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## Article Title: Populism and Politics: The Start of George W Norris' Political Career

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Article Summary: Beginning in 1890 Norris campaigned as an isolated Republican surrounded by Populists. He sympathized with Populist demands but felt that the Republican Party offered a better opportunity for reforms.

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## POPULISM AND POLITICS: THE START OF GEORGE W. NORRIS' POLITICAL CAREER

BY RICHARD LOWITT

GEORGE W. Norris entered politics in 1890 as a staunch Republican just as the Populist movement which played havoc with his party was getting underway. And he launched his career in the most disastrous way possible—with a defeat. This was the only defeat he ever met at the polls until his last campaign for public office in 1942. Thus his political life began and ended with rejection at the polls. The intervening half century, however, produced one of the most remarkable and outstanding careers in the entire course of American political history. It is the purpose of this paper to examine the launching of George W. Norris' political career in Nebraska in the 1890's.

On July 29, 1890, at Bohanan's Hall in Lincoln, more than eight hundred delegates and several hundred well-wishers witnessed the founding of a new political party, one that claimed to speak for discontented and economically depressed farmers and workers. This party undermined

*Dr. Richard Lowitt, associate professor of history at Connecticut College, has contributed a timely article on George W. Norris. Dr. Lowitt will be remembered as the author of previous articles on Norris published in this magazine.*

the traditional political structure of the state, and it swept like wild-fire through the short grass country of southwest Nebraska. During the ensuing decade, Populists were elected to every major political office, though at no time were they able to dominate the state without help from legislators of the older political parties. Democratic and Populist leaders, as well as rank and file, were able to work together, and in many instances were able to agree on a single candidate for public office. In 1890 for the first time since Nebraska became a state, the Republican party was defeated at the polls, and numerous measures designed to alleviate discontent through vigorous state action were seriously considered by the legislature.

Many of the farmers, small business and professional men in Nebraska who remained true to the Republican party fully understood most of the inequities their opponents complained of and recognized the validity of some of their remedies. However, they felt with some justification that many Populist leaders bordered on demagoguery in their political conduct and that reform could be better obtained within the framework of the party of Abraham Lincoln. George W. Norris, who soon found himself a lone Republican lawyer surrounded by a mob of Populists, was such an individual.<sup>1</sup> He later wrote of this period, "I could see nothing unnatural about this Populist movement. It represented human misery and poverty. It came into existence as naturally as the seasons."<sup>2</sup> Thus at the time when Populism was sweeping across the Great Plains Norris began his political career.

In 1890 he sought the office of Prosecuting Attorney of Furnas County. His opponent John T. McClure, an outstanding lawyer in Beaver City, who owned the *Beaver City Times* and was a former Democrat now turned Populist, handily defeated Norris on election day. The new party gained control of both houses of the state legislature

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<sup>1</sup> This analysis which is in accord with my findings is also succinctly presented in James C. Olson's *History of Nebraska* (Lincoln, 1955), p. 244.

<sup>2</sup> George W. Norris, *Fighting Liberal* (New York, 1946), p. 61.

and elected two congressmen, one of whom, W. A. McKeighan whose district included Furnas County, also received the Democratic nomination.

Norris campaigned actively and curtailed his other activities to devote as much time as possible to politics. After the campaign was over, he had to meet most of the expenses incurred in the race.<sup>3</sup> The office was too lowly and the county too doubtful for Norris to receive substantial aid from the Nebraska Republican campaign committee. However, his mortgage-loan business,<sup>4</sup> his legal work and his strenuous campaigning helped to make him known personally to almost every voter in Furnas County. Thus Norris became a Republican party leader. In 1891 Furnas County Republicans wanted to nominate him for district judge and rumors to this effect appeared in the press. But Norris supported the incumbent, Judge J. E. Cochran of McCook, who was defeated in the election by a Populist lawyer with whom Norris had had legal contacts, D. T. Welty of Cambridge.<sup>5</sup>

It was Republican politics that brought Norris into contact with W. S. Morlan of McCook, undoubtedly the most powerful party figure in southwestern Nebraska. As general attorney for the Burlington and Missouri he wielded considerable influence, and Norris requested railroad passes from him. Occasionally, Morlan had used his monthly supply of passes and was unable to comply. For a brief period, after the enactment of the famous Newberry bill in 1893

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<sup>3</sup> B. F. Cunningham to G. W. Norris, October 18, 1890; J. L. Lashbrook to G. W. Norris, December 19, 1890; G. W. Norris Papers, Division of Manuscripts, Library of Congress. Unless otherwise noted all manuscript citations are from this collection.

Alfred Lief in his biography, written while Norris was still alive and available for consultation, states that with the large number of desertions to the Populist Party in 1890 there were only two Republican lawyers left in Furnas County, hence his nomination and influence in republican affairs. See Alfred Lief, *Democracy's Norris* (New York, c. 1939), p. 39-40.

