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Photographs / Images: Cass County Court House today, the first Cass County Court House



THE CASS COUNTY COURT HOUSE

That Cass County Court House—An Informal History

By N. C. Abbott

THE visitor being shown through the Cass County court house at Plattsmouth is undoubtedly intrigued by a unique style of architecture. The driver of a horseless carriage on U.S. 75, three blocks away, if he is on the hour, may remark upon the beautiful and sonorous chime rendered by the great clock in the tower. Such clocks are not common in the West as they are in the eastern sections of the country. And this one at Plattsmouth is particularly worthy of comment. But few people, strangers or home folks, are aware of the exciting history connected in several spots with this temple of justice. Though this narration of that history is highly informal, there are uncontestable sources in support.

Cass County was created March 7, 1855 by act of the territorial legislature meeting at Omaha. The name "Cass" was there bestowed and boundaries defined. And these words, to quote exactly, were used: "And the county seat of said county is hereby located at Plattsmouth."¹

Thus things got going. The county grew in population and wealth. A court house was built and order established in the American way. In it trials were held, marriage licenses issued, divorces granted, taxes paid—in fact all of the business which we conceive as going forward in such a building was carried on. In this old court house, as we perhaps should call it to distinguish it from the modern successor, was all the machinery which the Anglo-Saxon has been accustomed to set up for law and order.

¹*Laws of Nebraska*, 1855, p. 336.

Despite seeming prosperity, funds for public buildings were hard to come by in territorial Nebraska, and this first Cass County court house was a tiny structure, only forty feet long and twenty feet wide, with basement, first and second floors. Even so, it provided more than enough room for the routine of public functions, and the second floor was used for lodge sessions, church services, receptions, parties, teas and meetings of discussion clubs—for all sorts of assemblies, in fact, including political rallies. Indeed, the second floor might not have been finished for some time had not the Masonic lodge desired to use it.

The Masons entered into an oral agreement with the county fathers on October 5, 1863. Later (March 7, 1864) reduced to writing, the agreement granted the lodge use of the upper floor and such part of the basement as was necessary for keeping its wood safe and dry for three years, from January 1, 1864 at \$80.00 per annum, or \$6.67 per month.² In lieu of cash rental the trustees agreed to do the plastering, put in all necessary partitions, doors, platforms and other equipment as might be required, the cost of same to be deducted from the rental fee.

The commissioners also reserved the use and control of said room twice a year for holding of district court such length of time as the court might be in session. The statutes then provided that the terms should be in April and October of each year. The lodge reserved the right to sublease the room.

The lodge immediately proceeded to carry out its part of the contract so that the hall might properly be fit for its dual purpose: lodge room for eleven months, court room about one month. Later the court needed the upper floor a greater part of the time, so the lodge moved to other quarters approximately a year before Nebraska became a state. The furniture and partitions, the railing, gate and doors had been constructed largely by the lodge

²William Evers, "History of the Masonic Lodge of Plattsmouth," MS in possession of author.

members themselves. It was their plastering and their inside work. All was done with much merriment like unto a family decorating a Christmas tree.

And the fraternal organization, it should be added, was most gracious in rental to other groups at such times as the order did not need the accomodations for itself.

The second story of the court house thus became in fact the social center of Plattsmouth, just as similar primitive structures served in many other Nebraska territorial communities.

All went along well for two or more decades until some of the folk living out in the country began to feel the court house was too far away. It should be nearer the center of the county. It took some citizens a day to drive into the county seat, and another day to get back home again. The round trip, so they said, should be negotiated from any spot within the borders in one day. And so began the great fight for county seat removal. Weeping Water intended to show its superiority in every way. And all of the uitlanders were urged to take part.

That was a glorious fight, back in 1888-9, when the issue was joined. Charge and counter-charge! Crimination and recrimination! Though each side threw dust in the air and talked of justice and injustice, it is probable that most of the inhabitants of Cass County, just as is common in the world at large, were thinking of themselves. And of their own interests. Each side charged afterward that fraudulent voting had been done by their opponents. And each probably told the truth.

After the ballots had been counted and Plattsmouth declared winner by court decision and again by Supreme Court affirmation, the victors in the fray moved for the erection of a new court house to take the place of the one outmoded.

And the beautiful building now in use by the people of Cass County was the outcome. But it wasn't built in a day or in sweet brotherly love. More than once did issues inhering as to the building of a new temple of justice arise and the Nebraska Supreme Court asked to interpret the

law and the evidence. To Plattsmouth was now awarded the county seat but not without a struggle would the opponents permit funds for the new structure.

