



A. O. Sawyer

# ANNALS OF IOWA.

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## THE PART OF IOWA MEN IN THE ORGANIZATION OF NEBRASKA.<sup>1</sup>

BY HORACE E. DEEMER.

On account of the caprices and sinuosity of that strange and muddy stream which marks the boundary between our two States, my jurisdiction for many years has extended over territory which lies west of the Missouri river and it has been difficult at times to tell just where the line between these commonwealths lies. Indeed, as I shall presently attempt to show, there was a time when there was no line of demarkation between the two territories, and western Iowa was either a part of Nebraska or Nebraska extended eastward to the line which was first proposed as Iowa's western boundary—a line following the water-shed between the Mississippi and the Missouri rivers. In the early days it did not seem to make much difference where the line was placed, for in the opinion of many the country was barren and sterile and could never be made a permanent habitation for man. Iowa's delegate in the Congress that passed the first bill for the admission of the State (which fixed this water-shed as a boundary), in all seriousness, when objection was made to that line, solemnly asserted that while the country lying immediately on the Missouri river, of which Congress proposed to deprive us, was said to be fertile, there was a large expanse of land, forming the dividing ridge between the Mississippi and Missouri rivers, called the "Hills of the Prairie," which was barren and sterile and which should be excluded from the new State. He contended that to extend the line to the natural boundary, the Missouri river, would introduce a people who coming by way of the Missouri, would be different in origin and dissimilar in customs, and thus destroy that homogeneity of character and interest which was conducive to their well-being.

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<sup>1</sup>Address before the Nebraska State Historical Society, at Lincoln, Jan. 14, 1908, and at various places in western Iowa.

both morally and politically. But saner counsels prevailed and by a very small majority the boundaries originally proposed were disapproved, and Iowa's western boundary was fixed for all practical purposes as the Missouri river. Time has demonstrated that there was such homogeneity of character and interest, that when the Indian country became Nebraska territory, state lines were for many years obliterated or disregarded and the new territory was ruled largely by people who lived east of the lawfully established line; and from that day to the present, Iowans have been potent in Nebraska affairs. Indeed we are still making large contributions, both of men and money to this thriving commonwealth; sometimes with profit to us, and occasionally at great sacrifice of both brain and brawn. In looking over your blue books and noting the names of those who have held and are now holding office, I wonder what you would have done, had you not had Iowa to draw from. Although we have parted with much, we still have enough to fill all the offices and to contribute our quota to the national government. Our people have filled almost every office both at home and abroad save that of the Presidency and for this we now have several available and able-bodied candidates.

As geographical and demographical conditions have much to do with the settlement and institutions of a new country, I ask your attention for a moment to geography, to lines of travel, and to the early settlements in western Iowa and eastern Nebraska. The Missouri river, in addition to being the natural boundary between these two jurisdictions, and finally the legal one, afforded a convenient avenue for the traveler into the Indian country. But as nearly all migration has been along latitudinal lines it was not long until the restless Anglo-Saxon found an overland trail leading to the Pacific. Before the year 1843 there was a well-defined route for trade between St. Louis and the mouth of the Columbia, "where rolls the Oregon," with a branch leading from what is now Grand Island eastward near to what is now Council Bluffs. There were many stations on this eastern terminal, to-wit: Florence, Omaha, Bellevue, Kaneshville, now Council

Bluffs, Traders Point, Plattsmouth, Nebraska City and Brownville. And while the so-called northern route with its terminals on the Missouri river was considerably used prior to the year 1840, the chief travel was over the southern trail until about the time of the gold excitement in California. Before that, however, the Mormons had established a trail across Iowa to Council Bluffs; and from there westward to their future home in the Salt Lake Basin.

With that eye which has always characterized the man from Iowa, one William D. Brown, of Mt. Pleasant, in that State, who had started for the California gold fields, saw an opportunity for money-making at what is now Council Bluffs and he established what was known as the "Lone Tree Ferry" which crossed the river between what is now Council Bluffs and Omaha. The name was suggested by the presence of a single tree on the Nebraska side of the river from the foot of which the ferry landed and departed. As citizens of Mt. Pleasant had much to do with the organization of Nebraska, I shall ask you to bear that name in mind. This same man Brown in November, 1853, made a claim to what is now the site of the city of Omaha which was originally called "Henn-town" in honor of another Iowa man; and Brown made the first survey, either regular or irregular, of land in Nebraska. Brown also engaged in the hotel business at Council Bluffs, conducting what was known as the "Bluff House" and with Samuel Bayliss, Enos Lowe, Joseph D. Street and others, all residents and citizens of Council Bluffs, organized in the year 1853, a steam ferry known as the "Council Bluffs and Nebraska Ferry Company," which was afterward to play a large part in the organization and development of Nebraska and particularly of Omaha.

