

## BENJAMIN ELI BARNETT KENNEDY A PIONEER OF QUALITY

Called from New England by the Eloquence of the "Little Giant," a Young Lawyer Took Up His Abode in Nebraska and Helped to Lay the Foundations for a Great Commonwealth

A SPEECH made by Senator Stephen A. Douglas in the United States senate in 1857 caused the transplanting of a lawyer from the quiet of a little backwoods Vermont town to the excitement of the frontier, where men were molding an empire in the desert. This young man was Benjamin Eli Barnett Kennedy, who has been a citizen of Omaha for the last fifty years, and who has taken a leading part in the upbuilding of the city and state. He was elected recently president of the Association of Pioneers of Douglas County.

Young Kennedy, who sat in his quiet law office in the town of Richmond, Vt., and absorbed with growing interest the glowing phrases and marvelous word pictures of the great senator from Illinois, was a self-made man. His birth place was a rocky farm among the mountains in Chittenden county, Vermont. It consisted of only 125 acres and half of that was rocky timber land, while the other consisted of a weak, wornout soil four inches thick. On this farm the parents brought up twelve children, of whom Benjamin was the fifth. He was born April 20, 1827, and from that time until his twenty-first birthday he worked hard and did his part to wrest a scant living from that reluctant, weakling soil. It was a battle against nature and in such a battle continued for many years is little joy or triumph. The young man early turned his eyes to higher things. An elder brother had branched out as a merchant in the neighboring town of Richmond, and when Benjamin was 21 he took a position as clerk in his brother's store. This was only a stepping stone, however. Back of the counter a little place was reserved where a worn copy of Blackstone and a few other books were kept by the young man, and whenever trade was dull he would read into the wonders of the law. He arose before daylight, too, and read law, and he read it until late into the night. Later he took a position as assistant station agent in the town of Richmond. This he held for a year, keeping up his diligent study at the same time. Having built this foundation he entered the office of Maynard & Edmunds, where he read law under the able direction of the junior partner of the firm, who, later, represented Vermont in the United States senate for twenty-five years. In 1853 he was admitted to the bar and immediately hung out his shingle in the town of Richmond.

## Nebraska Lures Him from Vermont

The progress of a lawyer endeavoring to build up a practice in a staid old New England town is not as rapid as an ambitious and energetic young man might wish. Clients were not quick to bring their cases to him and for five years he struggled. During the latter part of that time, however, he was becoming restless. He had made one trip as far west as Illinois and had read the book telling of the explorations of the Lewis and Clark expedition through the west. It was the great speech of Douglas which that day tipped the balance, and when the young man had finished reading its glowing phrases he brought his fist down on the copy of the Congressional Record and exclaimed:

"I am going to Nebraska."

At this point a fact creeps into the history which tends to detract somewhat from the fame of Douglas and to belittle to a certain extent the convincing powers of the great statesman. However, much as one may admire the career of Douglas and much as one might desire to give his silver tongue the whole credit for directing young men's steps to Nebraska, the truth must be told. The young lawyer had found much pleasure during his residence in Richmond in the society of a young woman, Miss Frances Nims, daughter of a physician. Dr. Nims had moved with his family to Michigan just a few months before young Kennedy read Douglas' speech and made his decision. "Cherchez la femme," say the French. And, as in most great affairs, so in the decisive action of Mr. Kennedy's life, there was apparently a woman in the case. However this may be, the young man packed his belongings and started immediately for Michigan. He and Miss Nims were married, and then, after a few days, he pushed on into the west. He went by railroad to Iowa City and from there a trip of three days and two nights in the rattling, bumping stage to Omaha, at which village he arrived September 14, 1853.

A straggling town of one-story frame buildings set at random on the broken plateau, no sidewalks, no street grades—this was Omaha when Mr. Kennedy first saw it. The panic of 1857 had just swept over the country and had left the frontier settlement almost depopulated and without money except the city scrip, which had only the signature of Mayor Jesse Lowe as a guarantee of its worth. This currency fluctuated greatly in value and, in the end, came to be worth almost nothing. The outlook in Omaha was not inviting. But the young man had faith and he decided to stay.

