

HISTORICAL

The following is the first of a series of sketches or articles concerning the early days in Lincoln and Nebraska, which will appear weekly. While these articles will be prepared specially for THE COURIER it is thought proper to introduce the series with a paper on the organization of the state and location of the capital, written by Mr. C. H. Gere, editor of the Journal, in 1886. We will undertake to answer all queries in this connection, and will be pleased to receive any information.

The first governor of the territory of Nebraska was clothed with imperial powers by the organic act and the appointment of the president in the matter of setting up his official residence. Empowered to select the spot for the political center of his virgin domain, he wielded for a time, in the minds of his fellow citizens, the thunderbolt of Jove, and guided the coursers of Apollo. But hardly had he arrived in October, 1854, at the old mission house at Bellevue, the site of the first white occupation of the territory, before he sickened, and in less than a week he was dead. His last hours were troubled by the delegations on hand and forcing their way to his bedside, who came to urge the respective claims of Omaha, or Florence, or Plattsmouth, or Nebraska City for the seat of government. Bellevue considered herself safe, and the words of the dying Burt are often quoted by old citizens to this day as indicating that she would have won the crown, had the governor lived long enough to issue the proclamation.

His secretary of state, now his acting successor, Gov. Cuming, unembarrassed by the past, pledged to no one, because no one had dreamed of his approaching greatness, had an embarrassment of riches in the shape of eligible sites offered him at once. Bellevue had perhaps the first claim, because she had the largest settlement and the greatest prestige. But all along the muddy banks of the Missouri, above and below her, were other cities, mostly on paper, though some had arrived at the dignity of a few scattering log cabins and dug-outs, that wrestled for the supremacy. Most of their inhabitants lived over in Iowa, but the fact that they intended to elect a goodly portion of the coming territorial legislature, was sufficient excuse for their pleading, and they made the executive ears warm with their arguments.

By what pathway the acting governor was led to pitch the imperial tent upon the plateaux of Omaha it is not our province to inquire. If the statesmen of Kanesville, later Council Bluffs, had a hand in the matter, that city soon had reason to mourn that the nest of the new commonwealth was lined with plumage from her own breast. From its very cradle, her infant despoiled her of her commercial prestige, and now scoffs at her maternal ancestor every time she glances across the four miles of dreary bottom that separates the waxing from the waning metropolis.

For the time being Omaha was the capital, and the first legislature, with ample power to endorse or cancel the governor's location, was the next object of the executive attention, and it was his chiefest care to fortify and defend Omaha. * * *

A bill was passed early in the third annual session by both houses locating the seat of government "in the town of Douglas, in the county of Lancaster." It was a curious prophecy of the event ten years later. * * *

Governor Izard, who had in the meantime relieved acting Governor Cuming of the burden of executive honors, promptly vetoed the bill. He explained in his message that it was a sudden movement of the enemies of Omaha, that the question had not been agitated by the people, that the alleged town of

Douglas, in the county of Lancaster, was a mere figment of the legislative imagination, invented for the occasion and that its actual location in the county named was problematical, being as yet the football of factions within [the faction that had passed the removal bill.

A year later, at a meeting of the fourth legislative assembly, the quarrel broke out afresh. Governor Izard had resigned, and Richardson, his successor, had not arrived, and Secretary Cuming was again in the chair. Nine days prior to the expiration of the session, on the 7th of January, a bill was introduced for the removal of the capital to Florence. The various tactical obstructions in the minority, engineered by such rising young statesmen as Dr. Geo. L. Miller, president of the council, and A. J. Poppleton and J. Sterling Morton in the house, made it impossible to accomplish the object without strategy. The strategy resorted to was simple, but startling. On the morning of the 8th Mr. Donelan of Cass placidly rose in his place and moved "that we do now adjourn to meet at Florence to-morrow morning at the usual hour." Speaker Decker, who was one of the removers, put the question from the chair, as though it was the most natural thing in the world to meet at Florence to-morrow morning; and the motion prevailed, and the speaker and all but thirteen members of the house picked up their hats and left the chamber. The thirteen held the fort, elected Morton speaker *pro tem.*, and gallantly affected an adjournment to meet again on the morrow at the old stand.

A similar scene was transpiring in the council. Dr. Miller, in the chair, refused to put the motion to adjourn to Florence, and it was put by Reeves of Otoe, declared carried, and eight councilmen stalked out into the cold world and prepared themselves for an eternal exodus to the village up the river. As to this emigration Douglas county was again divided against herself. Bowen and Allen, the one representing Florence, and the other standing for that cruel Juno, Bellevue, whose lofty mind still resolved vengeance for the judgment of Paris and her injured beauty, were the leaders in the race, and behind the twain marched Bradford and Reeves of Otoe, Kirkpatrick of Cass, Stafford of Dodge, and Furnas of Nemaha.

Governor Richardson arrived about this time, to find two capitals and two legislatures in full blast, and himself the unwilling arbitrator of the war. He promptly refused to recognize the Florence legislature, though it had the majority in both houses. The forty days limit of the session broke up both bodies, and they each adjourned, leaving the business of the session undone, and the territory without a code of criminal law, and thus ended the first and last attempt recorded in history to attach the removal of a seat of government to a motion to adjourn until to-morrow morning.