<sup>4</sup> For a discussion of this aspect of Norris' early career in Nebraska see article by author in *Nebraska History* (vol. 39, no. 1), March, 1958, entitled "Norris and Nebraska, 1885-1890," pp. 23-39.

<sup>5</sup> J. E. Cochran to G. W. Norris, September 25, 1891; D. T. Welty to G. W. Norris, September 6, 1891; George W. Norris, *Fighting Liberal*, pp. 62-63.

by the state legislature, Morlan was instructed "to give no passes except to employees, or those connected with the railroad business."<sup>6</sup>

The two men worked together on cases and Morlan, when the opportunity arose, sent legal business to Norris. He could be most generous, as when he refused to accept any money on a case where Norris did most of the work. An able lawyer, he was very demanding of his associates and assistants. No Republican candidate could obtain a nomination for office in Red Willow County without his approval, and he enjoyed almost as much power throughout the region.

Morlan was responsible for Norris becoming the local attorney in Beaver City for the Burlington and Missouri. When he first assumed this job is not known, but by 1894 Norris wrote to a potential client, "I am the local attorney for the B&M and of course can not take a case against the Company." In December of the same year, he received his annual pass from the railroad's general solicitor in Lincoln.<sup>7</sup> Norris was in the employ of the railroad while he held the post of prosecuting attorney. But when he went on the bench—a full-time job whereas his previous public office was not—he gave up his job along with his other business connections.

As a rising young Republican politician, Norris took a keen interest in patronage appointments as they affected

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<sup>6</sup> This bill, which reduced freight rates and otherwise regulated railroads, was the result of Populist agitation. It received legislative support from members of all parties and was signed into law by a Republican governor. For a good brief discussion see John D. Hicks, *The Populist Revolt* (Minneapolis, 1931), pp. 283-285; W. S. Morlan to G. W. Norris, September 28, 1891, January 30, 1893, June 21, 1893, July 5, 1893 and December 14, 1893.

<sup>7</sup> W. S. Morlan to G. W. Norris, December 12, 1892 and January 1, 1893; G. W. Norris to George H. Crosby, May 26, 1894 (Letterpress book); J. W. Deweese to G. W. Norris, December 17, 1894. However, as a member of the Beaver City Board of Trade, Norris was prepared on behalf of Commissioners to commence proceedings against the Burlington and Missouri in order to compel the company to put in a crossing on the main line west of Oxford so that wagons and other traffic could cross the tracks on a more direct route to Beaver City. See G. W. Norris to B. V. Haley, July 6, 1894.

his vicinity. He was no doubt pleased when one of Nebraska's United States Senators privately contacted him on such a matter. Whenever he found time, Norris wrote letters on political matters for the *Oxford Standard*. He was also called upon to deliver addresses on the Fourth of July and other appropriate occasions.<sup>8</sup>

The 1892 election when Norris again sought, this time successfully, the office of prosecuting attorney, consumed all his energies. While Harrison and Cleveland vied on a national level (though in Nebraska Cleveland trailed James B. Weaver who was defeated in a very close race by Harrison) and Republicans, Populists and Democrats battled on the state level, Norris was almost exclusively concerned with his race against a Mr. Harper. He was optimistic about his chances, but he campaigned vigorously. Apparently Harper was not well thought of as a lawyer, and Norris asked his supporters to present him as a capable attorney, one who would be competent to look after the business of the county. If his candidacy was presented in this light, Norris believed that despite the overwhelming Populist sentiment in the county he could be elected. He was,<sup>9</sup> although W. A. McKeighan, a fusion candidate, won the congressional seat in southwest Nebraska, and Furnas county gave Weaver almost a two-hundred vote majority over Harrison.<sup>10</sup>

With his election to the county post, Norris' work as lawyer also increased. Since the prosecuting attorney was always in and about the courthouse, lawyers throughout the county and elsewhere sought his services or asked his

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<sup>8</sup> Senator Charles G. Manderson to G. W. Norris, February 26, 1892; J. L. Lashbrook to G. W. Norris, May 15, 1892; C. D. Resler to G. W. Norris, June 24, 1892.

<sup>9</sup> G. W. Norris to J. H. Sherwood, September 28, 1892 (Letterpress book).

<sup>10</sup> By comparing the number of voters in this and the previous two presidential elections, the reader can obtain an idea of how the drought and financial stringency affected the county. In 1884, the year before Norris arrived, 1,229 votes were cast, in 1888, when Norris voted for Harrison and the boom period had not fully collapsed, 2,100 votes were cast. In 1892 the figure was 2,125, an increase of twenty-five voters in four years. See W. Dean Burnham, *Presidential Ballots: 1836-1892* (Baltimore, c. 1955), p. 609.

advice. Tax matters came within his purview; with hard times more and more people were unable to pay their taxes. And as chief law enforcement officer of the county, Norris had to prosecute criminals and take action in other matters, such as when an Arapahoe bartender lured children into a back room and plied them with liquor.

