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Article Summary: In 1902 there were only a few automobiles, toys for the affluent. The number of machines increased dramatically from year to year and included delivery trucks, moving vans, and taxicabs. This article presents accidents and regulations of this decade. Omaha society had accepted the automobile in all its forms, but Omahans also expected drivers to use their machines in a safe and responsible manner, not as “devil wagons.”

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Photographs / Images: White Steamer auto patrol; Patrol wagon 1909; *Omaha World-Herald* cartoon of Police Chief John J Donahue, by Guy Spencer; Emergency police auto, 1909

## THE DEVIL WAGON COMES TO OMAHA: THE FIRST DECADE OF THE AUTOMOBILE, 1900-1910

*By Tommy R. Thompson*

One of the first automobiles Omahans ever saw was a machine brought to the city for the Trans-Mississippi Exposition of 1898.<sup>1</sup> But this auto was a rarity. As the 20th century opened, the people of Omaha depended on the streetcar, carriage, and the very popular bicycle for transportation. It was an age when local citizens worried about proper attire for cycling and the need of the city to repair potholed streets to prevent injury to riders out for a spin on their "wheel."<sup>2</sup> For most people the automobile was more of a dream than a reality, a possible luxury if one came upon sudden riches.<sup>3</sup> Still, some Omahans began to sense the impact of the auto. As the year 1902 commenced the *Omaha Daily News* declared that no one could yet fully understand the significance of the automobile. At this time it was only a toy limited to the wealthy, but eventually the horseless carriage was bound to "be recognized as one of the successful means of locomotion."<sup>4</sup>

By 1902 the automobile was becoming a more permanent fixture in the city. Interested citizens could examine the Oldsmobile, which was "inexpensive, elegant, simple, durable;" the Waverly Electric, described by dealer J. (James) J. Deright as "easily controlled, clean, noiseless, easy riding and comfortable;" or a wide range of steam, gasoline and electric autos at H. (Henry) E. Fredrickson's store at 15th and Capitol. Fredrickson offered customers a service called the "auto stable." He would store the owner's machine and deliver it to his business or residence when asked to do so by a simple telephone call.<sup>5</sup> Members of the local "smart set" began to frequent Omaha dealerships in search of the new machines, and enough of them made purchases by 1902 to compose a new interest group in Omaha. At that time owners of the horseless car-

riage organized the Omaha Automobile Club to arrange "a schedule of club runs Sundays and evenings."<sup>6</sup> The first excursions occurred in June when 12 machines (the number was reduced due to strong winds) drove throughout the city.<sup>7</sup> It would not be long before members discovered a more valuable use for the club—a means of opposing city legislation for regulating the automobile.

In June, 1902, Councilman Fred H. Hoye introduced an ordinance for such regulation. It provided that automobiles would be limited to a maximum speed within city limits of 12 miles per hour and required that motorists carry lamps after dark. Hoye's proposed law called for Omaha drivers to operate vehicles with an "obedience to the laws of the road" and provided a fine of \$25 if they failed to do so.<sup>8</sup> The council referred this measure to Comptroller John N. Westberg for study, since he was considered "the auto authority in the city hall."<sup>9</sup> Westberg was also a member of the automobile club.

Omaha motorists responded cautiously to Hoye's ordinance. Many of them met in June at a gathering of the Automobile Club to assess the situation. The position of the club reflected that of Omaha automobile owners, most of whom were members. At the meeting members agreed that a speed limit was a good idea. They felt 12 miles per hour was not realistic, especially when compared to existing speed limits for trolley cars (10 miles per hour in the business district; 12 in residential areas) and bicycles (8 and 10 miles per hour). The club members decided they might suggest some additions to Hoye's ordinance, such as the need to require a horn on all vehicles.<sup>10</sup> However, automobilists had little to worry about concerning the ordinance. Comptroller Westberg would not bother to report on the measure until one year later.<sup>11</sup>

The reaction of Omaha automobile owners was somewhat stronger regarding another issue. In late July the park commission amended the rules governing parks and streets designated "boulevards" by banning automobiles from these areas temporarily. Members of the park commission felt this action was necessary until horses "become accustomed and unafraid of the autos." Accidents had occurred in the parks when horses and autos met.<sup>12</sup>

