

Life Story of an Omaha Pioneer

Chapter of the autobiography of A. J. Poppleton just now made public.



A. J. Poppleton at 40 years of age



A. J. Poppleton when he retired

IN APRIL, 1852, I entered the law offices of C. I. and E. C. Walker of Detroit and spent until October 22 of the same year in study and general legal work. During this same period, Jonas Seeley, Clinton Briggs and General Henry A. Morrow were students in other offices in Detroit. On the 22d of October of that year I was examined at Pontiac, Mich., before the supreme court of Michigan and admitted to practice. The winter of 1852-53 I spent at the law school of John W. Fowler, first located at Ballston, Saratoga county, New York, moving thence to Poughkeepsie, N. Y. This period was devoted almost wholly to improving and perfecting myself in extemporaneous speaking, Prof. Fowler making that a specialty and being himself an orator of extraordinary power. In the spring of 1853 I returned to Detroit and became a member of the firm known as "Cargill, Poppleton & Chase," and remained in that connection until about the 1st of August, 1854.

"Our firm proved to be top heavy, too many partners and too little business. It was dissolved, and I then began to look about for a new field of operations. The Kansas and Nebraska bill had just been passed, the Indian title had been extinguished to the territories of Kansas and Nebraska and attention was generally attracted to them. Leavenworth and Council Bluffs seemed to be the two points about which most was known and to which mention was most generally directed. I was little inclined to either, preferring Chicago or San Francisco. I left Detroit about the 1st of October. After remaining a day or two in Chicago (the Chicago & Rock Island road having then just been completed), I determined to go as far west as Davenport. Upon reaching Davenport I found everybody talking about Des Moines. Upon reaching Des Moines I found the tide still setting further west to Council Bluffs. While at Union College I had read in the New York Tribune a letter written by an army officer (located at one of the northwestern forts) pointing out the site opposite Council Bluffs on the west bank of the Missouri as the seat of a great future city. The influence of this letter had really moved me from point to point westward of Chicago with a view of settling there myself if my judgment should approve on seeing it. I reached Council Bluffs after five days travel by stage from Davenport on Friday, October 13, 1854, about 7 o'clock in the evening. The next day I visited the site of Omaha, and, standing upon the summit of Capitol hill, about the hour of noon, felt that the New York Tribune's correspondent had not exaggerated the eligibility of the location.

"About 3 o'clock in the afternoon I found myself on the Iowa bank of the river, returning to Council Bluffs. I had been walking constantly since 8 in the morning, had no dinner, and had neither seen or heard of any person I had previously known. As I set out to cover the distance between the river and Council Bluffs, I was naturally somewhat depressed in spirits. I reflected upon the situation and could see no work in Omaha for a lawyer. At that time there were perhaps twenty people on the site of the present city, but there was no government, no courts, no laws. For legal work it seemed an unpromising field. After walking about one-third of the distance, I saw coming toward me a double team loaded with lumber and driven by a single person. What was my astonishment upon approaching him closely to recognize A. J. Hanscom. We had been fellow students at Romeo during the first months of my residence there, but from that time he had disappeared from my view. In the meantime he had served in the Mexican war, been employed upon the Lakes, and married, drifted to Council Bluffs, engaged first in farming and then in merchandise, and now as he told me had made a claim adjoining Omaha and was building a dwelling house thereon. I expressed to him my view of the discouraging outlook for me as a lawyer who must earn his living. He then went on to say that the territorial officers had just arrived at Bellevue; that a territorial organization would be immediately made; that an election for members of the legislative assembly would soon be

called; that there was already more or less contention about claims and boundaries, and he thought if I remained and established myself immediately in Omaha that I could secure a good claim and earn something in claim disputes; that both of us could get elected to the legislature and that I would be sure to earn enough to carry me through until spring; these suggestions seemed to me to be sound, and before I reached Council Bluffs I had decided to act upon them and remain at least until the following spring.

"On the following Monday I selected a lot on

Toward the close of his life, and after his sight had totally failed, Andrew J. Poppleton dictated his memoirs, which have only now reached the public. Mr. Poppleton was born on a farm in Oakland county, Michigan, July 25, 1830, and died at his home in Omaha September 24, 1896, after a brief illness. He had been the first general attorney of the Union Pacific and prominent in the public life of Nebraska during his entire residence in the state.

which to locate my habitation and immediately commenced the erection of what I called an office thereon. Within a few days afterward Governor C. D. Richardson of Michigan arrived at the Bluffs and proposed to join me in building my cabin and spending the winter in Omaha. This reduced expense and his proposal was accepted. After securing the lot from the Council Bluffs and Nebraska Ferry company, I paid "White Cow," the Omaha chief, \$10 for peace and the privilege of occupying by lot. We finished the structure and occupied it within ten days. This so-called office was situated on lot 4 in block 133 of the original survey of the Council Bluffs and Nebraska Ferry company, fronting sixty-six feet on Tenth street and about one hundred and fifty feet south of the southeast corner of Farnam and Tenth streets, standing on the rear of the lot. It was about ten by fourteen feet, and consisted of a light framework of cottonwood scantling, covered at the sides and ends with cottonwood slabs standing upright and nailed to the framework. The roof was of cottonwood boards, one door in front and a small window at the side of the door, and a small window in the rear of the structure were the only openings. During the fall we covered the whole exterior with sod, with our own hands, making it not an attractive, a very habitable structure. We remained in it during the winter and found it as comfortable probably as any house in town.