One of the most important branch roads which led to the main trail was what was known as the old Military Road from Nebraska City, near old Ft. Kearney, to a point some twenty miles from new Ft. Kearney where it intersected the old Oregon Trail. Other branches led from Florence, Bellevue, Plattsmouth and Brownville. Before the organization of the territory there were ferries between Iowa and Nebraska at Ne-

braska City, Traders Point, St. Marys, at or near Council Bluffs to Omaha and Florence, and at Sargents Bluff near Sioux City. These ferries were owned and operated almost exclusively by Iowa men. Coming from the south by stage or boat from St. Joseph, the traveler of the early days would pass in turn Brownville, Hamburg, Nebraska City, or old Ft. Kearney, Civil Bend or "Hog Thief Bend" as it was then called, Plattsmouth, Sharpsburg or Bethlehem, St. Marys, Traders Point, Bellevue, "Millers Hollow" or Kanessville, now Council Bluffs, Omaha, Ft. Calhoun or Florence, Decatur and Sargents Bluff. And landward from the river on the Iowa side were Sidney, Percival and Tabor in Fremont county, "Coon Hollow" or Glenwood, Pacific City and California City in Mills county. Coming from the east by way of the Mormon trail or by way of the old Western Stage coach route, both traveler and pioneer made for one of these Iowa towns. There was also a stage route from St. Joseph on the south up through Hamburg, Percival and St. Marys and on to Council Bluffs; and the river furnished a means of transportation for travelers and traders from the south. Because of this fact Hamburg was largely settled by southerners,—there being no road or trail from the east into that town. The population of Sidney, Tabor, Glenwood, Pacific City, California City and to a large extent of St. Marys, was made up of New England people who followed the wagon roads from the east.

The Mormons on their trip from Nauvoo westward settled in large numbers at "Millers Hollow" or "Mormon Hollow," sometime Kanessville; and many of these undaunted religious enthusiasts, particularly of that branch adhering to the faith of Joseph Smith, remained in Pottawattamie, Mills and Fremont counties. But from the earliest times what is known as Council Bluffs had a cosmopolitan population, coming from God knows where, adventurers, soldiers of fortune, hunters, traders, gamblers and the usual nondescript class found on the outposts of civilization.

After the path-finders like Lewis and Clark and Fremont, came the traders and the trappers, the first settlers of a new country, and so it happened that the first permanent settler

in this region of whom we have any note was Peter A. Sarpy, who as a representative of the American Fur Company, came to the post at Bellevue in the year 1823. Sarpy soon took up his residence in Mills county, Iowa, where he married his squaw wife, Nicoma, and where he lived until the year 1862, when he removed to Plattsmouth, Nebraska, dying there in the year 1865. Sarpy established Traders Point in Iowa and when it was washed away by the treacherous Missouri in the year 1853, founded a new town which he called St. Marys, in Mills county, where he made his home and conducted a little hotel until his removal to Nebraska. This old Iowa pioneer laid out the town site of Bellevue in 1854 and with Stephen Decatur and other Iowans laid out the town of Decatur above old Ft. Calhoun. The biography of this brusque old trader reads like fiction and in truth his life was a romance from beginning to end. He was followed by other traders and speculators on both sides of the river, to some of whom we shall have occasion to refer.

With the trader or closely following in his footsteps came the man of God—the missionary, the priest and the prelate, the men who came not in search of land or gold but human souls. As usual the first of these holy steel-souled men was a Roman Catholic, a Jesuit, Father De Smet. Father De Smet came into the Missouri river territory in the year 1838. Previous to going into the Indian country, Father De Smet was located on the east side of the river for something like two years, among the Pottawattamie Indians, and tradition has it that he numbered Sitting Bull among his converts and taught him something of the French language. Presbyterian missionaries came to the Indian agency at Bellevue at a very early date and the Methodists, who have always possessed the missionary spirit, were on the outposts before the creation of the territory. Among these was Hiram Burtch who came from Dubuque, Iowa, and entered upon his ministry at Nebraska City in the year 1855. Elder Moses Shinn who came into Iowa in 1839 went to Omaha in 1855 where he lived and preached and prayed until his death in 1885. He, too, at one time was located at Mt. Pleasant, Iowa. Another

man of God from Iowa who made a profound impression upon the educational, moral and religious life of Nebraska was Reuben Gaylord, the second Congregational minister in Iowa and the first in Nebraska, who landed in Omaha in 1855, after sojourning in Iowa from the year 1843, part of that time at Mt. Pleasant. He was one of the famous "Iowa Band" which came out of Andover for missionary work in the "Great American Desert"—a body of educated and energetic men whose influence both upon Iowa and Nebraska no one can measure. Gaylord was the first man to suggest a Congregational college in Iowa, and the splendid institution at Grinnell in our State is the result of his labors. Iowa was a sort of religious seed plot for all regions roundabout, and these pioneer missionaries and preachers not only fought the good fight for their several denominations, but gave character to the communities in which they labored.

As man is gregarious by nature it is not long in the history of any new community until the usual institutions growing out of our social order are established, and so with the churches and the schools come the secret societies. Masonic and Odd Fellow's societies were in the Missouri River Valley before the creation of Nebraska territory. In February of the year 1855 a Masonic lodge was instituted at Bellevue, the meeting being held in the second story of the old trading post building with Indian blankets for an altar; the walls being covered with Mackinaw blankets. Among those applying for a dispensation, who met at St. Marys, were the following then living in Iowa: Ex-Gov. Ansel Briggs, J. P. McMahon of Council Bluffs, A. W. Lockwood of Traders Point, and George Hepner of St. Marys. These men were among the first officers of the lodge. Peter A. Sarpy was the first man initiated, but he was raised to the degree of Master Mason at Council Bluffs and not at Bellevue because of lack of a suitable room and paraphernalia at the trading post. Hepner was a close friend of Augustus C. Dodge, then Senator from Iowa, and he did much in securing the Senator's support for the Nebraska Bill. He was a member of the Iowa legislature for two terms and died at St. Marys, Iowa, in 1857. Alfred D. Jones, the first post-

master of Omaha, was the first Odd Fellow in the new territory and as early as 1855 he, with Hadley D. Johnson of Council Bluffs and other Iowans, petitioned for the institution of a lodge at Omaha. This lodge was instituted by J. P. Cassidy of Council Bluffs in the year 1856, and several men living on the east side of the river held the first offices. These Iowa men naturally gave color and tone to the work of these two leading secret societies, and as usual held most of the offices.