This policy did not meet with the approval of the Automobile Club. Members appeared before the commission with a con-

ciliatory offer asking for modification of the new rules. The motorists agreed, if allowed to drive in the parks, not to exceed 12 miles per hour, to carry two carriage lights after dark, to pull towards the right when approaching a horse, and to slow down if a team seemed nervous. The members of the Automobile Club acknowledged there had been some accidents in the parks involving horses, but most of these were minor. In fact the most serious accident had occurred when a team of horses smashed the auto of George Patterson, a club member.<sup>13</sup>

In August the committee appointed by the Automobile Club appeared before the park commission in a "peaceable" session and successfully persuaded the latter to moderate its stand. After listening to arguments by the committee for an hour and a half, the park commission granted autos the use of all parks and boulevards except Hanscom and Riverview Parks and Central Boulevard between 10th and 20th streets. The commission included the latter because of its "sharp curves, steep inclines, and narrow roadways." In other parks and on remaining boulevards, the speed of automobiles would be limited to 10 miles per hour. Presumably both sides found this compromise acceptable. The Automobile Club agreed that automobilists would "endeavor to have the rules adopted lived up to, and . . . [would] assist the park board in enforcing them." The park commission defended its restrictions as a reasonable means of protecting Omaha citizens from speeding machines in areas designated for leisure and recreation. In addition, the commission intended to recommend that the Omaha City Council adopt an ordinance requiring lights, licensing, and numbering of autos. If the council failed to act, the commission would consider adopting additional regulations itself.<sup>14</sup>

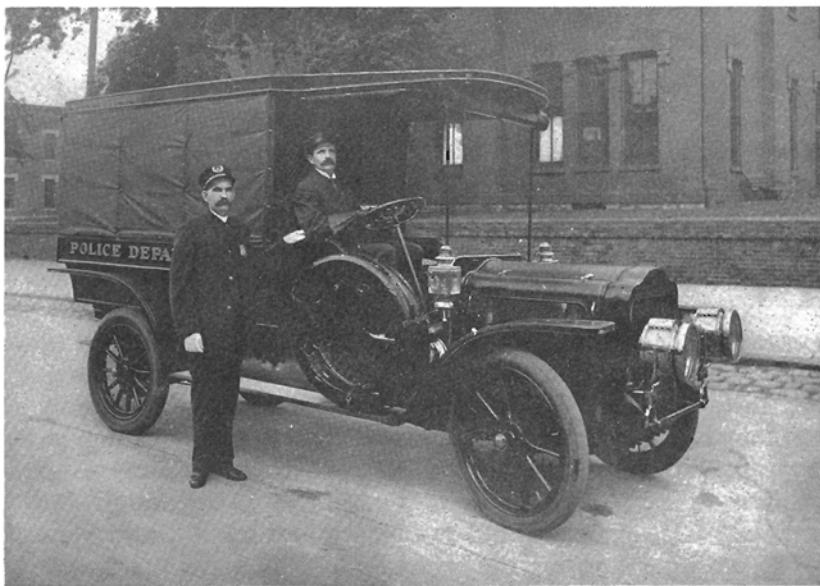
While Omaha motorists undoubtedly were pleased with this partial reversal by the park commission, they had even more reason to celebrate a few days later. On August 18 the *Daily News* reported that Hoye's ordinance for regulation of autos might never reach the council floor for a vote. Comptroller Westberg had found a general ordinance already in existence which regulated speed in Omaha and indicated there was no need for additional legislation.<sup>15</sup>

But Omahans concluded just the opposite. As the number of automobiles increased, accompanying problems became more evident. Speeding drivers paid little heed to citizens' safety and

property. They sped along Omaha streets, smashing into buggies, wagons, and pedestrians. In many cases drivers fled the scene rather than face the consequences.<sup>16</sup> Even the upper-class, pro-automotive *Omaha Excelsior* declared in the fall of 1902 that it was appropriate to call automobiles "devil wagons" since they "dash into trees, into stone walls, jump fences and break over bridge parapets to wreck themselves and their occupants on the ground below."<sup>17</sup> In 1903 the situation grew worse. By summer something had to be done. In June Chief of Police John J. Donahue ordered the arrest of all speeders traveling "faster than the ordinary gait of a horse, or more rapidly than they could stop their machines at short notice." Donahue, admiring New York law, said, "New York limits the progress to 4 miles an hour. That speed should be fast enough for Omaha."<sup>18</sup> He probably did not know automobilists in New York City were ignoring the speed limit. Violations there were so blatant that the city hired six professional bicycle riders, including "Mile-a-Minute" Murphy, to chase speeding autos.<sup>19</sup>