## Bride Defies Hardship to Reach Husband

He immediately sent money to his bride in Michigan, leaving the choice to her whether to come at once or to wait until spring, when he would go back for her. She showed the true pioneer spirit in her decision to come immediately and alone. The young girl, brought up in the quiet of a New England village until her womanhood, started out alone through the wilderness overrun with Indians and bushwhackers for the new home chosen by her husband. Going by train to St. Louis, she was informed upon her arrival there that the last boat for Omaha had just left. The season was about closed and there would be no other boat until spring. It developed, however, that a boat was loading for St. Joseph. This traveled faster than the Omaha boat, and possibly it might overtake the latter. When the captain knew that a young wife was depending upon him to reach her husband, the word was passed about and such a scene of activity was seldom seen along the river as immediately developed there. Everybody from the officers to the lowest negro cargo shifter worked as he had never worked before. The moment all was aboard the wheels began to turn and the boat began its journey upstream. Then it was the engineers' turn to do their duty. They, too, knew that unless they caught the Omaha boat before it reached St. Joseph the brave young woman would be separated from her husband by 150 desert miles. It was a race which all enjoyed, and when in the distance they sighted the steadily chugging boat which they were seeking, a shout went up and there were tears of joy and thanks in the eyes of the young woman. The faster boat drew up alongside of the slower Omaha boat, the gangplank was thrown out and the young woman stepped across. A cheer went up from both crews, and then the faster vessel drew away while the young woman waved her handkerchief. Which incident proves that the pioneers of the west possessed chivalrous hearts, that the women were brave and that many kind acts were done as a matter of course and never found their way into the books.

## Strenuous Practice for Young Lawyer

The young couple began housekeeping upon the arrival of the wife in a little brick house on Twelfth street, between Farnam and Douglas streets. Being a lawyer, Mr. Kennedy at once took a leading place among the men who were bringing order out of chaos and establishing a new city and state government. He first formed a law partnership with George I. Gilbert. Later he affiliated himself with O. D. Richardson under the firm name of Richardson & Kennedy. A large part of the practice of those days was the quieting of claims in property. The "claim club" was very active and a man might think himself in peaceful possession of his land one day and the next find himself entirely ousted. In the work of settling these disputes the young New Englander was plunged at once, and the litigation was sometimes of a strenuous character.

At this point it is interesting to observe how Nature and Fate conspire sometimes. It seems, to amuse themselves with the children of the earth. Here was a young man descended from the Puritan fathers, nurtured in the midst of peace-loving, humanitarian New England, hemmed in by the very mountains of his native state



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from all the strife and turmoil and conflict of the warring, struggling, fighting, lawless world. The young man had grown to manhood in this atmosphere with nothing more exciting than an occasional county fair, Dame Nature and Fate, feeling in jovial mood, picked him up suddenly and set him down in a frontier town surrounded by Indians and infested with a lawless element of white men; a town where summary vengeance was often dealt out by the vigilance committee and where a man might come upon the dangling body of a horse thief at almost any time. But Nature and the Fates got no opportunity to laugh at the joke they had planned, for the young man adjusted himself at once to the new environment and, though he had always preserved his attitude of opposition to force and violence, he has borne a part in many stirring episodes.

He took a prominent part in the organization of the famous "home guard" and was captain of a company. The famous organi-

zation had as its object the protection of the settlement against a possible raid by Quantrell and his band of guerillas, who were terrorizing the people of Missouri. The bushwhackers were a blood-thirsty mob of outlaws and more to be feared than the Indians. The "home guards" and was captain of a company. The famous organization met daily at the old court house at Sixteenth and Farnam and were put through their somewhat fantastic drill by their zealous commander. Fortunately for Quantrell, though to the deep disappointment of the "home guards," the bushwhackers never ventured near Omaha.

The famous "vigilance committee" dispensed law with a quick and decisive hand in those days in Omaha, and it was Mr. Kennedy's lot to be thrown into the midst of some of the operations of the committee, though he usually exerted himself on behalf of the law. The case of Bove and Her was one of the most famous in the early

history of the city. The home of I. D. Taylor, who kept a stage station about ten miles west of Omaha, had been raided during his absence. The men surprised the stableman, bound him, and later bound Mrs. Taylor in her bed room. Then they ransacked the house, securing a considerable sum in gold and silver. Bove wanted to kill Mrs. Taylor, and with this intention went to the bed on which she lay and raised a dagger to strike. She looked straight into his eye and reproached him with the cowardliness of such an act. Her also begged him not to commit murder.

When the men had fled Mrs. Taylor managed to release herself and immediately hurried to Omaha with the story of the outrage. A posse was quickly organized under Sheriff Sutton, and within a few hours the men were apprehended in spite of the fact that they had shaved their beards and purchased new clothes. The robbers were ordered to stand in a row with ten citizens, of whom Mr. Kennedy was one, and Mrs. Taylor was then asked to pick out the men who had robbed the house. She did so without hesitation.

## Vigilance Committee of the Old Days

A meeting of citizens was called immediately in front of the old Pioneer block on Farnam street, between Twelfth and Thirteenth streets. The question at issue was whether to turn the men over to the vigilance committee or to remand them to jail. The Douglas county jail was a poor affair at that time and the fear that the men would effect their escape was an argument against remanding them. After appointing a committee of twelve citizens to obtain a confession from the accused and to attempt to recover the money and silverware taken, the meeting adjourned until the following noon, when the committee reported a confession by Her and the recovery of all the money except about \$40.