Without going into a long narrative of the acrimonious contests that stirred people generally in Cass County and which got into district and supreme courts and ran the gauntlet of two elections, I shall take up only the principal features.

The Plattsmouth Weekly Herald, in its issue of December 10, 1891, gives a minute description of the building as it was nearing completion. The reporter undoubtedly had blue prints before him and was accompanied on his trip through the edifice by Commissioner Todd. He probably talked with the architect, with the contractor, and with the other commissioners also. Such advantage as he then possessed for his article I do not now have.

The cost appears to have been \$80,000 and the dimensions are 80½ feet east and west, 102 feet north and south, the main square of the building 49 feet high and the height of the main building to the top of the tower, near the top of which is the clock of four faces, 135½ feet.

The materials used are entered by this author:

The first, or basement, story is constructed of Bayfield brown stone, received directly from Bayfield, Wis. This stone is of the most durable quality obtainable. The second and third stories are finished with Kansas City pressed brick, embellished with artistic stone trimmings. All the cornice, flashings, valley and downspouts are constructed of 16-ounce roll copper.

The author of the *Herald* article also speaks of the American plate glass used in the structure. He adds a chauvinistic compliment, which may appear now slightly exaggerated, "There is little doubt that it excells the imported glass, in every particular."

This very fine and at that time modern structure was placed just west of where the little one had stood and a whole half-block (which we now realize was entirely too small) was reserved for it. The citizens were awed by what had been produced. Dan H. Wheeler, a well known

Nebraskan, who had moved from Plattsmouth to Omaha, took much satisfaction in remarking that this beautiful temple of justice stood on the spot originally occupied by his modest home.

Although the job was practically completed in the month of December, 1891, it was six months later before the exercises of dedication were held, Monday, May 23, 1892.

Before entering upon a description of that momentous day, however, I wish to call attention to the fact that, though I find it nowhere mentioned in the addresses of the speakers or in items of the press, Cass County was giving to Nebraska and to the West its best example of what is known as Romanesque architecture as modified in the American way by Henry Hobson Richardson, the finest model of which (the one that started a short-lived flair for the style) may be seen in Trinity Episcopal Church, Boston.

The ornate ecclesiastical structure at Copley Square, Boston was the culmination of the aspirations of a very original designer, influenced and assisted by Bishop Phillips Brooks, Robert Treat Paine and other leaders in church and civic life. In this great temple symbolism is carried out to an extreme degree, yet the simplest beholder is charmed by its grace and beauty. It had a large influence on the architecture of the United States for at least a quarter-century, not in the symbolism of the interior but in the massive and protective walls of the main structure and in the tower, or towers.

To revert now to the narration of a day among the pioneers. In this new and beautiful temple of justice the Bar of Cass County, co-operating with the county commissioners, laid out a full day of exercises to render the dedication complete in every respect. Too full was the dedication in fact. It was to begin early in the forenoon and last through a program in the evening. And it did that very thing. The result was hundreds of very tired people before midnight. People with frayed spirits and swollen feet. Each pioneer wanted to talk. Each wanted to tell

his particular story fully to the assembled multitude. And, as nearly always happens, nearly everybody was disappointed.

But there were some high spots which deserve comment and interpretation.

In the morning at eleven, Judge Samuel Chapman, presiding, called upon the United States marshal, Bradner Slaughter, to open the session. Judge Allen W. Field was at Chapman's right and everyone stood while Slaughter called loudly the classic exordium:

Oh, Yees, Oh, Yees, Oh, Yees! All manner of persons having business before the honorable district court, sitting in and for Cass County, within the State of Nebraska, let them come forward and they shall this day be heard. God save the commonwealth and this honorable court!³

People were fresh and expectant so that Judge Field had an excellent opportunity to give them an address worthy of the occasion. From this are a few excerpts:

The county court house is above all other structures the people's building. In it events will transpire that will affect the welfare of every citizen; about it memories of happenings will cluster—some happy and pleasing, others sad and mournful. Here every tax-payer will come and deposit his portion to support and maintain his government. Here the owners of the soil will come to record and perpetuate their titles. Here the county fathers will assemble and legislate upon those things that most directly affect their constituents—upon the public highways and bridges—to provide for the poor and insane, levy the taxes and perform those many and important duties that make the board of county commissioners the most important legislative body of the commonwealth.