Soon after Chief Donahue handed down his ultimatum to Omaha automobilists, the council acted. It voted both to revive Hoye's ordinance of the previous summer and to introduce a new ordinance.<sup>20</sup> The latter of these measures, reflecting the prevailing sentiment towards motorists, limited the speed of autos to 5 miles per hour in the business district and 8 in residential areas.<sup>21</sup> One auto owner, disturbed by this ordinance, decided to take matters into his own hands. He hoped to convert Harry B. Zimman, president of the council and chairman of the judiciary committee which was considering the restrictive ordinance, to a pro-automobile position by demonstrating to him the "thrill" of speed. The motorist coaxed Zimman into his machine at the ball park and drove him to 16th and Harney streets in 4½ minutes. At the end of the trip Zimman was "gasping with fear and rage." Shortly thereafter he declared that the speed ordinance definitely would pass.<sup>22</sup>

Before final passage of the speed ordinance, Omaha drivers did succeed in gaining a slight modification of the measure. When the city council met to consider the ordinance, automobile dealers H. E. Fredrickson and J. J. Deright spoke against the proposed speed limits of 5 and 8 miles per hour. Probably as a result of these individuals' influence, the council voted to change the speeds to 7 and 12 miles per hour, and the measure passed in that form.<sup>23</sup>



*White Steamer auto patrol with Omaha police officers Peter H. Dillon (left) and Hans Nielsen. . . .(Below) Patrol wagon with officers William Murphy and Joseph Vanderford. From Official Historical Souvenir, Omaha Police Department (1909).*



Members of the Omaha Automobile Club may well have been surprised to learn a week later that Mayor Frank E. Moores had vetoed the ordinance. He did so, he said, because the speed limit of 12 miles per hour voted by the council for residential areas was "too great for the safety of the people generally who use the streets." The mayor expressed concern that drivers might lose control of their autos. Also during the summer months children used the streets as a playground, and "if automobiles were permitted to go tearing through the streets at 12 miles an hour some terrible accident would be sure to result." It was Moores' opinion that if Omaha drivers wanted to travel at a "high" rate of speed (anything over 8 miles per hour), they could use the country roads.<sup>24</sup>

Immediately following the veto by Mayor Moores, the city council considered the possibility of another ordinance, although nothing definite surfaced until late summer.<sup>25</sup> At that time the council called upon City Attorney Carl C. Wright to prepare a measure. The one he drafted was based on one used in Chicago and called for a limit on speed of 6 miles per hour in the business district and 8 in residential areas. Certain equipment would be required on all autos: lights on the front (white) and rear (red) of the vehicle, a horn or bell, and brakes capable of stopping the auto within 10 feet. The vehicle had to display a license number in white letters 5 inches high on the rear illuminated by a small, white light. But most disturbing to Omaha motorists was a provision that all drivers would have to pass an exam "as to their qualifications to operate machines," but no demonstration of their driving skill. The examining board was to be composed of the city electrician, boiler inspector, and chief of police. If the board found an applicant to be "mentally, physically and morally competent," he then paid a small fee and received a vehicle license number. However, if a citizen filed a complaint against the driver charging negligence, and the examining board sustained the accusation, "his license shall be forever revoked." Presumably this included a violation of the provision which made it "obligatory for every driver to stop and investigate whenever his car strikes a person or vehicle in the street."<sup>26</sup>

Omaha automobilists met to discuss the proposed ordinance after the council decided that the measure should be passed into law.<sup>27</sup> Although the motorists at the meeting all spoke with a

"conciliatory spirit," they disliked the examination process, the requirement for lights, and the low speed limits. The latter they "denounced as impracticable." It was the consensus of those attending the meeting that the motorists should send a representative committee to meet with the council in "an effort to very much modify the provisions of the ordinance, if not to carry the whole matter over until next year, this [driving] season being so nearly at an end." In the meantime all present agreed that one of the best tactics they would pursue would be to "exercise . . . unusual care until automobiles were firmly established and understood in Omaha."<sup>28</sup> The representatives of the automobileists succeeded in persuading the council to put the proposed ordinance on a "back burner," at least until the following spring. They met with the members of the council and agreed that vehicles needed identification numbers. However, after the meeting the ordinance remained in "an unperfected state."<sup>29</sup>