Close upon the heels of the trader and the missionary in every new country comes the journalist, and in this field Iowans also played a prominent part. The first newspaper upon the Missouri Slope was established by that good old Mormon Elder, Orson Hyde. This was published at Council Bluffs under the name of the *Frontier Guardian*, its first issue being under date of February, 1849. This was published by him for three years, or until 1852, when it was sold to Jacob Dawson of Fremont county, Iowa, who afterward established the *Wyoming Telescope* in Otoe county. The *Council Bluffs Bugle* was established by Joseph E. Johnson in 1852, and this pioneer Iowa editor published the first so-called Omaha paper, known as the *Omaha Arrow*, from his office in Council Bluffs in the year 1854. This paper had much to do in securing the location of the territorial capital at Omaha. Johnson was a Mormon and his marriage was performed by the Prophet, Joseph Smith. Collaborating with him in this Omaha enterprise was another Iowa editor, Joseph W. Pattison, who it seems retained his residence in Iowa until he enlisted in the Union Army in 1861. At that time he was editor of the *Iowan*, published at Sidney. Johnson has been described as the most versatile and ubiquitous and probably the most unique figure of Nebraska journalism. Pattison was a young man of striking originality, ready imagination, and of many happy conceits. But the first paper published for Nebraska was known as the *Palladium*, printed at St. Marys and issuing its first number July 15th, 1854. Daniel Reed, its publisher, lived at St. Marys until November of that year when he moved to Bellevue where he died in 1859. Thomas Morton, one of

the editors of the *Palladium*, lived at St. Marys until the fall of 1854, when he moved to Bellevue and with the suspension of that paper in April, 1855, moved to Nebraska City where he established the *Nebraska City News*,—the material being furnished by A. A. Bradford, a former resident of Sidney, Iowa. The material came largely from Sidney where it was used in printing the *Fremont County Journal*. Morton was a deliberate independent thinker who saw with great clearness the future of this new country. Reed was a New Englander of great conservatism and of puritanic cast of mind, little adapted to the frontier life in which he labored for so short a time. Bellevue's loss of the territorial capital blasted all hope of newspaper success and the paper went out of existence in April, 1855. The *Nebraska City News*, established by Morton and Bradford, and first printed at Sidney, Iowa, is now the oldest paper in Nebraska. The *Peoples Press*, established at Nebraska City in 1858, was edited for a time by William H. Watters, another Iowa man who sojourned for a time at Mt. Pleasant. The *Wyoming Telescope* of Otoe county was established in October, 1856, by the Davidson who purchased the *Frontier Guardian*, and this paper was sold to the *Nebraska City News* in 1860. In 1858, Hadley D. Johnson of Council Bluffs, Iowa, who had theretofore figured prominently in Nebraska affairs, established the *Nebraska Democrat*, which was discontinued in a short time and the material sold to one Owens, who established what was known as the *Courier* at Florence. Johnson bought his material from Peter A. Sarpy, who then owned what was left of the *Palladium* and *Courier* of Bellevue. W. C. Jones also started a paper as early as 1854 at Florence, known as the *Rock Bottom*. It was printed and edited at Council Bluffs, Iowa. Other pioneer editors from Iowa were Alfred H. Townsend and Hiram D. Hathaway of the Plattsmouth *Platte Valley Herald* and *Nebraska Herald*.

Although no part of Nebraska was really open to settlement until the year 1854, we find many squatters on this side of the river near military or trading posts, and a large majority of these were Iowa men, some of whom have already been men-

tioned. One of Nebraska's most distinguished citizens, some time an officer of the State Historical Society, in a learned address upon the philosophy of emigration, declared that patriotism or politics—or both—was the incentive to the western course of empire. That both have been strong motives for the settlement of a new country is undeniable, but I must believe that baser and more ignoble sentiments have sometimes actuated the earlier settler. As we look back upon those Iowans who settled upon the eastern bank of the Missouri river I fancy I see them casting covetous eyes upon this Indian country, and that personal gain may have induced them to cross over and mark out claims even in the face of prohibitive acts of Congress. This was true in Iowa and has been the case in every western state. These early settlers were mere squatters and doubtless lawbreakers and trespassers, but as a rule they were honest men seeking to better their own conditions. They were lawbreakers but were not lawless. They were Anglo-Saxons, and although upon soil which they could not rightfully claim their own, they almost immediately took steps looking to the organization of social institutions and borrowed from Iowa and from Iowa men what have been denominated "squatter constitutions." They organized extrajudicial societies known as "Claims Clubs" for the protection of the property upon which they settled and to which they laid claim. Through these organizations they found mutual protection and secured social order. Disputes over claims were settled by these associations or committees thereof, and the decisions of these tribunals were obeyed and respected. True, each claimant was allowed double the amount of land which under any circumstances he might have obtained from the general government, but they were not operating under general statutes or acts of Congress. They paid nothing for the land which was then unsurveyed, but they did make improvements thereon, sell and dispose of it and asserted a superior right to purchase it from the government when opened for entry or sale. These clubs also gave the settler protection against the newcomer or the speculator and fostered a spirit of natural justice and equality among the members.

These Claims Clubs were the first local political institutions of both Iowa and Nebraska. They were purely a western product and undoubtedly gave color to all subsequent political and social life. Whilst these organizations may not have been born in Iowa, they were brought into Nebraska by Iowa men and indicate as nothing else could, that private ownership and good order have ever been regarded by Anglo-Saxons as essential to the stability of political and social organization. These flourished all over Nebraska during and before the early days of the territory. The first territorial legislature composed, as we shall presently see, of a large number of Iowa men, attempted to legalize the claims made by these squatters and recognized by their Clubs. This, of course, was in contravention of federal statutes and of necessity never had any binding force.