The consequence was an extra session not long after, in 1859, at which much business was done, and in which Mr. Daily of Nemaha introduced a bill to abolish slavery in the territory, but during which the capital agitation slumbered and slept. * * *

The legislature met on the 18th of May, and the lines were quickly drawn for the emergency. Re-apportionment was a fixed fact, and after a few days spent in reconnoitering, a solid majority in both houses seemed likely to agree upon a scheme for capital location. Mr. Harvey, who had led the assault upon re-apportionment at the late session of the territorial legislature, was an active leader of his late antagonists for relocation. Party affiliations were ruptured all along the line and the new lines were formed on a sectional basis. The bill was prepared with deliberation,

much caucusing being required before it would satisfy the various elements in the movement, and it was introduced in both houses on the 4th of June. It was entitled "An act to provide for the location of the seat of government of the state of Nebraska, and for the erection of public buildings thereat." It named the governor, David Butler, the secretary of state, Thomas P. Kennard, and the auditor, John Gillespie, commissioners, who should select, on or before July 15, a date changed by a supplementary bill to September 1, 1867, from lands belonging to the state lying within the county of Seward, the south half of the counties of Saunders and Butler, and that portion of Lancaster county lying north of the south line of township nine, a suitable site of not less than 640 acres laying in one body, for a town, to have the same surveyed, and named "Lincoln," and declare the same the permanent seat of government of the state.

The bill directed the commissioners, after the site had been surveyed, to offer the lots in each alternate block for sale to the highest bidder after thirty days advertisement, having appraised the same, but that no lots should be sold for less than the appraised value. The first sale should be held for five successive days at Lincoln on the site, after which sale should be opened for the same duration, first at Nebraska City and next at Omaha. If a sufficient number of lots should not by this time be disposed of



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SHERIFF SALE.

First publication Aug 3

Notice is hereby given, that by virtue of an execution issued by the clerk of the district court of the third judicial district of Nebraska, within and for Lancaster county, in an action wherein Albert W. Jansen is plaintiff, and Herman Goldsmith defendant.

I will, at two o'clock p. m. on the 3rd day of September A. D. at the east door of the court house, in the city of Lincoln Lancaster county, Nebraska, offer for sale at public auction the following described real estate to-wit:

Lot A of Spencer's subdivision of lot seven (7) of block three (3) and seven (7) of block four (4) in Spencer's addition to Lincoln, Lancaster county, Nebraska.

Given under my hand this 27th day of July A. D. 1895.

Aug. 31

Fred A. Miller Sheriff.

NOTICE OF PETITION.

First publication August 31st.

In the County Court within and for Lancaster county, Nebraska, August 27th, 1895, in the matter of the estate of James Edwin Jones, deceased, to Oscar A. Mullon, Jacob Bigler executor and to any other parties interested in said estate.

You are hereby notified that Oscar A. Mullon has filed a petition in this court praying for an order authorizing and allowing the executor to release a certain promissory note, accepting in lieu thereof all rights, title, interest, and claim that Oscar A. Mullon may have in said estate as legatee.

It is hereby ordered that the same be set for hearing on the 20th day of September, 1895 and notice of hearing shall be published three weeks consecutively in THE COURIER, a weekly newspaper, published in this state.

Witness my hand and the seal of said County Court this 27th day of August, 1895.

J. W. LANSING, County Judge.

Sept. 14.

First publication Aug. 24.

NOTICE TO NON-RESIDENT DEFENDANTS.

In the district court of Lancaster county, Nebraska.

Harrison National Bank, of Cadiz, Ohio, a corporation organized and existing under and by virtue of the laws of the United States, Plaintiff,

vs.

Buckley D. Catlin, et. al., Defendants.

Buckley D. Catlin, Rachael A. Catlin, Merrit M. Catlin, Mary A. Catlin, Hardig & Spiler, Pomeroy Coal Company, William B. Thompson, C. C. White, real name unknown, Peter Ficken, G. M. Robbins, real name unknown, Baxter Stove Co, Eugene Tavre, Elizabeth Hall, Sligo Iron and stone Co. and Western Iron & Supply Company, defendants, will take notice that on the 27th day of July, 1895, the Harrison National Bank of Cadiz, Ohio, plaintiff herein, filed its petition in the district court of Lancaster county, Nebraska, against said defendants, the object and prayer of which are to foreclose a certain mortgage executed by the defendants, Buckley D. Catlin, Merrit M. Catlin and Mary A. Catlin, to Mary C. Kitchen, and afterwards and for a valuable consideration endorsed and delivered by said Mary C. Kitchen to the Clark & Leonard Investment Company, and by said Clark & Leonard Investment Company endorsed and delivered to the Harrison National Bank of Cadiz, Ohio, plaintiff herein, upon the following described premises, to-wit:

Lot number thirty-nine (39) block one (1), Houtz Place, according to the recorded plat thereof, to secure the payment of a certain promissory note dated January 25, 1890 for the sum of \$400.00 and due and payable January 25, 1892, with interest from date until paid at the rate of 8 per cent per annum. That there is now due upon said note and mortgage the sum of \$400.00, with interest at 8 per cent per annum from the 25th day of January, 1890, for which sum, with interest, plaintiff prays for decree that defendants, Buckley D. Catlin, Merrit M. Catlin and Mary A. Catlin be required to pay the same or that said premises may be sold to satisfy the amount found due.

You are required to answer said petition on or before the 30th day of September, 1895.

John B. Cunningham, Atty. for Plaintiff.

Sept 14