A disposition to regulate automobiles in Omaha by late 1903 was not dead, merely delayed. The council recognized that the horseless carriage was becoming a permanent part of Omaha life. Every day more citizens of means were purchasing Ramblers, Wintons, Waterless Knoxes, Locomobiles, Cadillacs, or even Fords.<sup>30</sup> Ladies were taking a seat behind the wheel, and fashion articles in newspapers instructed them as to the proper attire for driving. Perhaps some of the women motorists purchased long coats of "rain-proof silks fashioned for automobile use," reported as the most "captivating" of all 1903 fall styles for automobiling. Less expensive, but probably popular, were the "trifles" for "lady motorists" on the market. A newspaper article related that "chain charms in the shape of tiny gold and silver automobiles abound."<sup>31</sup>

Other signs of the growing acceptance of the automobile were more obvious. The Ak-Sar-Ben festival in early October featured, a parade which included 26 autos decorated with poppies, roses, and chrysanthemums. And in "keeping with the spirit of progress, King Ak-Sar-Ben and his lovely queen" rode in the lead vehicle.<sup>32</sup> The Christmas season brought with it the use of the automobile in ads to attract the reader's attention and miniature auto toys for the children—just like the big "toys" of their parents—at least of affluent parents. An enterprising business in Connecticut advertised in late November that any

young girl who sold 20 articles (unnamed) at 10 cents each supplied by the firm could have for her very own a "new wonder doll." This magnificent toy could say "mama" and "papa." It came with a mechanical automobile which moved (by spring) "with great speed."<sup>33</sup> Locally, J. L. Brandeis and Sons' department store in an ad featured Santa Claus flying over rooftops with innumerable toys, not in a sleigh led by Dasher and Dancer but in an automobile.<sup>34</sup> Lastly, if anything signaled a general acceptance of the horseless carriage in Omaha by late 1903, it was its recognition by the tax assessor. For the first time automobiles were taxed as personal property. Of course owners of the autos felt their machines were nothing with which the tax assessor should become overly concerned. Emil Brandeis, for example, suggested that his \$3,000 Peerless should be valued at \$100 for the purpose of taxation, a figure raised to \$1,000 by the assessor.<sup>35</sup>

The inescapable fact remained that regulation of the automobile was needed. There was enough sentiment in the fall of 1903 to prompt the *Daily News* to editorialize that it might be very appropriate to label the auto the "red devil." Unfortunately, said the *News*, an individual upon entering an auto seemed to be overcome by a "satanic" spell and developed a "complete disregard for the life and safety of other people." The only means of controlling the reckless driver, it appeared, would be to treat the "scorcher" to a schooling of "arrests, fines, and horsewhippings."<sup>36</sup> Not everyone took such a harsh position. The *Omaha Excelsior* pointed out that some of the "uninitiated still look suspiciously at a so-called red devil and cannot be induced to get into one." Yet, those same individuals enjoyed a ride with "a spirited team of horses."<sup>37</sup> The *Excelsior* could have added that everyone noticed an automobile involved in an accident, but few paid attention to similar accidents perpetrated by carriages.<sup>38</sup> Still, the *Excelsior* supported regulation of the automobile in 1904.<sup>39</sup>

Early that spring, as some young men's fancy turned to love, others opted for a fast automobile. Once again speeders became a nuisance. In March, Chief Donahue announced "that the fast and reckless driving of automobiles in the city must stop once and for all." Citizens complained to him daily that autos had come dangerously close to hitting them. Donahue, only warning speeders at first, now began arresting them. He also supported

an ordinance which set speed limits and required identification numbers.<sup>40</sup>

The city council resumed discussion of the need for a regulatory ordinance and in mid-April Zimman introduced an ordinance similar to the one proposed the previous August.<sup>41</sup> The ordinance set a limit of 6 miles per hour for the business district; required each automobile to have a gong, horn, whistle, or bell to be sounded at each street intersection; an identification number registered with the city and painted in letters 5 inches high; a red light for the rear and a white light to illuminate the license number after dark; and brakes capable of stopping the "car" within 10 feet. Lastly, drivers had to pay a license fee of \$2.00 and deposit a bond of \$100.<sup>42</sup>