As early as the year 1844 and before Iowa was admitted into the Union, bills were introduced in Congress for the creation and organization of the Platte or Nebraska country. There were then no white settlers save perhaps traders and missionaries within the limits of the proposed territory, but there was a great deal of politics in Congress and out. Then as now there were many ambitious men,—men who were anxious for position and place, who were using the slavery agitation to further their plans. True there were a large number of Mormons at what was known as "Winter Quarters," some six miles north of what is now Omaha, but the proposed admission of the territory was not because of their presence. Attention was called to this country because of the settlements in the far west, the acquisition of new territory from Mexico, the establishment of a transcontinental railway, and the efforts of the anti-slavery men to meet the aggression of the pro-slavery people. Stephen A. Douglas was an able and gifted man and a shrewd and far-seeing politician. By and through the organization of the territory of Nebraska he had hoped to gain some personal political advantage and although a Democrat, to secure the support of both the pro-slavery and anti-slavery men through his advocacy of squatter sovereignty. The people then in Nebraska and across the river in

Iowa were not so much interested in this slavery question as in securing titles to some of the good lands on the west side of the river. As the movement for the organization of the territory of Nebraska seemed to be growing, it was thought advisable by some of these Iowa men to elect a delegate to Congress to look after the interests of the proposed new territory of Nebraska and it was determined by Iowans living in Mills and Pottawattamie counties to hold an election for a territorial delegate in Congress. These Iowans met at Traders Point in Iowa, were ferried over the river to Bellevue and there held an election which resulted in the selection of Hadley D. Johnson of Council Bluffs, then a state senator in Iowa, by a unanimous vote of 358. Mr. J. P. Cassidy, then and during all his life a resident of Council Bluffs, was one of the clerks of this election. It seems that at the same election a provisional governor, secretary and treasurer of state were elected, two of whom at least were then residents of Iowa. Various meetings were held during the fall of that year in Pottawattamie, Mills and Fremont counties in which strong resolutions were passed favoring the creation and admission of the territory. Iowa was then represented in the United States Senate by Augustus C. Dodge of Burlington and George W. Jones of Dubuque, and in the House by Bernhart Henn of Fairfield and John P. Cook of Davenport. Jones and Brown knew Henn very well; and Hepner and some of the other Iowans who had found temporary lodgment on the Nebraska side knew Senator Dodge. Members of the Council Bluffs and Nebraska Ferry Company, composed exclusively of Iowa men, were also warm friends of the Senators and all were anxiously looking forward at that time to some means of rail transportation across the State of Iowa.

In November of the year 1853, Senator Dodge and the then Col. Samuel R. Curtis who lived at Keokuk, Iowa, visited Council Bluffs and in public addresses urgently advocated the organization of the new territory and the construction of railways to that city. Pursuant to his informal election, Johnson went to Washington with instructions from his Iowa constituents to favor two territories out of what had theretofore

been treated as one, agreeing upon what is now the line between Kansas and Nebraska as the southern boundary of the latter territory. When Johnson reached Washington he found another Johnson occupying his seat, who ostensibly had been elected from the Wyandotte country. Nothing daunted he was introduced by Senator Dodge, who warmly favored his plan, to Judge Stephen A. Douglas, to whom he unfolded his scheme. After due reflection Douglas agreed to it and introduced a substitute providing for the organization of the two territories, and thereafter this was known as the famous Kansas and Nebraska Bill. Senator Jones of Iowa was a member of the Committee on Territories and he also favored the Johnson plan. Representative Henn also endorsed the measure and lent his influence to its passage. It does not appear that Senator Dodge was actuated by political motives in endorsing the scheme, save as his own personal interest might lie in that direction; but it has been charged that Senator Jones was favorable to the repeal of the Missouri Compromise and that his sympathies were with the pro-slavery people. Representative Cook favored the measure but took no very active part therein. The records show that the two Johnsons were finally bounced from the floor of the House and thereafter watched the proceedings from the galleries. It was a case of "too much Johnson." Neither, of course, was entitled to a seat, although the Iowa Johnson should have the credit for fixing the boundary line between what thereafter became two great States.

Upon a favorable report of the bill from the Committee on Territories there soon commenced the wordiest and most acrid debate ever held upon the floor of Congress. Politically Nebraska is the child of desperate national contest over the question of slavery, which was supposed to have been settled by previous compromises. This great moral issue was soon discovered to be one which could not be trifled with, and the passage of the Kansas and Nebraska Bill, while it destroyed the Whig party, created the Republican organization and ultimately led to the freedom of all slaves. The bill was passed by the votes of those who upheld slavery; but it

resulted in striking the shackles from millions of human beings. The bill passed May 25, 1854, and was signed by the President May 30th of the same year. The bill provided for a governor, a secretary, an attorney and a marshal, a council of thirteen members and a house of twenty-six. It also provided for one delegate to the Congress of the United States. Francis Burt of South Carolina was appointed Governor, and F. B. Cuming of Keokuk, Iowa, Secretary. Governor Burt intended to make Bellevue the capital of the territory and almost immediately after his appointment went to that place with this object in view. He was a sick man, however, when he went there, and died two days after taking the oath of office. He was succeeded by the Iowa Secretary, Cuming, who according to law became Acting Governor. This Governor never lived at Bellevue but took up his abode at Council Bluffs, Iowa, and from there issued his orders and proclamations. It became the duty of Cuming to organize the territory, to have a census taken and to create districts. He is said to have had great executive capacity and force, undaunted courage and Napoleonic strategy.