"The election was called in due time by Secretary T. B. Cuming (who had become acting governor by the death of Governor Burt), and Hanscom and myself were both elected to the lower house. The first session of the legislature was an eventful and critical period for Omaha. The capitol was to be located and this was universally regarded as deciding the fate of several projected cities. Nebraska City, Plattsmouth, Bellevue and Omaha were the principal contestants. When I was elected to the legislature, of course all realized the importance of the session upon our peculiar interests, for, in the meantime, I, with others, had taken claims and become as much interested in the town as my means would permit. The struggle which resulted in the location of the capitol at Omaha was long and close. Of the territorial officials, Acting Governor T. B. Cuming was unquestionably entitled to the greatest credit for this result. Of the members of the two houses of the legislature, while the entire delegation in such body did their best, it cannot be denied that A. J. Hanscom, A. J. Poppleton and Governor O. D. Richardson, who was a member of the council, were especially conspicuous in that contest.

"At the close of the session of the legislature, my occupation seemed to be at an end. It was no part of my purpose or ambition to engage in or subsidize politics or political preferment. I had never lost sight of the law, and in its prac-

tice lay the path of my ambition. For a few days I felt somewhat depressed, and then came employment in the shape of the first lawsuit ever tried in Nebraska, after which I was never idle in my profession. This was the suit of John Pentecost against F. M. Woods. It involved a claim situated on a tributary of Saddle creek, as I remember, and not far from the present site of Elmwood park; in fact, I think a portion of it is now comprised in the park. My client was Pentecost; Governor Richardson represented Woods. A full day was spent in the trial and my client was successful. It took place in the room occupied by the house of representatives in what was then called the state house, in which the legislature had convened.

"In March, 1857, when the government surveys were completed and the United States land office opened at Omaha, contests in the land office and litigation in the courts following these contests became the staple litigation in which I was engaged until 1863, when my work for the Union Pacific first began. I ought to say, however, that during this period I was engaged in many criminal trials. During the time that I was engaged in controversies over land titles, I laid the foundation of that knowledge of the law of public lands which enabled me to deal intelligently and successfully with innumerable small and some great litigations which sprang up when the Union Pacific company proceeded to perfect the title to its land grant from the United States.

"I was elected a member of the legislature of 1857-58, and served throughout that session—the most fruitless, perhaps, ever held in Nebraska. It was during that session that a conflict arose which resulted in a portion of the members withdrawing from the lawful body in session in Omaha and seeking to establish themselves at Florence as the lawful legislative body. I was elected speaker of that portion of the body remaining in Omaha.

"In July, 1858, I was stricken with a sudden and painful illness, from which I did not recover sufficiently to resume the practice of my profession until March, 1860. I had been elected mayor of the city in the spring of 1858, which office I was compelled to resign in the October following on account of my sickness.

"In July, 1862, the act authorizing his construction of the Union Pacific railway became a law. Nothing, however, was done under it except to organize a company on paper until December, 1863. At that date, chiefly for its effect on congress, then about to assemble, from which the company was about to ask important legislation, the ceremony of breaking ground took place at Omaha. Peter A. Dey, for many years railroad commissioner of the state of Iowa, had been appointed chief engineer of the road and sent to Omaha and placed in charge of the interests of the company at this point. At his request, at the ceremony of breaking ground, after officials and G. F. Train and others had been heard, I was called upon to speak. My speech gave great satisfaction to Mr. Day and other railway officials and to the people of Omaha and attracted general attention; portions of it were soon after published in the London Daily News. A few days afterwards I was engaged by Mr. Dey on behalf of the road to attend to such legal business as might arise at Omaha for the company and specially requested to prepare a general railroad law to be brought before the general legislative assembly at its next

session. This law I drafted. It was passed at the session of 1864 and it has remained practically unchanged from that day to this upon our statute books; with some additional provisions mainly prepared by myself in subsequent years relating to sales, leases, consolidations and the mortgaging of railroads and railroad property. From this time until the spring of 1869 very much of my time was occupied in advising and assisting railway officers, in acquiring right-of-way, depot and shop grounds in the city of Omaha, and in considering the vast variety of questions that constantly spring up in the inauguration and prosecution of great railway enterprises.