The *News* declared the ordinance "so rigid as to be unreasonable." It would be an "injustice" to hold automobiles to a speed limit of 6 miles per hour, when carriages could travel at 10 to 12 and streetcars at 15 to 20. In reality, said the *News*, the majority of drivers were responsible and safe. The situation could be improved if Chief Donahue simply would make some of the arrests he talked about. If an ordinance was needed, the *News* favored "one which would not be oppressive but rigidly enforced."<sup>43</sup> Automobile dealer Clark Powell echoed these sentiments when he stated that this ordinance was more suited to a "backwoods town of the South than for a city like Omaha."<sup>44</sup>

The city council passed an ordinance basically the same as the one proposed, although it provided 8 and 12 miles per hour limits in the business and residential areas, lowered the registration fee to \$1.00, and eliminated the bond. The measure passed only after "a great deal of quibbling and several passages at arms, and much objection by owners of automobiles." The ordinance went into effect May 24<sup>45</sup> when the mayor did not veto the measure. Omaha now had its first ordinance regulating automobiles.

Perhaps as an act of defiance, just two days after passage of the ordinance, speeding motorists caused a rash of runaways, more than Chief Donahue had seen in weeks.<sup>46</sup> Also automobile owners were slow to obey the registration provision. In the first week of its existence only 52 owners complied. According to the *News*, this figure represented one-third of Omaha autos.<sup>47</sup> However, the total number of automobiles in the city probably was much smaller.<sup>48</sup> By mid-July 83 owners had registered their

autos; some were trying to use one registration for several vehicles.<sup>49</sup> Chief Donahue warned that he would arrest any driver who did not have a number on his automobile, failed to secure a number for each auto, or refused to observe the speed limits.<sup>50</sup>

Omaha drivers paid little attention to Donahue's warnings, particularly those concerning speed. In June, 1904, residents of the Clifton Hill area complained about speeders, one of whom police timed as he was "scorching down Military Avenue at a rate of 40 miles an hour." The auto carried license number 46, which was registered to the Rambler Automobile Company.<sup>51</sup> Investigation revealed that the driver was a potential purchaser from Manning, Iowa, who was out for a test drive. Since the number was registered in the name of the Rambler Company, the police were reluctant to prosecute the dealer or the purchaser.<sup>52</sup> A few days later an officer swore that he saw A. (Alanson) I. Root, president of the Root Printing Company, or at least his auto, "scorching" at about the same rate of speed on 28th Street between Farnam and Leavenworth. The officer went to the scene after council member Zimman called the police department,<sup>53</sup> which reiterated a determination to arrest the drivers of these "whizz carts."<sup>54</sup>

Complaints were coming to city hall at such a rapid rate City Clerk William H. Elbourn called the automobile ordinance a "nuisance." Elbourn felt Omahans were too "jumpy," often telephoning for identification of a car or to request that someone be sent to check the car's speed. Some women called to find out with whom acquaintances were riding. Elbourn said he intended to ask the council to raise the license fee so that he could hire another clerk to answer the telephone.<sup>55</sup>

The real problem in 1904 was whether Omaha society was willing to enforce its new ordinance. In June, A. I. Root had the dubious honor of appearing in municipal court (typically called police court) in the first case prosecuted under the law. He was there to answer for his alleged speeding on 28th Street. The officer who witnessed the event testified that he had been unable to stop Root's vehicle, but that he did see license number 17 which was registered to Root. Unfortunately the officer had not been able to identify Root as the driver because of the speed of the auto and because the incident occurred in late evening. Due to lack of positive identification, the court dismissed the case.<sup>56</sup>

Police were unhappy with the decision. They wanted to hold the owner of an automobile responsible for a speeding incident, regardless of the driver.<sup>57</sup>

This leniency, or confusion, regarding prosecution under the speed ordinance continued. In July Chief Donahue himself witnessed a speeding incident. As he was going home from work an auto "shot by" at a high rate of speed. Donahue identified the automobile by its number—61. The machine belonged to Emil Brandeis, who received notice to appear in police court. Brandeis appeared but informed Donahue that Frank Decker, his chauffeur, was driving the auto at the time of the incident. Brandeis did not ask that charges be dropped, but requested that the case be postponed in order that Decker might drive Brandeis' car in a scheduled race at the Sprague Street driving park. Chief Donahue agreed to the postponement.<sup>58</sup>