With the increase in legal duties Norris' other business, already declining because of drought and depression, was not unduly affected. However, he had to make some adjustments to be on hand when the district and county courts were in session. As time went on, he resented the numerous impositions made by citizens who thought that as prosecuting attorney Norris could handle their legal work free of charge. But as an aspirant to further public office and as a Republican office holder in a Populist area he could not afford to antagonize too many people and therefore Norris performed many petty legal services for citizens who did not distinguish between his public office and his private legal work.<sup>11</sup>

He sympathizes several years later with an attorney in a similar predicament when he wrote:

... You are having the same experience that all County Attorneys have. I have held that position myself and know how to sympathize with you. It is very difficult to say just what you should do under all the circumstances that may arise. . . . I might say however that a county attorney will soon learn that he can not run all over the county every time he is requested to do so. I always tried to attend in person at all trials where I thought my presence was needed, but always used my judgment as to whether it was necessary to go. This will depend upon the information that you may have as to the offense and the grade of the crime charged. It is a very difficult position to fill without giving offense to persons who want the county to do their lawing for them, and sometimes very difficult to say whether a prosecution should be commenced. It will be necessary to use your judgment, always trying to prosecute genuine offenders of the

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<sup>11</sup> Mrs. Anna George to G. W. Norris, July 14, 1891; William M. Arnold to G. W. Norris, November 9, 1892; W. M. Ward to G. W. Norris, November 10, 1892; J. E. Cochran to G. W. Norris, November 10, 1892; Frank H. Selby to G. W. Norris, November 11, 1892; G. W. Norris to Geneva National Bank, December 3, 1892; S. B. Moore to G. W. Norris, May 17, 1893 and June 3, 1893; J. H. Sherwood to G. W. Norris, July 16, 1899; Edward Alstat to G. W. Norris, November 15, 1894.

law, but never using the criminal laws or your position to persecute innocent people or to enable unprincipled persons to simply annoy their enemies by means of the criminal statutes.<sup>12</sup>

In 1894 Norris did not seek reelection as Prosecuting Attorney of Furnas County and was able to concentrate on selecting Republican candidates. As a leading Republican politician in Furnas County he could swing some votes, usually the Beaver City delegation. Consequently leaders of other counties contacted Norris to use his influence for their particular candidate. There were county, district and state conventions in 1894 and Norris attended them all.

The state convention held in Omaha on August 22 was the most important. Norris secured passes for the Furnas County delegates from W. S. Morlan and attended to all the arrangements involved in bringing the delegation to the Omaha convention.<sup>13</sup> The delegates to the Republican state convention from southwest Nebraska must have been in a grim mood as they boarded the Burlington and Missouri cars and used their passes. In May a late and severe frost had ruined thousands of acres of early corn. Rainfall throughout the spring and early summer had been far from adequate and late in July a furnace-like wind withered the remaining corn crop. Norris and his fellow delegates looking out of their car windows saw the results of the bad season on the state. The effects of panic, depression, crop failure they understood well enough in terms of their own area. In Omaha they could comprehend what it meant in terms of an urban area: large numbers of unemployed seeking jobs, houses with boarded windows, newspaper columns filled with notices of foreclosures and sheriff sales.<sup>14</sup>

That Norris was gaining prominence in the state was evident as the convention assembled. One of the candidates for Attorney General had written him, as a person "of in-

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<sup>12</sup> G. W. Norris to M. Z. Taylor, March 16, 1899.

<sup>13</sup> E. N. Allen to G. W. Norris, July 2, 1894; T. A. Boyd to G. W. Norris, July 9, 1894; W. S. Morlan to G. W. Norris, August 9, 1894 and August 17, 1894; Perry L. Hole to G. W. Norris, August 16, 1894.

<sup>14</sup> Addison Erwin Sheldon, *Nebraska: The Land and the People* (Chicago, 1931), pp. 738-40, for a discussion of the year in Nebraska.



fluence in shaping the disposition of your delegation," on behalf of his candidacy. However if Norris supported him for the nomination his support was in vain.<sup>15</sup>

Thomas J. Majors, who had the support of the Burlington Railroad and most of the delegates from the region south of the Platte River, obtained the gubernatorial nomination over John H. McColl who was supported by the Union Pacific Railroad and delegates from the North Platte region. As a colonel during the Civil War, Majors, it was hoped, would make a strong appeal to the large number of Grand Army members in the state. Between McColl and Majors there was no great difference on principles; both were conservative Republicans. With the exception of Joel A. Piper of Harlan County (the eastern neighbor of Furnas County), the candidate for Secretary of State, all the candidates came from the eastern part of the state. The entire ticket was composed of regular, standpat Republicans and the platform was fully in accord with their views. It ignored the events which Norris and his fellow delegates experienced and had to deal with in their daily lives. While it denounced the Democrats, the platform did not condescend to notice the Populist policies.<sup>16</sup>