The first struggle in every new community, both county and State, is over the seat of government, and Nebraska was no exception to the rule. Governor Cuming favored Omaha as against Bellevue or any town either north or south of the Platte; and the people generally were divided into those favoring some place north of the Platte and those who looked upon the south Platte as being entitled to it; and thus arose the issue which it is said exists to some extent to-day. Just why Cuming favored Omaha will never be definitely known, although it is doubtless true that his Council Bluffs environment had much to do with his decision. It is certainly true that his Iowa friends were interested in Omaha as in no other proposed location, and it is charitable at least to assume that environment and friendship alone guided him to his conclusion. Whatever the fact with reference to this, in order that no one might be overlooked and all might be at home, the Governor by proclamation announced that the enumeration of the inhabitants of Nebraska would begin October

24th, and that he had divided the territory into six districts, three lying north and three south of the Platte river. This apportionment made Richardson county the first district, Pierce and Forney the second, Cass the third, Douglas the fourth, Dodge the fifth and Washington and Burt the sixth. According to the census returns the North Platte country had a population of 914, while the South Platte had 1,818, but when the time came for the legislative apportionment the Governor gave the North Platte country twenty-one members of the Council and House, and the South Platte country eighteen, although these same census returns showed 516 voters south of the Platte and 413 north of that river. Cuming claimed in explanation that the South Platte census had been padded and he rejected some of the returns and made figures of his own from what he declared were reliable sources. It is interesting to note that 13 slaves were enumerated in this census, all found south of the Platte. There is no doubt that this first census was very largely padded and it is a notorious fact that at least two and perhaps more of the enumerators then and ever after lived in Iowa.

Thereafter the Governor called an election to choose a delegate to Congress and members of a legislature which was to convene at Omaha, January 16, 1855. Of the four candidates for delegate but one really resided in Nebraska. Of the other three one was from Missouri, one from Ohio and the other from Iowa. The Missourian, Mr. Giddings, was elected, although our Iowa man, Johnson, was second in the race. Of the members of the legislature it can hardly be said that any of them were permanent residents of the territory. Some of them afterward became such residents but doubtless a majority never did. The greater number of the members were from Iowa. I need only mention Sharp, Nuckolls, Kempton, Bennett, Dr. Clark and Thompson from Mills county, Mitchell, Winchester, Purple and others from Pottawattamie county, Bradford, Cowles and others from Fremont county. Purple was ostensibly elected from Burt county, but in fact he was elected by nine residents of Council Bluffs who went across the river on a hunt for that county in order that they might

cast their votes on proper territory. They never in fact got into Burt county, but this had no effect upon the election returns. Sharp of Glenwood was elected president of the Council and he was true to name. According to tradition nearly all the settlers of Mills, Fremont and Pottawattamie counties voted at these elections, for it was manifest that the question of the location of the territorial capital was to be a live one at the first session. An old Iowan tells me that everybody in Iowa voted at this time; that he did, because he had a right to, as he was over at Nebraska City on business, election day. Nuckolls from Mills county was not only a non-resident but also a minor, and ineligible. Many seats were contested during the first session of the legislature, but none were pressed for the obvious reason that none dared throw stones. Chief interest centered in the location of the capital and a great deal of finesse is shown in the proceedings. Our Iowa man Sharp was an object of suspicion by both the North and South Platte people although he was elected for the South Platte country. The most acrimonious debates were held and all sorts of charges were made. It was said that some of our Iowa representatives not only received money but town lots, but as no title deeds have been displayed I am charitable enough to believe that these good Iowa men were simply looking after interests which they already owned. It is enough here to say that but for Acting Governor Cuming and his Iowa lieutenants the territorial capital would never have been located at Omaha. Had it been located at Bellevue, Plattsmouth or Nebraska City, doubtless the Union Pacific Railroad would have crossed at the place selected and Omaha would have been the Bellevue of to-day.

Coming to the actual work of legislation, these Iowa patriots, lawyers and lawmakers naturally wished the enactment of laws with which they were familiar, and so they adopted in toto the Iowa Civil Code of 1851, and also the chapters of the Code relating to Crimes and Criminal Procedure. We shall presently see how Iowa men were in part at least responsible for the repeal of these latter chapters. This Iowa Code, let me say parenthetically, was one of the best arranged, most sys-

tematic and thoroughly considered body of laws ever enacted by any state. It was largely the handiwork of the then Chief Justice of Iowa, Charles Mason, one of the most learned and scholarly men who ever graced a seat upon any bench. It was one of the early models, following closely upon the one adopted in New York, and has hardly been excelled. The first territorial legislature also passed a prohibitory liquor law by nearly an unanimous vote,—doubtless the result of the presence of the Iowans,—although Nuckolls voted against it. Many people were present to secure special favors in the form of corporate charters and among them were men from Iowa. Two companies were incorporated for the manufacture of salt, one for Salt Springs near Salt Creek; and both seem to have shortly ascended that creek. Several universities were created but none survived that fateful year of 1873. I do not know whether their demise was due to the "Crime" of that year but it is true that the Nebraska University at Fontenelle surrendered its life at that time.