The following Monday Decker appeared in court. Chief Donahue testified that he saw Decker flying "like a bird at a rate not less than 40 miles an hour." Donahue in earlier reports said Decker was traveling at 60 to 100 miles per hour. Decker replied that he was unfamiliar with the auto and had "accidentally" opened the throttle too far. The judge accepted the story and dismissed the charges with the explanation that the auto, not the driver, was to blame for the incident.<sup>59</sup>

Obviously the police court did not yet consider the automobile a serious problem, possibly because there were relatively few autos in Omaha. The police department, despite Donahue's protestations, reacted in a similar manner, adopting a modest policy by arresting only nine drivers in 1904.<sup>60</sup> Foot patrol officers, of course, were handicapped. A small bicycle squad had trouble catching the speedy whiz wagons.<sup>61</sup> Outraged Omahans occasionally took matters into their own hands. Grain broker Sewell Sleuman had his machine "showered with eggs" on Dodge Street; Mrs. H. E. Fredrickson and a party of five women were bombarded with cantaloupe rinds; H. Vance Lane, manager of the Nebraska Telephone Company, was "repeatedly stoned"; and someone shot at Dana C. Bradford, president of Bradford-Kennedy Lumber Company.<sup>62</sup> Although boys were often the perpetrators of this activity, much of it undoubtedly reflected the citizen's concern over speeding autos, the scaring of horses, and the occasional accident.

A more mature attitude by Omahans towards the automobile

developed in 1905. The *News* commented on the increasing feeling that motor vehicles be "regulated and restricted." The main concern, according to the *News*, was "the fool in the auto," who should be "exterminated."<sup>63</sup> This, of course, was hyperbole, but a moderate response did develop. The Legislature in 1905 passed the first state law to regulate the automobile. Similar to Omaha's ordinance of 1904, it required state registration of all motor vehicles and provided for a maximum fine of only \$25 versus a city fine of up to \$100.<sup>64</sup> Locally, the Omaha Automobile Club became more involved in the attempt to encourage responsible driving. The club recommended that members not pay speeding fines levied against their chauffeurs.<sup>65</sup> Also the club began to offer \$20 rewards for information regarding hit-and-run accidents.<sup>66</sup> The *Daily News* strongly endorsed this latter move, declaring it would help "allay the suspicion that every man who owns or drives a car is a speed-maniac, careless of the lives of all who may chance to cross his path."<sup>67</sup>

Still, many Omaha automobile owners and drivers maintained a defensive and even indifferent attitude towards responsible driving. The automobile club revealed that its members would support one another in "unavoidable" accidents and would resist damage suits, although liability insurance became more popular by 1905.<sup>68</sup>

In April, 1905, the auto of Emil Brandeis, driven by his chauffeur, struck D. R. Rundel of Minnesota, at 16th and Douglas, and the victim died soon thereafter. Brandeis told a coroner's jury that he had expected Rundel to move from the vehicle's path. Instead he seemed confused and appeared to leap towards the car. The coroner's jury decided that Rundel had committed suicide, since he knew he had cancer of the stomach. He was listed as having died from cancer, "hastened by being run over by an automobile."<sup>69</sup>

During the next few years the situation regarding the automobile in Omaha changed little. In 1907 the police department finally began to adjust to the changing technology by renting two motorcycles to chase speeders and in the following year purchased two "first-class" machines.<sup>70</sup> Motorcycle officers were made responsible for arrest of speeding drivers, but two men were insufficient for the job,<sup>71</sup> and police lobbied for more motorcycles.<sup>72</sup> However, some critics felt the department (more

precisely, Chief Donahue) did not want to make arrests and anger influential people.<sup>73</sup> The *Daily News* claimed that Donahue ordered an occasional "crusade" only when public pressure became too great, and in 1909 the *Omaha World-Herald* ran a page one cartoon showing the chief with dark glasses and a white cane proclaiming: "I see nothing particularly alarming in the auto speeding situation."<sup>74</sup>