Norris campaigned for the entire ticket in what turned out to be a furious as well as a confusing campaign. He was so busy with politics that most of his business correspondence was ignored until after the election. The results from Furnas County were most encouraging for Norris and his fellow Republicans as their county was fully redeemed from Populist control. On the state level, however, the Democrats and Populists had presented a fusion ticket and their candidate, Silas A. Holcomb, defeated Majors in the race for Governor. Yet Republicans captured other state offices, controlled the legislature, and failed to elect a Congressman only in the Sixth District. In the Fifth District William E. Andrews defeated the Populist incumbent, William A. McKeighan, to become the first Repub-

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<sup>15</sup> A. M. Robbins to G. W. Norris, August 4, 1894.

<sup>16</sup> A. E. Sheldon, *op. cit.*, pp. 744-46.

lican Congressman from this new District (Norris would be the second Republican).

Norris was delighted with the results of the campaign in his part of the state. He had stumped the district in behalf of W. E. Andrews and other Republican candidates. He had renewed his acquaintance with Republican leaders in nearby counties and had met others for the first time. He was now known to a larger number of voters than ever before. His campaigning in 1894 was in effect a trial run, for Norris. Rather than seek another term as prosecuting attorney, he had decided to try for the office held by Populist D. T. Welty, as judge of the Fourteenth Judicial District.<sup>17</sup>

Welty was far from popular among the lawyers who appeared in his court. His ability both as judge and lawyer was questioned. Norris was convinced that he showed favoritism to Populist defendants by continuing cases whenever possible, or by cancelling, usually, the spring term of his court.<sup>18</sup> Whereas in 1894 his party had captured many offices from Populist incumbents, Norris now sought to redeem the judiciary from the taint of Populism.

As soon as the 1894 election was over and Norris had put his own affairs in order, he began to prepare for the judicial race. First, of course, came securing the necessary delegates for nomination. By January, 1895, he had started an extensive correspondence with friends and acquaintances throughout the eight counties comprising the district, sounding out sentiment and making inquiries about potential delegates who might favor his nomination.<sup>19</sup>

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<sup>17</sup> G. W. Norris to Newton C. Johnson, November 12, 1894. Judges at this time were elected in odd numbered years. Norris' term as Prosecuting Attorney would have ended in 1896 had he not been elected to the bench as a result of the 1895 campaign.

<sup>18</sup> G. W. Norris to First National Bank of Buchanan County (St. Joseph, Missouri), May 10, 1895 (Letter-press book); G. W. Norris to Noyes, Norman & Co. March, 1895 (Letter-press book).

<sup>19</sup> G. W. Norris to C. D. Fuller, January 26, 1895 (Letter-press book); G. W. Norris to F. M. Rathbun, February 6, 1895 (Letter-press book); G. W. Norris to R. C. Orr, February 11, 1895 (Letter-press book).

By February, Norris was assured by political leaders that he had enough support to obtain a first ballot nomination. Leading Republicans in Furnas County, such as F. M. Rathbun and T. A. Boyd, were in favor of his candidacy and pledged all possible support. Norris in 1894 had helped nominate and elect Rathbun a state senator. With strong lawyer support, Norris also had cashiers of various banks throughout the district talking in his favor and sounding out sentiment among their customers. Norris found cashiers more valuable political allies than lawyers.<sup>20</sup>

The judicial convention was to be held at McCook in mid-September and as the summer of 1895 ended Norris intensified his efforts. His chief opposition for the Republican nomination came from W. R. Starr of Indianola and a Mr. Benson of McCook. But of equal, if not greater, importance to Norris was who the opposition would nominate. Welty was seeking renomination, but there was a possibility that John T. McClure also would seek the nomination. McClure, who had defeated Norris for prosecuting attorney in 1890, would have been a powerful opponent as he was an able lawyer and had many followers throughout the district.

When the Republican county conventions were held in August the three candidates attempted to line up as many delegates favorable to their candidacy as possible. Norris did most of his work through letters during this stage of the campaign and did not publicly try to obtain delegates. He relied heavily on his supporters to work on his behalf and to inform him of local developments. Once the county conventions were held, the efforts of the candidates were devoted to trying to obtain support in or control of each of the eight county delegations that would gather in McCook on September 18. Since both of his opponents were residents of Red Willow County, Norris made great efforts to obtain delegates from this county since a fight among the

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<sup>20</sup> G. W. Norris to J. O. Gammill, February 8, 1895 (Letter-press book); G. W. Norris to C. D. Fuller, February 6, 1895 (Letter-press book).

supporters of Starr and Benson could only redound to his advantage.