I have already spoken of Enos Lowe the Iowa man who was one of the organizers of the Council Bluffs and Nebraska Ferry Company. He with other Iowa men, Bayliss, J. A. Jackson, Jesse Williams, a member of the firm of Henn, Williams & Co., of Council Bluffs, and Col. Curtis of Keokuk, secured a charter for that company and nearly all the Iowa legislators secured charters for themselves or their relatives. Having passed the prohibitory liquor law, much interest arose in navigation and twenty-two ferries across the Missouri river were chartered. Dr. Clark of Dodge and Nuckolls of Cass were each interested in three different companies.

Although no banks by name were chartered by the first territorial assembly, yet what was known as the Western Exchange Fire and Marine Insurance Company was created, with articles which liberally construed were broad enough to authorize the issuance of bank notes or their equivalent. This charter was secured by Iowa men living at Cedar Rapids,—by name Greene and Weare; by Thos. H. Benton, Jr., of Council Bluffs, at one time State Superintendent of Public Instruction, and by Henn, Williams & Co. of the same place. Ben-

ton was president and the other officers were Nebraska men who afterwards became prominent in political and financial affairs. This institution, like others of its kind, failed in a few years with practically no assets. Whilst the number of Iowa men in the second assembly was diminished, favors were still passed to Iowa people and at least five bank charters were granted as follows: To the Bank of Florence, the Bank of Nebraska at Omaha, the Nemaha Valley Bank at Brownville, the Platte Valley Bank at Nebraska City and the Fontenelle Bank at Bellevue. But one of these was composed of Nebraska men. The Iowa men in the Bank of Florence were largely from Davenport and Iowa City, including the firm of Cook & Sargent, located at the former place. The Bank of Nebraska was composed largely of Des Moines men including B. F. Allen, Hoyt Sherman and others, and the Fontenelle Bank of men from Mills and Pottawattamie counties. The Nemaha Bank was composed largely of citizens of Council Bluffs. In justice to Dr. Miller of Omaha, your honored President, it should be said to his credit that at this first session he vigorously opposed these "wild cat" institutions. At the third session two more banks were chartered, the Bank of Tekama and the Bank of De Soto, but neither of these was organized or controlled by Iowa men. With the panic of 1857 if not before, all these went to the wall and but one or two ever paid out. One of them had assets amounting to \$8.29; another had a safe, a table, a stove and a letter-press; and still another 13 sacks of flour, one large safe, one counter, one desk, one stove, drum and pipe, three arm chairs, and one map of Douglas county, which brought all told \$63.00 at sheriff's sale. Unfortunately these were all Iowa banks. The territorial legislature of 1857 repealed the Iowa Code on Crimes and Criminal Procedure at the instance of a former Iowa man and enacted nothing in its place,—this was also against the vote of your distinguished President, Doctor Miller. As a result, the then territory had neither a crimes act nor any procedure for the punishment of offenses. Some say that this was for the benefit of the fraudulent bankers while others assert that it was for the benefit of a client of a bril-

liant former Iowa member of the legislature, who was charged with murder and who was being defended not only by this member but by another former distinguished Iowan who had at one time occupied a place upon the supreme bench of our State and who was called upon to assist in the defense of one Hargus. Whatever the truth in this regard Hargus escaped by reason of the repeal of the Code of Criminal Procedure. For two years the territory suffered from lack of any sort of criminal jurisprudence.

But for the part of some Iowa men in connection with an underground railway affair, it would seem beside my purpose to refer to that old sore which so long troubled the body politic,—Slavery. It seems that Camp Creek, Nebraska City, Percival and Tabor, Iowa, were stations on an "underground" railway from Kansas to Canada. We have observed that according to the first census there were thirteen slaves in Nebraska. According to the report of a legislative committee there were at one time six and one-half slaves,—the one-half being a small negro boy "in excellent and humane keeping." Well, at any rate, some Iowa conductors were undoubtedly instrumental in running off two of these Nebraska slaves. Their owner came over to Tabor in search of "his property" and without warrant went through the homes of some of our good people. During the course of his search he struck an Iowa man by the name of Williams over the head, inflicting very severe injuries, and as a result was sued in Iowa and compelled to pay a judgment for damages and costs amounting to something like \$10,000.00. The Nebraska slave owner then sued some well-known Iowa people in the territorial courts of Nebraska for carrying away his slaves, and the territorial judge held there was civil liability for so doing. What finally became of the case I have never been able to discover. The people around Tabor believe to this day, however, that as a sequel to all this trouble Williams lost his barn by fire. One thing may be safely affirmed in this connection and this is that by reason of the proximity of true and loyal Iowa,—the only free child of the Missouri Compromise,—Nebraska from the beginning was destined to be

a free State. Missouri with her border ruffians made blood to flow freely in Kansas, but she never ventured north of the 40th degree of latitude.

When Nebraska was legally opened for settlement large numbers of Iowa men went over into the territory, not for political purposes but to make homes, and as they drifted into subsequent legislatures they made their impress upon both the country and the State. These early Iowans who took charge of Nebraska's affairs were neither better nor worse than their confreres. They were all pioneers, in a new territory, most of them looking out for the main chance, and many of them mere adventurers. Among them, however, were men of refinement and culture who remained in the territory to become honored and respected citizens. The personnel of the territorial assemblies gradually improved in ability and character and notwithstanding the dreadful war which came about largely as a result of the organization of the territory, it would have been admitted into the Union long before but for the political situation which developed under President Johnson. Even then the State was admitted into the Union over the veto of the President on March 1, 1867. It had a territorial existence of nearly thirteen years, and as said by another "it was conceived in storm and born of strife and died a violent death."