A great crowd was present at this meeting, jamming the street from side to side. A. J. Poppleton presided and there were several speakers, including Mr. Kennedy, who pleaded with the mob to let the law take its course. He pointed out that the prisoners could be shackled and handcuffed and guarded, so that escape would be impossible. It seemed that reason was about to prevail, when from an upper window of the building came a shrill voice:

"I demand that they be turned over to the vigilance committee."

It was Mrs. Taylor. She stood there in the window with hands outstretched to the crowd. There was some more speaking, and then a line was drawn across the street. All in favor of handing the men over to the vigilance committee were asked to go to the right and the others to the left. Mr. Kennedy declares that was the only time he attempted to influence any man's vote, and the efforts of himself and several others resulted in bringing a small majority to the side in favor of letting the law take its course. But those who knew the methods of the vigilance committee did not expect to see the men alive in the morning. When the next day dawned the body of Bove was found hanging to a beam in the corridor of the jail. Her could not be found, but a pistol shot had been heard during the night and it was believed that he had been ordered to get out of the country, the order being impressed upon him by a shot from a revolver.

## Interest in Local Politics

In the political life and the educational upbuilding of the embryo city, Mr. Kennedy took a keen interest and his activity was great. He was elected alderman from the Third ward in 1862. George Armstrong was elected mayor at the same election. The latter left the city before the expiration of his term and Mr. Kennedy filled it out. The following March Mr. Kennedy was elected again and served one term, which at that time consisted of only one year.

He was elected in 1864 a member of the school board and held that position for eight years, during which time he did much to build up the educational system of the city schools. The city owned no buildings when he took charge. All schools were held in rented rooms. He immediately set about building school houses, and as a preliminary step to that he secured the passage of an ordinance doubling the saloon licenses and turning all fines to the support of the public schools of Omaha. When he retired in 1872 he had seen the city's schools placed on the firm basis where they have remained since that time. It was under his administration that the schools were first organized and graded with a systematic course of instruction throughout.

These were some of his local activities. His work for the state was even more arduous and far-reaching. This began when, in 1864, he was elected a member of the territorial legislature. In that session he was chairman of the judiciary committee, always an important post, and in that legislature especially so.

His most strenuous work was done probably in the territorial council of 1866, of which he was a member. Mr. Kennedy was appointed chairman of the judiciary committee of the council, and when it was decided to revise the statutes and the judiciary committees of both branches of the legislature met, he was chosen chairman of the joint committee. Then began a work which took almost literally forty days and forty nights of closest application, cutting out and putting in and patching up the crude laws of the young territory. Mr. Kennedy went at it systematically, toiling conscientiously over one chapter, getting that through, having it approved, and then beginning on the next, until the great work was finished.

## Ardent Sportsman Even Yet

The Nebraska State Fish commission was the idea of Mr. Kennedy. He introduced the bill which created it while he was a member of the legislature in 1879, and for ten years he was a member of the commission. It was a work which he dearly loved, for he was and is an ardent sportsman. When the conversation turns upon hunting or fishing his face lights up with joy. And this is a peculiarity of the man, for nature did not give him the physiognomy of a sportsman. That benign face with the white beard, that kindly mouth, those mild blue eyes, were never meant for the hunter, hot upon the trail of a wounded quarry. A member of some humane society we might easily conceive him to be. His conversation is kindly, his voice mild, his laugh mellow. He wears a flat top stiff hat, congress shoes, a black suit and walks with a cane.

Mr. Kennedy was a member of the Sportsmen's club, organized during the early days for protecting the game of the country. He has killed much game in the vicinity of Omaha. He always took great delight in fishing. It was a great pleasure for him to fish in the Long Pine river four years after he had planted that stream with trout and catch fish grown to three times the size they ever attained in the waters of the Vermont streams where he caught them when a boy.

Aside from his work on the Omaha Board of Education, he has been active also in other educational work and has always taken a firm stand for a school and college system in the state upon the broadest foundation. He served for more than a quarter of a century on the State Board of Education, being particularly active in the upbuilding of the normal school system.

Three children were born to Mr. and Mrs. Kennedy. Frances A. resides with her parents in their comfortable home, 2212 South Twenty-ninth street; William H. lives on his ranch in Cherry county, and Mrs. W. S. Poppleton, the youngest daughter, died four years ago.

Mr. Kennedy has had a full life, a life devoted to his profession, his family and the commonwealth in which Fate placed him. He is still hearty as he approaches his eightieth year. His complexion is ruddy. A thick thatch of gray hair covers his head. He walks with a cane, not because of feebleness, but because of an accident four years ago which left him with a "game" left leg. He still does some law practice, but is trying to shift the greatest burden from his shoulders, for he professes to believe that when a man is 80 years old he should begin to take his ease.