By the end of August Norris and his supporters were optimistic. State Senator F. M. Rathbun informed Norris that he and T. A. Boyd would try to get to Stockville in Frontier County the night before the convention and look after his interests. In neighboring Red Willow County Benson seemed to have the McCook delegates lined up in his favor though Norris hoped for a divided delegation. If the Red Willow delegation was divided, since he controlled the Furnas, Hitchcock and possibly the Gosper County delegates, Norris believed he could control enough delegates to assure him the nomination. Though he was not well known in Frontier County, the largest in the district, he had some hope of receiving the vote of some of their delegates owing to the exertions of T. A. Boyd and State Senator Rathbun on his behalf.<sup>21</sup>

Norris debated as to whether he should attend the McCook convention and work for his own candidacy as Starr and Benson had been doing ever since they announced their candidacies. Supporters advised him pro and con, but in the end Norris decided against attending, though he did put in an appearance at several fairs in the district shortly before the judicial convention assembled.<sup>22</sup>

The news that the Populist convention early in September had renominated Welty by a thumping majority and that McClure made a very poor showing, along with the fact that the Democrats had nominated a separate candidate, led Norris to observe that events were occurring just as he desired. He met the requests of delegates for transportation to the Republican convention and felt certain that he would easily win the nomination.<sup>23</sup> As the delegates assembled at McCook for the convention, Norris,

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<sup>21</sup> G. W. Norris to T. A. Boyd, February 27, 1895 (Letter-press book); F. M. Rathbun to G. W. Norris, August 31, 1895; J. A. Green to G. W. Norris, August 31, 1895.

<sup>22</sup> Perry L. Hole to G. W. Norris, September 7, 1895.

<sup>23</sup> A. V. Perry to G. W. Norris, September 15, 1895; G. W. Norris to J. H. Miles, September 16, 1895 (Letter-press book).

remaining in Beaver City, had done all that he possibly could for his candidacy.

Despite the efforts of Starr and Benson, Norris was nominated on the first ballot. After his nomination he joined openly with his supporters and appeared on the stump to win the election. Welty, though an easier opponent than McClure would have been, still had several advantages over Norris. He was the incumbent and a Populist in an area where Populist sentiment was a powerful force. His work as a judge, which outraged Norris and other lawyers because of his flimsy knowledge of the law and his failure to hold court for a full session, pleased numerous defendants who benefitted by his decisions or who gained by not having their cases come before the court owing to short sessions. After his nomination, Norris received the following note from Welty:

I feel much pleased and congratulate you on your nomination for the high office of District Judge, and hope you may have the pleasure to return the compliment after November 5th.<sup>24</sup>

Norris had unforeseen assets during the campaign. John T. McClure exerted all of his significant influence against Welty. His control of the Beaver City *Times* meant that in Furnas County, the home county of both candidates, not a single newspaper supported Welty. Many of the prominent district Democrats, such as A. C. Shallenberger—a future Congressman and Governor—made no effort to assist Welty in the campaign.<sup>25</sup>

Another asset was that fusion between Democrats and Populists which had not worked in the region in 1894 did not work during this campaign either. The Democrats nominated W. W. Barngrover of Stockville as their candidate. Since Barngrover's candidacy would take votes away from Welty and virtually none from him, Norris was reinforced in his belief that he had a good chance of capturing the judicial seat from Welty as the campaign got underway late in September.

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<sup>24</sup> D. T. Welty to G. W. Norris, September 19, 1895.

<sup>25</sup> James A. Cline to G. W. Norris, October 23, 1895.

His fair and considerate work in the mortgage loan business helped to assure voters that if elected Norris would not indiscriminately foreclose mortgages and agree to sheriff sales of property on which notes and taxes were not fully paid. For many voters the desire for an unbiased judiciary was a controlling factor in this campaign.

The president of the Arapahoe bank informed Norris that a few days campaigning in the German settlement north of his community could obtain this vote for him. An employee, who knew German, was willing to accompany Norris through this traditional Democratic stronghold. One of the influential German farmers had told the bank president that he did not know Norris and could not support a man he had not seen. "As you are a very good looking man," the president wrote, "it would be to your advantage to do as I suggest." Norris, seeking all possible support, might have followed this suggestion. Meanwhile some of his more unscrupulous supporters in their enthusiasm actually purchased votes for Norris and later presented him with a bill for their expenses. After the campaign one such individual while explaining his expenses wrote, "I have paid all the parties I agreed to except one German, \$5.00. I have not seen him since election but he will probably be in town and I will have to pay him."<sup>26</sup>