It would be unfair and most unjust not to mention in this connection some other Iowa men whose influence upon Nebraska during its formative period was most potent and just. Ex-Governor and ex-Senator Alvin Saunders, an Iowa man of great strength of character, filled the office of territorial governor for at least two terms, and John W. Chapman, and that staunch old pioneer Bruno Tzschuck, should also be remembered. And then there were Augustus Hall, Samuel H. Elbert, A. J. Hanscomb, Daniel H. Wheeler, Barnabas Bates, S. F. Burtch, J. M. Latham, A. J. Poppleton (who was married in Council Bluffs), and Jacob Dawson,—Lincoln's first postmaster. Indeed I hesitate to name the Iowa men who were prominent in Nebraska affairs during its formative period for fear that I shall overlook some whose names are

entitled to recognition. I must, however, before closing refer more at length to three men who had more perhaps to do with Nebraska's growth and present position than any other three who may be named. They are Gen. Grenville M. Dodge, Gen. S. R. Curtis, and Senator Alvin Saunders.

As early as 1825 the commanding officer at Council Bluffs, Gen. Leavenworth, made an elaborate report urging the building of a Pacific railway as a military measure, and General Fremont who explored the mountain pass at the head waters of the Platte said that some day it would be the route of a railway spanning the continent from ocean to ocean. In February of the year 1832 a newspaper known as the *Emigrant* published at Ann Arbor, Michigan, advocated a steam railway to the Pacific but it remained for an Iowan, one John Plumbe, to call the first public meeting looking to that end, which was held at Dubuque, Iowa, in 1836. In 1839, Gen. Curtis, the Iowan hitherto mentioned, drew up a petition which was presented to Congress by Mr. Adams with commendations. Asa Whitney of New York made the first definite proposition for building the Pacific Railway and his first memorial to Congress upon the subject was presented in 1845. In a third memorial presented in 1848, he proposed building a line from Lake Michigan to the Pacific on condition that Congress would sell him a strip of land sixty miles wide along his line for 16 cents per acre. In 1850 the committee of Congress approved the plan and recommended it for adoption and bills were introduced that year for carrying out the enterprise, but none of them came to a vote.

Notwithstanding intense sectional differences the sentiment for such a railway continued to grow and the astute Senator Douglas proposed the land grant system in aid of railways. The then Governor of Iowa, James W. Grimes, a distinguished Iowa statesman, as early as 1854 was a strong advocate of the new road, and equally anxious to have roads built across the State of Iowa forming the connecting link between the roads already built to the Mississippi river and the Pacific Railway on our western border. The first appropriation for a survey was made in 1855 and from that date until 1862 when the bill

passed, there was continuous agitation both in Congress and out for the building of the road for political, commercial and military reasons. The Iowa men in Congress were very solicitous about the matter and worked in season and out for the adoption of such a measure. To avoid the sectional differences which arose and which undoubtedly delayed the passage of the bill, Douglas originated the notion that the builders should determine the route between the termini. Douglas was impatient with those who opposed the bill because it was destructive of State Rights, but it is well known that sectionalism and localism prevented the final construction of the road before the War of the Rebellion. Until the Southern States seceded there was a contest over the location of the road between those who favored the Platte river and those who favored the Arkansas or Kaw. In this contest the Iowa members of Congress played an important and conspicuous part. Preliminary to this, the Iowa members secured grants of land for the construction of roads in Iowa which would form the connecting links between the east and the west. These were secured, of course, by Iowa men. By the original act of 1862 the company was required to construct a line from a point on the western boundary of Iowa. This law provided for the appointment of 153 commissioners and among those selected for Nebraska was Gov. Alvin Saunders, who theretofore had been appointed Governor of the territory by President Lincoln. Senator Harlan of Iowa was very active in the passage of the measure and in the selection of the commissioners.

A little incident showing the influence of Iowa men in fixing the terminal on the east bank of the Missouri river is interesting. It seems that Abraham Lincoln unexpectedly visited Council Bluffs, Iowa, in 1858 or 1859, the exact date being in dispute. He was met at the old Pacific House by N. S. Bates and W. H. M. Pusey, of Council Bluffs, old neighbors in Illinois, and in company with Gen. Dodge and others they went to what is now the cemetery at the termination of Oakland Avenue in Council Bluffs and Mr. Lincoln was there shown the projected route of the Pacific Railway west of Omaha. The advantages of this route were pointed out and

when after being elected President he came to fix the terminal at Council Bluffs he stated that he had no difficulty in fixing it on the section of land which these Iowa men showed him on his visit to Council Bluffs.

Another incident out of connection with the line of thought of this paper but sufficient to justify a reference: While in Council Bluffs, Mr. Lincoln had a land warrant which was issued to him for 160 acres of land as Captain in the Black Hawk War. He had expected to enter this while on his western trip. Evidently he forgot it, for in after years he gave the warrant to his boys "Bob" and "Tad," and they located the warrant upon some land in Crawford county, Iowa.

Peter A. Dey, an honored resident of Iowa, had charge of the surveys, location, and as far as it progressed, of the construction of the road from 1863 to 1865. It should be remembered in this connection that the Mississippi and Missouri River Railway, now known as the Rock Island, was constructed to the Mississippi river and put in operation in the year 1855, and that four railways were soon being surveyed across the State, having in view, no doubt, a connection with the Pacific Railway when it should be constructed. Bellevue and Omaha were again the chief competitors for the Pacific Railway and were, of course, interested in the terminals of the roads coming through Iowa.