## Weidensall's Visit to Germany

MY TRIP in Germany and visitation of some of its principal Young Men's Christian associations consumed the time from the 21st of September to the 20th of October, 1906, less four days, attending the meeting of the world's Young Men's Christian association committee at Geneva, Switzerland, from September 25 to 29.

I visited the following places in the order named: Berlin, Stuttgart, Ulm, Speyer, Barmen, Elberfeld, Hamburg, Berlin (a second time) and Dresden.

Berlin, the capital of the German empire, has a population of more than 2,000,000 inhabitants and, next to London and Paris, is the third largest city in Europe. Being a most important railroad center makes it, as a matter of course, one of the most important centers of travel, commerce and industry in all Europe. Its schools of higher learning, of music and of art are in the front rank and attract their full share, if not more, of the world's students. For example, its university employs more than 400 lecturers and is attended by 14,000 students. "Under den Linden" is one of the most famous avenues of the world, not because of what it is in itself, but because of the notable buildings and institutions by which it is immediately surrounded. At the east end of the Linden are: The Royal castle, the palace of Emperor William I, the castle of Emperor Frederick III, the cathedral, the National museum, the Royal academy, the arsenal and the national monument of Emperor William I. The western terminus is the beautiful Brandenburg gate that opens out to a series of attractions—the Tiergarten, the Monument and Avenue of Victory, the magnificent Reichstag and monuments of Bismark, Emperor Frederick, etc. Frederick and Leipzig streets, the chief business streets of the city, cross each other at right angles near the center of the city and are alive with business from morning until late at night. Both sides of these streets for long distances in the center part of the city are charmingly adorned with display win-

dows of innumerable beautiful things to attract purchasers. In the evenings and nights these streets are crowded and often jammed with vehicles and pedestrians. Along with these good things I am very sorry to say that these same streets in the evening and till late at night are the scenes of the social evil to an alarming degree, like St. Petersburg, Russia, that does not augur well for the morals of the young men and young women of Berlin, nor for the sanctity and stability of the German family life that has in the past been one of the highest and most glorious characteristics of the German people. No wealth of the people, no philosophy of the schools nor power of the government can make amends for the injury that such a corrupting evil inflicts upon all classes, male and female, old and young, of the entire city and nation.

Stuttgart, the capital and royal residence of Wurttemberg, Germany, is a beautiful city in the center of the kingdom and is surrounded by a picturesque and historical country. Its situation at the junction of express lines from the east and the west, from the north and the south, makes it a live city and convenient center of business and travel. While it has a population of 250,000 inhabitants and is pressing forward in commercial and other business enterprises, it retains much that affords restfulness from these exertions. There are many fine buildings, institutions, parks, monuments, etc., that are a pride to the city. Mere mention of several of them must suffice. The royal palace is tastefully arranged and decorated inside, elegantly furnished and full of rare specimens of art and historical note. The Royal park, near the palace, is a gem of beauty and contains a very handsome high pillar monument and the celebrated Eberhard group statue, that always attracts attention. The Young Men's Christian association building is one of the most imposing and conveniently arranged association structures in all Europe. It contains the large organ that was on exhibition in the Chicago exposition from this part of Germany.

It is an exceptionally fine one. The different public institutions of Stuttgart co-operate more extensively, and harmoniously than perhaps those of any other large city in the world.

Ulm is an old and interesting city. A garrison point where many soldiers are quartered. Its greatest attraction, however, is its old Lutheran cathedral, which has many notable characteristics; chief among them is its magnificent tower, the highest of any church or building in the world.

Speyer, Germany, is a comparatively small place, but notable in history. It has a very old and lofty tower on its principal street and a very large Catholic cathedral, with many historical associations. "But the magnificent Memorial church consecrated in 1904, with the splendid statue of Martin Luther at the entrance, in the old imperial town of Speyer, may be gamed as one of the monuments of the time of the Reformation, as it was founded in memory of the never-to-be-forgotten imperial diet, which inscribed in the mighty tome of the world's history the name of Protestant."

Barmen and Elberfeld, twin cities, are noted for their many and fine manufactures. The one unique thing common to both of these cities is the suspended electric tramway, unlike any other in the world that I have seen. It runs through the centers of both cities over one bed of the river and is a very popular means of transportation. About ten miles from Elberfeld is a very high viaduct bridge, 190 meters above the Wupper river, said to be the highest bridge in the world.

Hamburg, one of the free cities of Germany, is the chief port and seat of commerce on the main land of Europe. Its population is 800,000. It was first founded by Charles the Great as a station for the extension of Christianity. The harbor has an area of 2,500 acres, of which 800 acres is water. Its construction cost over 180,000,000 marks and required five years to complete. It has five miles of stone quays that

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