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<sup>26</sup> J. W. Tomblin to G. W. Norris, September [no date], 1895; S. R. Smith to G. W. Norris, November 8, 1895; Several days later Smith explained his activities in detail:

"... I may possibly have gone farther than I should in the expense matter, without consulting you, but I did not know just where to reach you at any time, and men would come to me at the last moment and say, now for \$5 or \$10 or so & so we can do so & so, and I simply placed myself in your position and did what I would have liked that you would do under the same circumstance. In order to show you that my work was quite effectual let me cite to you certain precincts in this county where my influence went out. Mo. Ridge is the strongest pop precinct in the County save one, the balance of the State Republican ticket ran 5 to 6 votes. You received 16. My German friends were at home that day. In Fritsch precinct the usual Republican vote is 10 to 12. Your vote this year was 20. In Indianola precinct a hard fight for both yourself and Judge Noval was made you ran 4 ahead of Noval, 11 ahead of the highest vote on the balance of the state ticket and 23 ahead of the highest vote on the county ticket. . . ."

E. C. Hopping, Beaver City drug store proprietor, acted as chairman of the judicial committee and coordinated the efforts of the various county committees. Republican stalwarts made great efforts for Norris, because they realized that every vote he received and every victory their party won would bring the demise of the Populist party in Nebraska that much closer. Throughout the campaign Norris was deluged with requests by county chairmen and other Republican leaders for railroad passes to bring workers to their home precincts for election day. Railroad passes also provided an excellent method of winning disgruntled Democrats and Populists into the Republican fold. Many men, owing to the hard times, roamed about the countryside seeking odd jobs. Their votes, it was believed, would go to the candidate who provided them with transportation.<sup>27</sup>

By the end of October Norris' mail indicated that his chances were good; none of the letters were pessimistic. The Republicans attacked Welty as a judge. The fact that he did not discriminate between bona fide residents and non-residents was a point that made an impression in some precincts. Norris opposed "the continual and almost endless continuancy for people who had long ago left the country with no intention of returning or redeeming their lands" while showing little leniency for resident mortgagors, who were unable to meet interest payments on account of crop failures and low prices. Norris argued that, unlike Welty, he would grant the resident farmers as much consideration as the law permitted.<sup>28</sup>

McClure in the Beaver City *Times* blasted Welty as a tool of the Burlington and Missouri and other partisan papers took up this theme.<sup>29</sup> It is doubtful if Norris, a railroad attorney who was literally trying to trade passes for

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<sup>27</sup> Charles W. Meeker to G. W. Norris, October 12, 1895; W. R. Starr to G. W. Norris, October 18, 1895.

<sup>28</sup> S. R. Smith to G. W. Norris, October 26, 1895. Typewritten memo p. 7, George W. Norris Papers, Nebraska State Historical Society, Lincoln, Nebraska.

<sup>29</sup> Alfred Lief, *op. cit.*, pp. 45-47 for press comment on the campaign.

votes, denounced his opponent along these lines. His campaign was geared on a more personal level: namely, to meet as many voters as possible and to stress the necessity of judicial integrity.

Barngrover, the Democratic candidate, was not seriously considered by the electorate, most of whom regarded the campaign as a race between Norris and Welty. But Barngrover's votes prevented either remaining candidate from achieving a clear cut victory. The result was confusing. Norris won by two votes. Only after much time was spent in debate and litigation was he granted a certificate of election.

However, shortly after the polls closed on November 5, as the first unofficial returns came in, Norris thought his election was assured without doubt. He defeated Welty in Furnas County by over three hundred votes and by over two hundred in Red Willow, the most populous counties. In predominantly Populist Hitchcock County Welty's majority was about one hundred and thirty-six votes. Chase County gave Norris a majority of fifty-five votes. In Frontier County, the largest in the district, Welty won by a very substantial margin. Norris carried Hayes County by sixty-seven votes and Gosper County gave him a majority of one hundred and thirty-five. The vote in Dundy County was small and close enough so as not to affect the first unofficial results which proclaimed a Norris victory.<sup>30</sup> This verdict was verified by the eight county canvassing boards in the judicial district; the result was Norris, 4,612; Welty, 4,610; Barngrover, 431.

