent is equivalent to taxing the land, which would be direct taxation under the constitution and void—unless apportioned among the states as provided in that instrument. The tax is levied on money that comes into the hands of the citizen, as yearly increment from his estate, of any and all descriptions, and that is all there is to it. His real estate is susceptible of being taxed also, if occasion require it, and then perhaps the apportionment question would cut some figure.

The most that can be said of the question as a judicial one is, that it is still open and unsettled. The opinion in the Pullock case is the law

of that case only, and is res judicata of nothing else, nor is it binding on the court, for it was the expression of a bare majority of the judges, and may be overruled at any time.

The foregoing reflections may be a little out of place in these papers, but the sign was right to make a few remarks on the subject of tampering with the fundamental law of the nation which the now-a-days Lilliputs are always harping on, and right or wrong, I have made them, though I purposely refrain from a discussion of the legal questions involved; as not being entirely germane to my general purpose. I will say, however, in passing, that the boy who cut open the bellows to see where the wind came from, was the probable progenitor of the modern herd of constitutional tinkers, and referendum law manufacturers, as their methods of procedure have a very close analogy to his, at least in kind. They would destroy the integrity of the mighty work of the fathers for no other purpose than to try how one of their pigmy notions would work, as a mere experiment to see what would happen. This nation has thus far escaped the machinations of its enemies, but it remains to be seen whether it can be saved from its foils.

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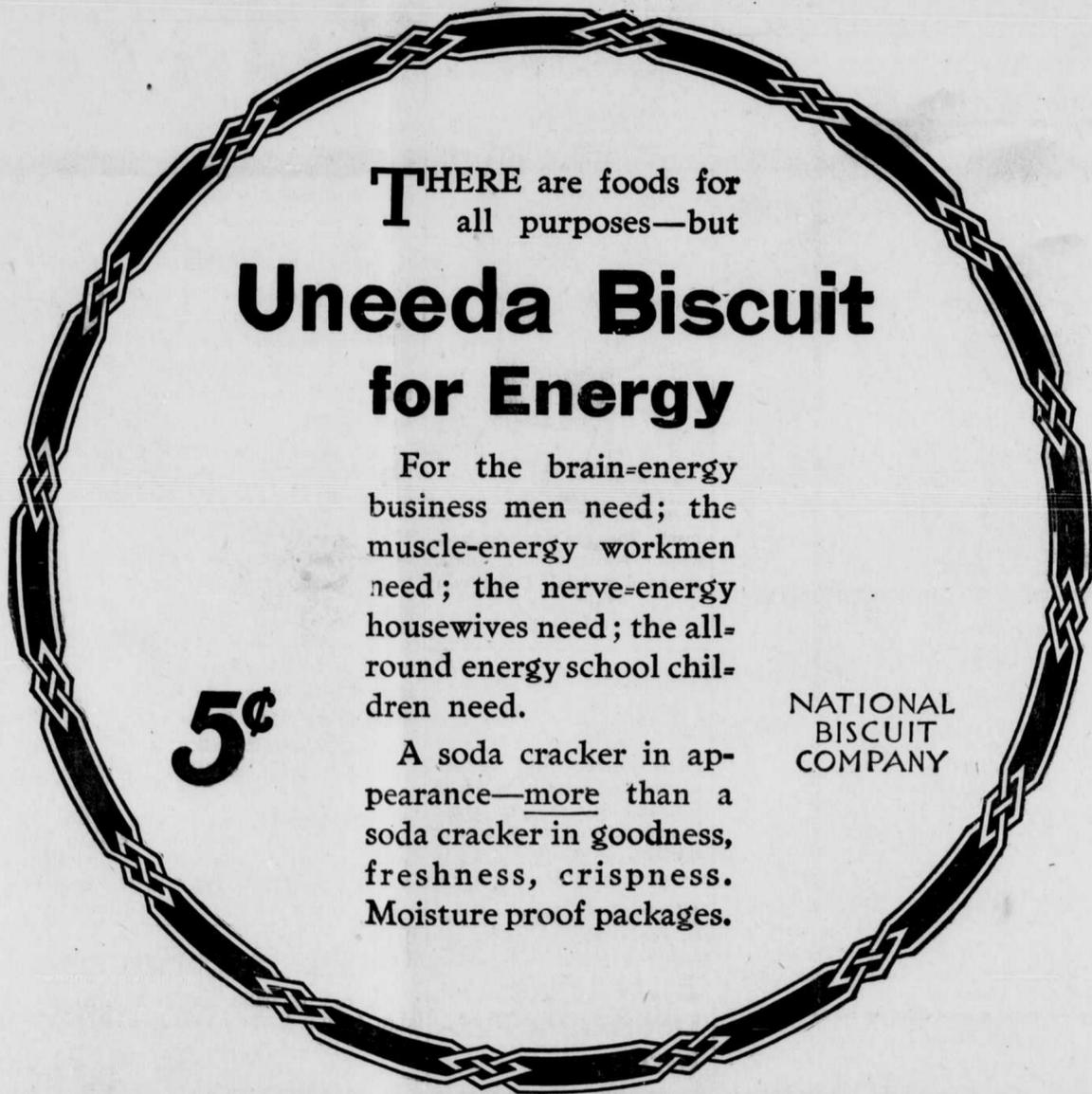
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