After so much on the business or thing-side of court house activities the speaker touched eloquently a high plane of social and family appreciation. For he went on:

Here will come the widow in her sorrow to hear published the last will and testament of him upon whom she had looked for care and support, and in sadness to assume the burdens of widowhood. Here will come the orphans for the guardianship

³This and subsequent quotations from *The Plattsmouth Daily Journal*, May 23, 1892.



THE FIRST CASS COUNTY COURT HOUSE

and protection the law affords to the fatherless. Here the bashful swain and blushing sweetheart will come for legal permission to join in wedded bliss—weal or woe—until death shall part. Here again will come the deserted husband, the neglected wife, telling their tales of woe, of promises unkept, of sacred vows most sadly broken.

From these two aspects of the building he turned to the room in which these very exercises were being held, saying:

In this court room great trials will be had, involving the highest and dearest rights of property, involving the lives and liberties of many people. Trembling in the scales of justice to be administered will hang the fate of who can tell, how many poor mortals. These walls will reverberate with the masterly eloquence of the Cass County Bar of today, and of generations to come, pleading for equal justice to all—to the poor, the weak and the oppressed, equally with the rich, the strong and the powerful.

A feature of the morning program which lightened the rather serious discussions and narratives was the address of Major J. W. Pearman of Omaha, known as the early humorist of Nebraska. For many years he had put on sessions of the squatter legislature at Lincoln, which lampooned unmercifully the genuine sessions, the elected solons and their methods of doing business.

For this Plattsmouth talk Pearman turned his guns of raillery on the two district judges, Field and Chapman, who were rivals for the republican nomination for congress to make the race against the young William Jennings Bryan, in the new gerrymandered First Nebraska District. Said Major Pearman:

I have been suffering from an acute attack of the *blues*. I have been trying to get a pension and am somewhat discouraged at the outlook. I wrote to our Congressman Bryan and told him of my troubles and he advised me to try a visit to this town to-day as a remedy. He also asked me to perform a service for him. It was to observe closely Judges Chapman and Field and to make a mental photograph of their behavior on this occasion, and to carefully note how the people seemed to regard their shy glances toward the seat in the national capital that Bryan himself is now warming.

The afternoon program had three speakers of distinction. J. A. Murphy, a pioneer editor; T. M. Marquette,

one of the most distinguished of Nebraska's lawyers; and George W. Covell. Evidently these were extemporaneous with no record made at the time.

Also set down for afternoon delivery was to be an address by J. Sterling Morton of Nebraska City who was scheduled to make the presentation of a Lewis Cass portrait. On account of delay by the Missouri Pacific passenger train Morton was so late that he was called on by Judge Chapman just before the beginning of the evening's prepared program. The picture presented at this time still hangs in the District Court Room.

But as far as I am able to find out, though Morton in his bestowal address gave details of how the picture was obtained by him, no one was thoughtful enough at the time to write down this interesting piece of information. Though the painter evidently lived at Detroit I am unable to learn even his given name. In his *Journal*, under the calendar date which we know was correct, Mr. Morton notes that he asked this transaction be entered on the records of both district and county courts. But this appears to have been utterly neglected. There is no record of any sort in the minutes of either court. Careful research among the Morton papers, now housed at Love Memorial Library, University of Nebraska, has failed to unearth these facts.

We can only surmise, from rather scanty hints, what were the real facts. It seems not unlikely, though, that the picture was given young Morton by the outstanding Michigan statesman as a memento of friendship. Morton's grandfather had been associated with General Cass in land deals and in enticing immigrants to the beautiful Michigan peninsula. His father and uncle likewise had worked with the General in building the settlement of Monroe. Morton owed his appointment as Secretary of Nebraska Territory principally to the friendship of Lewis Cass—although he was not the General's first choice. N. E. Welch, another of his Michigan proteges, was first choice, it might be stated.

Now reverting particularly to the presentation of the portrait more than thirty years later. It appears from

various remarks made and various hints from time to time given (probably to Cass himself) that Morton, with the fine sense of public spirit animating the family had intended for many years to present the portrait to Cass County whenever that unit could provide a suitable home for it.

This address and presentation proved the climax of the celebration. And the concluding program, though enriched with excellent music and replete with worthy and historical talks, failed to get across. It is unfortunate that Morton's comments could not have been saved. As a whole they would give significant enlightenment to the student digging into the evolution of our social life and the accomplishment of the pioneer.

There is one other story in connection with the Cass County court house that deserves telling.