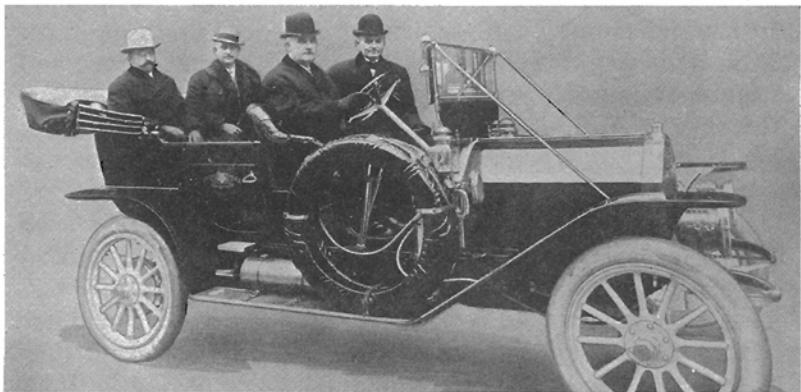
The police court also continued to receive its share of criticism regarding ineffective enforcement of speed limits. It dismissed many cases because an officer was unable to stop the speeding motorist and make an arrest. The judge would not accept a case based only on an officer's recording of the license number.<sup>75</sup> A major complaint was that the police court did not penalize speeders severely enough. The *News* declared that the judges did little more than tell a speeder he was "naughty."<sup>76</sup> An examination of fines given speeders tends to bear out this charge. In 1907, 1908, and 1909 the court heard a total of just over 60 cases for speeding. In these the average fine was slightly over \$10. It was not unusual to assess higher penalties, including jail sentences, for prostitution, vagrancy, drunkenness, and letting minors play pool.<sup>77</sup> There was a constant demand that speeders be sent to jail for a few days, but in 1909 a judge who said he would follow such a policy<sup>78</sup> failed to carry out his threat, probably because ordinances did not provide such a penalty or because state law allowed jail sentences only on the second offense.<sup>79</sup> Regardless of the penalty, a few Omahans escaped fines by applying to the mayor for pardons. From July, 1907, through June, 1911, municipal court records show Mayor James C. Dahlman pardoned 17 drivers convicted of speeding. While the mayor was criticized for the use of his pardoning power, these cases represented only 6 percent of speeding cases before the court.<sup>80</sup>

Throughout 1907-1909 the Omaha Automobile Club issued statements condemning speeding. In 1908 the club encouraged members to inform the president and the police when they saw members speeding.<sup>81</sup> It is unknown whether members turned in offenders, but if they did, speeding still did not stop. The club now called for stricter but "reasonable regulation" before a serious accident prompted "drastic laws."<sup>82</sup> The council did pass a new law in 1907 which kept the old speed limits but raised the minimum fine to \$50. However, as previously noted,



**Not Alarmed.**

*Police Chief John J. Donahue was lampooned by Omaha World Herald cartoonist Guy Spencer (August 1, 1909).*



*Emergency police auto, 1909, with Fire and Police Board Secretary C.J. Karbach (left), George Rogers, Police Chief Donahue, and Omaha Mayor James C. Dahlman. From Official Historical Souvenir, Omaha Police Department (1909).*

the police court tended to levy fines much below this sum.<sup>83</sup> The only notable accomplishment of the club during this period benefited the members. By an agreement with Chief Donahue, the club gave members cards signed by Donahue to serve as bail if the police stopped them for speeding. This eliminated the embarrassment of going to the police station but guaranteed the offender would appear in court. Also the club promised to penalize them a year's dues.<sup>84</sup> One city official, condemning "special privilege cards," declared Donahue was "in league with a band of known persistent violators of the law" and stated a club for "porch climbers" (house burglars) should be formed so they could have cards.<sup>85</sup>

Obviously by 1910 efforts to regulate automobiles were insufficient, and owners continued to flaunt the law. Some, for example, allowed their children to drive.<sup>86</sup> In 1909 the *Daily News* did a feature story on the youngest driver in Omaha, 12-year-old Jack Summers, son of Dr. and Mrs. John E. Summers, grandson of pioneer lumberman George A. Hoagland. The *News* reported that young Summers had driven on Omaha streets at a speed of 55 miles per hour. While this might horrify some citizens, the newspaper concluded that he "is careful and toots his horn persistently when he turns corners or passes streetcars or slower autos."<sup>87</sup> Whoever was driving, accidents continued in large numbers. In 1910 some Omahans formed an Anti-Automobile Club (referred to as the "humanity club"), which wanted enforcement of the speed limits and prohibition of young drivers. The club provided legal advice and assistance when necessary to those injured.<sup>88</sup>