Judge Welty immediately raised the cry of fraud, claiming that the figures in Union precinct, Furnas County, had been changed in order to give Norris a two vote lead. If the ballots had not been tampered with, Welty argued,

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<sup>30</sup> A. T. Lardin to G. W. Norris, November 7, 1895; Henry Rice to G. W. Norris, November 7, 1895; George C. Eisenhart to G. W. Norris, November 7, 1895; Charles W. Meeker to George W. Norris, November 8, 1895; J. A. Williams to C. E. Hopping, November 8, 1895; Perry L. Hole to G. W. Norris, November 14, 1895.



he would have carried the precinct by four votes and with it the election. He did not say that Norris had manipulated the votes, and never, in the furor that arose, did Welty accuse Norris personally of direct involvement in the "she-nanigans". As soon as Welty aired these charges, Norris contacted all of his judicial committee chairmen and requested them to examine carefully the precinct records in their respective areas for irregularities. He soon found evidence in other Furnas county precincts that votes properly belonging to him had been rejected. One chairman wrote, "I think we can collect enough evidence of irregularities in Hayes county alone to make 15 votes in your favor." He then presented an outline of the evidence to substantiate his claim. In later letters he noted other rumors of irregularities which might if necessary be examined.<sup>31</sup>

Norris and his supporters also uncovered evidence of fraud in Frontier County which went heavily for Welty in the election. The county sheriff believed that Norris "lost more votes by irregularities than Welty and a recount would increase the number" of his votes. Norris thought that A. R. Curzon, a Republican banker of Curtis, had been involved in some of these irregularities, because he would not give Curzon the assurance that if elected he would decide in favor of moving the Frontier County seat from Stockville to Curtis when the matter came before his court. Thus if necessary, Norris was prepared to present counter charges to combat Welty's.<sup>32</sup> However, until Welty took legal action, despite his accusations, Norris was the newly elected judge of the Fourteenth Judicial District of the State of Nebraska.

Since Welty's charges were aired before the public and Norris' evidence remained private, the accusation of

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<sup>31</sup> G. W. Norris to S. R. Smith, November 11, 1895 (Letter-press book); George C. Eisenhart to G. W. Norris, November 16, 1895, December 3, 1895 and December 5, 1895.

<sup>32</sup> Perry L. Hole to G. W. Norris, November 13, 1895; Charles W. Meeker to G. W. Norris, December 6, 1895; J. W. Williams to G. W. Norris, December 12, 1895; J. A. Lynch (Sheriff) to G. W. Norris, December 16, 1895; G. W. Norris, *op. cit.*, pp. 65-67.

fraud would be leveled against Norris in many of his future campaigns. At the time, however, the press throughout the state carried the story of his election along with Welty's charges, and letters of congratulations poured in upon Norris from delighted Republicans. What Norris expected, and this was the reason for his collection of evidence of election frauds, was that Welty would apply to the Nebraska Supreme Court for a writ of mandamus to force a correction of the canvass. On November 15, Welty and a group of his advisers met in an Indianola law office "behind closed doors and curtained windows", and several days later Welty did as Norris expected. Since Norris already had evidence of fraud and more was being unearthed by his friends, he had no doubt he would be able to hold the office, though it might take a legal contest to do it.<sup>33</sup>

Welty filed a suit to compel the proper authorities to certify the returns from Union precinct in Furnas County. He claimed that his opponent's votes had been changed from forty to forty-six after the county board had tallied the returns. Welty alleged that C. S. Anderson, McClure's law partner, was the culprit who changed the votes in the poll book on the Sunday following the canvass. The following day it was noticed that the poll book figures did not tally with those of the county commissioners. The total was increased, Welty charged, by six votes which thereby gave Norris a plurality of two. Both Anderson and County Clerk McFadden were Populists who, as supporters of McClure, probably favored Norris in the election. Partisans of both men argued and debated these charges, while Norris' followers countered them by alleging that many Norris votes had been thrown out by prejudiced election boards on account of irregularities in marking.

On November 26, 1895, the Furnas County canvassing board met in Beaver City, pursuant to the mandamus of the Supreme Court, and re-examined the judicial vote of the entire county. When they were through Norris still

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<sup>33</sup> S. R. Smith to G. W. Norris, November 15, 1895; G. W. Norris to J. H. Miles, November 12, 1895 (Letter-press book).

carried the county by two votes. The board found that the Union precinct poll book had been tampered with, as Welty had charged. The converted six votes were disallowed, but four more votes for Norris were found in the recanvass. The county tally as certified by the board was 1375 for Norris and 881 for Welty, making a total for the judicial district of 4612 votes to 4610 in favor of Norris.<sup>34</sup> In accord with these findings on November 29, every member of the state canvassing board signed a certificate of election which declared George W. Norris the legally elected judge of the Fourteenth judicial district. The action was taken after a long session and over the initial objections of Governor Silas A. Holcomb, a Populist and a member of the state canvassing board, who at the close of the meeting finally signed the document.<sup>35</sup>

Thus by the end of November, Norris' election finally became official, with the original vote of 4612 for Norris, 4610 for Welty, and 431 for Barngrover becoming the final recorded vote. Nevertheless, Welty said he would file his oath of office with the Secretary of State<sup>36</sup> and continue to hold office, while he brought an ouster proceeding against Norris in the Supreme Court of the state. Norris, with J. T. McClure acting as his attorney, went to Lincoln in April, 1896, to attend a meeting of the Supreme Court at which a commissioner was to be appointed to take evidence.