During the year 1891 the commissioners purchased a clock from the Seth Thomas Clock Company, now at Thomastown, Connecticut, and it was to be installed in the tower of the court house, then in process of construction. Since Plattsmouth as a community would profit by this great time piece, the city agreed to stand one-half the expense and this complete outlay was expected to reach approximately \$1,000.00. The negotiator for the sale was one Charles W. Wickersham, who resided in Plattsmouth and conducted a jewelry business. This store was not, however, in the name of Charles but business was transacted under the name of the S. L. Wickersham Jewelry Company. Only the initials were used in the firm name and never her complete name *Susan*. It was never suspected by anyone that the woman was the whole company. It was taken for granted that Charles constituted said firm. It also appeared later that the clock company had no knowledge that they were dealing with a woman; no knowledge of the manner in which the business was conducted. This S. L. Wickersham proved to be the wife of Charles.

The county bought the clock from the New England company through the S. L. Wickersham Jewelry Company. Contract was executed in that name, Charles attending

to the details and signing for the S. L. Wickersham Jewelry Company. The price agreed upon was \$981.

Soon thereafter, the clock company sent out an expert and this specialist assisted Charles, or possibly we should say directed the work of installation. At any rate the two cooperated fully on the job. No attention whatever was paid to the actual ownership of the local store and Charles was undoubtedly the active local manager. Why the business was not in the husband's name we can only conjecture.

Soon after the clock had been installed and was found to operate properly, a claim was filed with the county clerk for the price agreed upon by county and clock company. It was allowed by the commissioners in favor of the Seth Thomas Clock Company; and, after the statutory period, ten days or more, a warrant was issued and delivered to Charles W. Wickersham. Charles immediately cashed the warrant, converted the amount to his own use and vanished into thin air, as dew before a July sun. The witches in *Macbeth* never got away more rapidly, more completely, or more mysteriously than Charles W. Wickersham and his wife, Susan L. Wickersham. And they never came back.

When later the clock company, having awaited the arrival of its warrant till patience was exhausted, demanded payment for its large clock of four faces, the commissioners answered that they had already made payment to the manufacturers through the agent of the Company, by "delivering to S. L. Wickersham, the agent of the relator, a warrant, No. 132 for the payment." Frank Dixon, the clerk, however, admitted he had heard the recipient of the warrant called "Charles" but never by the name of "S. L. Wickersham."

When trial was held before the District Court, Judge Chapman presiding, the claim of the Seth Thomas company was denied, on the representation that its agent had received payment. This decision was appealed to the Nebraska Supreme Court. This higher tribunal held that the clock had not been paid for. It allowed the Seth Thomas Clock Company the amount stipulated in the contract and

ordered a warrant for the amount of its claim to be issued with legal interest thereon. The judgment of the district court by Judge Chapman was thus reversed.

This decision of the Supreme Court was written by Judge J. J. Sullivan, one of the most learned jurists to serve in such capacity. A. W. Agee and Byron Clark appeared for the Plaintiff in error; C. S. Polk and H. D. Travis contra.⁴

The opinion of the Supreme Court, written by Judge Sullivan in 1898, did not, however, settle the litigation, as the case again was carried before the highest tribunal, two and a half years later on a rehearing. After this second trial Silas A. Holcomb wrote the decision. The attorneys for the plaintiff in error were again Agee and Clark, now joined by C. A. Rawls. The other side had changed attorneys, with Matthew Gering and Samuel M. Chapman appearing for the Commissioners.⁵ The last named was none other than the man who, as District Judge, had heard the case originally.

In this second appealed hearing, the county abandoned its contention that the claim had been paid to the clock company and took a new position; no claim had ever been presented, none had ever been filed, and the claim presented had not been properly verified. These propositions not only contradicted the allegations in the first trial but also contradicted each other. (It appears that the attorneys for the county were endeavoring to save payment of accumulated interest, a practical admission that they were in the wrong to begin with.)

Brushing aside the many contentions of minor importance, undoubtedly intended as a dust screen to the real issue (whether a just claim had been settled by handing a warrant to Charles W. Wickersham as a genuine agent of the Company) the new contention was lost and the decision of the district court remained reversed. The language of the Court now was: "The cause was remanded

⁴*Clock Company v. Commissioners*, 60 Nebraska 566.

⁵*Idem*.

with directions to award a peremptory writ of mandamus, as prayed for by the relator."

Not even then was the claim settled. On November 21, 1900, the judgment of the Supreme Court was modified so that no interest was allowed and the warrant was to be drawn for the original contract price.

Still the claim dragged on until, after approximately a decade of delay Warrant Number 570, amount of \$300 in favor of the Seth Thomas Clock Company, was drawn.

Thus ended the litigation.