"In the meantime, also, my general practice, especially in the trial of heavy law and equity cases, was constantly increasing, and I think that at no period of my whole life have I ever been more completely absorbed in business; nor was I ever faster educated.

"Until July, 1869, I had never received from the railway company any fixed salary. I had been paid upon itemized bills rendered for specific services. The amount of my compensation, how-

Resolved That the certificate of election of the first session of the Nebraska Territorial Legislature be amended by the House to provide for the election of a speaker of the House

Mr. Poppleton's draft of First Resolution adopted by First Nebraska Territorial Legislature at its opening session.

ever, had been steadily increasing as the business increased, and my railway work together with the general practice, which was also constantly growing, had given me the largest income from my profession I had yet received. In the month of July, 1869, upon one of the hottest days I recollect to have experienced, a messenger came to my office stating that John Duff and C. S. Bushnell, both directors of the railway company, wished to see me at the Cozzens house in Omaha. I lost little time in presenting myself before them, for I knew they had been appointed a committee by what was known as the Construction company to visit Omaha and straighten out if possible the tangles which had arisen with that organization, and especially in relation to a firm of tie and timber contractors known as "Davis and Associates."

"I found these gentlemen minus coats and vests, each diligently plying a large palm leaf fan, and—as it seemed to me—in distress not wholly caused by the heat. Mr. Duff, who seemed to be the spokesman, proceeded to say that he had found upon inquiry at the auditor's office that the amount of money drawn by me from the company was constantly increasing, and that the business was also increasing, and perhaps fully warranted my charges. That he thought during the last year I had drawn perhaps \$5,000, which would be a fair salary to pay for the exclusive time of counsel.

That they had sent for me to agree, if possible, upon a fixed salary which would give the company preference in my attention to its business, and if necessary cover my exclusive services. Thereupon he put the question what salary I would require. I knew the position of the legal business of this company better than these gentlemen know it themselves, and I answered promptly, \$12,000 per year. Mr. Duff appeared to be somewhat astonished, but in a few moments we had agreed upon \$10,000 as the proper sum. This being completed, he took his vest from the bed and pulled out of an inside pocket about a dozen summons and subpoenas served upon them that day involving litigation to the amount of nearly \$1,000,000 and covering the whole line from Omaha to Utah. My engagement commenced from the 1st of July, 1869. From that time until my resignation on February 1, 1888, I had few legal engagements outside the business of the railway company. Such as I had usually involved comparatively light labor, but gave me large compensation. My salary was afterwards raised to \$12,000 and continued at that sum until my resignation.

This ended by connection with the Union Pacific Railway company and its affairs. I had been twenty-four years in its service and had participated in almost all of its trials, conflicts, failures and successes. I need not say that I had grown to feel a strong personal attachment to the corporation and an ardent desire to witness long deferred success. Its affairs, however, do not seem to me to have improved, and I fear that the inherent infirmities entailed upon it by early mismanagement can never be healed or removed, and that liquidation alone will clear it of the wreckage and make it useful to the people of the states and territories through which it runs and to the government of the United States. It is impossible to predict the future of the company. It can only be said with certainty that in the absence of a long extension upon very low interest by the United States the company and its affairs must inevitably come to bankruptcy. Immediately after my resignation I made a short journey to Mexico, and upon my return to Omaha I took up the general practice, confining myself, however, to cases of importance. My best legal work between 1888 and 1892 consisted in the preparation of the law authorizing the consolidation of the street railways of Omaha, and drafting, perfecting, defending and vindicating that consolidation in the courts, together with the preparation and argument, in conjunction with Mr. Woolworth, of the two cases of the Chicago, Rock Island

& Pacific Railway company and the Chicago, Milwaukee & St. Paul Railway company against the Union Pacific, to compel the specific performance of a contract for joint trackage over the Missouri river bridge and a portion of the line of the Union Pacific. The arguments of these railway cases before Associate Justice Brewer of the supreme court of the United States was my last in the federal courts.

"As early as 1880 the sight of my left eye had become impaired. Oculists had advised me that this had no necessary connection with, and would probably have no effect upon, the right. Nevertheless, about the first of January, 1892, the sight of my right eye began rapidly to fail. This continued until about the first of July of that year, when I became totally blind. My life of light was ended and my life of darkness began.

"I recognize to the fullest extent the numerous obligations I have all my life been under to my father and mother. They taught me industry, economy and sobriety; to love knowledge; to shirk from no obstacles, but to be patient and persistent in overcoming them; to scorn gratuities; to detect cards, tobacco and liquor; and that the only true order of nobility was that of labor, industry and virtue. They were plain and simple in their lives, but such success as I have attained I attribute mainly to their teachings and example."