Two Iowa men made the survey for the Mississippi and Missouri Railway, Peter A. Dey and Gen. G. M. Dodge. Gen. Dodge states that the promoters favored what was known as the Pigeon Creek route, but that his survey showed the Mosquito Creek route which took the road to Council Bluffs, to be the most feasible one and on that account it was adopted. This in effect destroyed the hopes both of Bellevue and Florence and finally presaged Omaha's future. Bellevue's last hope went glimmering in 1867 when the Union Pacific bridge was located at Omaha and so it is that we have the Bellevue of to-day and not the metropolitan city pictured by her early enthusiasts.

Gen. Dodge made his first survey for the Rock Island in 1853, and in 1866 he was commissioned to examine from the

mouth of the Platte to Florence to determine the best place for a bridge. After looking over the ground he recommended what was then the M. and M. location, which is the present one, as the best from a commercial and engineering point of view.

Gen. Curtis of Iowa was one of the first commissioners of the Union Pacific Railway and he was also largely interested in railway construction in southeastern Iowa. He was a colonel in the Mexican War and Chief Engineer on the Des Moines River Improvement Commission. He moved to Keokuk, Iowa, shortly after his discharge from the Mexican War and was elected to the 35th, 36th and 37th Congresses. While there he was chairman of the Committee on the Pacific Railway and it is said introduced the bill which fixed the Central, or the Platte river route which was finally adopted. While out canvassing politically in 1859 there was an Indian outbreak in Nebraska and he volunteered as an aide to General Thayer of Nebraska and served with him in that campaign. Afterward he enlisted in the War of the Rebellion and earned his star as a general. After the war he was appointed one of the Government Directors of the Union Pacific Railroad and died at Council Bluffs in 1866 while serving in that capacity.

Gov. Saunders although born in the south came west when nineteen years of age and settled at Mt. Pleasant, Iowa. There he became acquainted, perhaps through Senator Harlan, with President Lincoln, and shortly after the inauguration he was appointed governor of the territory of Nebraska. His reappointment was undoubtedly the last official act of our martyred President. Saunders was the war governor of Nebraska and well did he fill the onerous duties of that position. His efforts on behalf of the Union Pacific Railway were of supreme importance to both Iowa and Nebraska and as a Senator of the United States he secured a correction of the northern Nebraska line so as to add 600,000 acres to its already extensive domain. Governor Saunders was one of the founders of the Republican party and was always a leading spirit in Nebraska's material and financial affairs.

Gen. Grenville M. Dodge first saw Nebraska while out surveying the Rock Island line of railway. Looking upon its soil he evidently thought it good, for he induced his father with his family to come west in the year 1855 and to stake out a claim on the east bank of the Elkhorn some twenty-five miles northwest of Omaha. There was only one other family in the settlement at that time. These people were soon driven into Omaha by the Indians. Both Gen. Dodge and his brother, N. P. soon took up their residence in Council Bluffs where they have since resided. Gen. Dodge enlisted in the Union Army from Council Bluffs and for unexampled bravery received rapid promotions, finally reaching the highest rank of any man from Iowa. He continued with the Army for some time after the close of the war and was assigned to a department which included all the territory between the Missouri river and California, and he was in charge of the Indian campaign of 1865 and 1866. Gen. Dodge resigned his commission in the regular army in May, 1866, and was almost immediately appointed Chief Engineer of the Union Pacific Railway. He returned to his home at Council Bluffs and in July of the same year was nominated for Congress. In due course he was elected and served one term. His knowledge of the Pacific Railway was such as to be invaluable to the committee having that matter in charge. He refused renomination to Congress, preferring civil to political life.

Gen. Dodge is a unique and interesting figure in the history not only of Iowa and Nebraska but of the nation. He is the most distinguished veteran of the Civil War now living; is President of the Society of the Army of the Tennessee, and actively engaged in business pursuits. Courageous as a soldier, able and far-seeing as a statesman and distinguished as an engineer,—he may also be truthfully called an empire builder; for the building of the Union Pacific Railway was probably one of the most pregnant events in our history. It joined the east to the west and made us an homogeneous whole. These Iowa men were the chief factors in this event.

This then is in part a history of the part Iowa men had in the organization of Nebraska. From that day to this they

have been potent in all her affairs. In civil, in social, in mercantile, in political and professional life, their influence has been and is now very great, but because of differences in geographical, topographical, sociological and demographical conditions, men of Iowa differ from those of Nebraska. This is true as to all the states and is the chief reason for the maintenance of our separate social and political divisions and subdivisions. Were this not so we might view with entire complacency the rising tendency toward centralization of power in the federal government. I believe in city pride and in state pride. I believe in home rule. I believe in the preservation of state rights. I believe in maintaining those provincialisms, if such they may be called, which inhere in every community and in every state. Each of these subdivisions has its own problems, its own moral tone, its own ideals, and as a man loves his city and state just to that extent does he value his nation. "The grandeur of the forest tree comes not from casting in a formal mould, but from its own divine vitality." State rights and state freedom must be preserved as well as our national union. I do not, of course, minimize the importance of the national spirit, nor would I in any way discredit the federal system—these are strong because of our love for local institutions with their differences and dissimilarities.

The Nebraskan is perhaps more apprehensive, more mercurial, than the Iowan and he is not perhaps so conservative. Nature has been more or less uncertain in her moods and more fickle in her habits in Nebraska than in Iowa, and this has been reflected in legislation, municipal and state. Men have been more ready to try experiments on the west side of the river than on the other. But the underlying moral qualities and the fundamental ideals of justice have always been the same. It is because of this and of this attachment to local matters that men love their country,—have been willing to fight for and if need be die for it. Whenever I see a state or nation storm-swept with passion or in the throes of an incipient revolution, I think of Wordsworth's "Happy Warrior" who "Through the heat of conflict keeps the law in calmness made, and sees what he foresaw."

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