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<sup>34</sup> Alfred Lief, *op. cit.*, p. 47. See also affidavits of Norris and two members of the Furnas County canvassing board in 1895 which were printed before election day in 1899, when Norris sought a second term as judge, in *Beaver Valley Tribune*, November 3, 1899, as well as other papers throughout the eight county judicial district.

<sup>35</sup> *Nebraska State Journal*, November 30, 1895.

<sup>36</sup> The Secretary of State of Nebraska did not file the oath of office left by Welty as Judge of the Fourteenth Judicial District. He returned it to him claiming that he had already issued a certificate of election to Norris as judge-elect of that judicial district. See J. A. Piper to G. W. Norris, January 8, 1896.

In Lincoln they discovered that Judge Welty had dismissed his action.<sup>37</sup>

Norris later claimed that if the contest had ever been tried, with his evidence of manipulation in Hayes, Frontier and other counties, he would have won by between fifty and one-hundred votes.<sup>38</sup> When a correspondent asked why he did not counter Welty's charges with evidence of his own, he replied "we have not taken the pains to give it publicity as Judge Welty always does when he thinks he finds something wrong, but prefer to abide our time, and let the matter come up for the first time in court."<sup>39</sup> However, since Norris never had this opportunity, political enemies continued to charge that the election had been stolen for him.

After ten years in Nebraska, George W. Norris, age 34, had carved out a remarkable career for himself. About to enter upon his judicial duties, after engaging in one of the hardest fought campaigns in southwestern Nebraska, he had every reason to feel proud of himself and to be optimistic about a promising judicial career while possibly dreaming about higher political attainments. He was one of the youngest district court judges in the history of the state.

But despite numerous reasons for optimism, Norris was somewhat melancholy and depressed as the year ended.

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<sup>37</sup> Welty dismissed the action primarily because it was bankrupting him and his supporters would not or could not come to his aid. Norris had some knowledge of Welty's financial predicament, which was similar to his own, before he went to Lincoln. See M. C. Reynolds to G. W. Norris, February 23, 1896; George C. Eisenhart to G. W. Norris, February 22, 1896; Henry Lehman to G. W. Norris, March 31, 1896.

<sup>38</sup> George W. Norris, *Fighting Liberal*, pp. 64-65. Charles W. Meeker to G. W. Norris, January 22, 1896; L. H. Cheney to G. W. Norris, January 22, 1896; G. W. Norris to A. P. Van Burgh, January 25, 1896; George C. Eisenhart to G. W. Norris, December 3, 1895, December 5, 1895, January 16, 1896, February [no date] 1896 and February 22, 1896 for evidence that Eisenhart and others were tracking down further evidence of fraud until literally the very moment Welty gave up the fight.

<sup>39</sup> G. W. Norris to S. O. Simonds, January 31, 1896 (Letter-press book).

He disliked litigation with Welty; the behavior of some of his supporters undoubtedly displeased him, and the expenses he incurred during the campaign (over \$3,500) were heavy. He feared that a contested court case would bankrupt him, while the aid and encouragement he received from the Republican party in the state was virtually nil.<sup>40</sup> Norris believed that conspiracy, corporations and corruption were united to secure his political downfall. A. T. Lardin, an old friend, thought Norris had lived so long among Populists that he had absorbed some of their calamity notions. He believed that with a little effort Norris could demolish all the charges and let the truth be known. He wrote:

Are you diligent in sending around 'pluggers' to the newspapers to acquaint them with your side of the story? . . . Have Republican leaders been put in possession of facts in your case and knowledge that you need money to retain your position as representative of the party in a fight where party honor and prestige are at stake?<sup>41</sup>

Lardin was trying to raise his spirits. He was aware that Norris had fought a hard, skillful campaign, and that few observers gave him at the outset a slight chance of victory. Here was exhibited the brooding sense of melancholy that periodically overwhelmed Norris. Here too was manifested the sense of lonely isolation in a period of victory that made him seem so solemn and sad. Norris had enjoyed campaigning. The melancholy that made him feel almost sorry for himself set in after the results were known. In later campaigns too, he was aware that his party was not greatly interested in supporting his contest chiefly because of his increasingly progressive position. This factor, of course, helped to increase his sense of isolation and realization that in politics he almost always had to go it alone. These traits were evident by the end of his first important campaign. They would become possibly more pronounced. They were more widely observed in future years.

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<sup>40</sup> G. W. Norris to W. E. Andrews, January 11, 1896 (Letterpress book); G. W. Norris to George W. Post, September 4, 1896.

<sup>41</sup> A. T. Lardin to G. W. Norris, December 31, 1895.