The Omaha Automobile Club was probably accurate when it stated in 1910: "We have reached the point. . . where the automobile is regarded as a good thing."<sup>89</sup> Still, changes were needed. The club urged that signs and danger signals be placed at intersections where accidents might occur and recommended that motorcycle officers wear uniforms. The sight of uniformed officers, they said, would deter speeding, and drivers would not flee from uniformed officers as they did others, whom they might mistake for bandits.<sup>90</sup> Ordinances were passed in June prohibiting children under 16 from driving and provided that joyriders could be sent to jail for from 5 to 30 days for each offense.<sup>91</sup> One week after the council acted in 1909, young Jack Summers was arrested under the first of these ordinances,

although the judge dismissed charges after delivering a lecture.<sup>92</sup>

But all these events were insignificant when compared to a devastating accident on June 21. An auto driven by Alex Schultz, owner of a car rental firm, struck another auto at 34th and Leavenworth, killing William Krug of Krug Brewing Company. Reaction to this accident was immediate and strong. The *World-Herald* called Alex Schultz a driver with an "unsavory record."<sup>93</sup> Schultz had been to court several times, and in 1909 was fined \$100 for reckless driving. The president of the park board declared that the police were not doing their job, and the *Excelsior* suggested that offending drivers should be thrown in jail. The threat of spending time in the "black hole," claimed the *Excelsior*, would make drivers more careful.<sup>94</sup> A judge pointed out, though, that speeding cases were "one of the most delicate matters with which he had to deal."<sup>95</sup> While the comments flew, Schultz sat in jail, and the *World-Herald* felt his incarceration accurately reflected public sentiment.<sup>96</sup> Schultz was charged with manslaughter in the District Court on August 1.<sup>97</sup> A jury found him guilty and a judge sentenced him to three years in the penitentiary. The Supreme Court upheld the sentence.<sup>98</sup>

The death of Krug and prosecution of Schultz shocked the community into the realization that greater regulation of the automobile was necessary. The police court began handing out more and stiffer fines. During the first six months of 1911, the court fined 130 drivers an average fine of about \$20.<sup>99</sup> The Legislature in 1911 passed a stricter law which provided those under 16 could not drive. The law set higher fines, and if a driver caused injuries or death while violating provisions of the law, he could be fined \$200-\$500 or be sentenced from 1 to 10 years in the penitentiary.<sup>100</sup> While these changes would not end problems associated with the automobile, as the situation today shows us, they did reflect a determination to impose controls for the welfare of society. Ten years earlier the automobile had been only a toy for the affluent. The number of machines had increased dramatically from year to year, and motor vehicles were no longer mere pleasure cars, but delivery trucks, moving vans, and taxicabs.<sup>101</sup> After a decade Omaha society had accepted the automobile in all its forms, but Omahans also expected drivers to use their machines in a safe and responsible manner, not as devil wagons.

## NOTES

1. *Omaha Daily News*, May 2, 1902.
  2. *Ibid.*, May 20, June 16, 1901; March 8, 1902.
  3. *Ibid.*, May 23, 1901.
  4. *Ibid.*, January 16, February 2, 1902.
  5. *Ibid.*, April 20, April 24, May 26, 1902; *Omaha Bee*, June 1, July 13, 1902.
- These are examples of advertisements. Some of the most interesting ads can be found in the *Omaha Excelsior*.
6. The *Omaha Excelsior* noted that "most of us were very much surprised to learn that there were enough automobiles in this neck o' woods to form an automobile club." Twenty-nine individuals from Omaha (18), Fort Crook (1), and Council Bluffs (10) formed the club. *Omaha Excelsior* May 10, 1902; *Omaha Daily News*, May 2, 1902.
  7. *Omaha World-Herald*, June 12, 1902.
  8. Omaha City Council Minutes, Vol. A51, 593; *Omaha World Herald*, June 4, 1902; *Omaha Bee*, June 24, 1902.
  9. *Omaha World-Herald*, June 4, 1902; *Omaha Daily News*, July 31, 1902.
  10. *Omaha Bee*, June 24, 1902.
  11. Omaha City Council Minutes, Vol. A54, 491. At the meeting of the Omaha City Council the *Omaha Bee* reported that Westberg "created some amusement by reporting on an ordinance seeking to regulate the speed of automobiles, which was referred to him last summer." *Omaha Bee*, May 27, 1903.
  12. *Omaha Daily News*, July 31, 1902.
  13. *Ibid.*, July 31, August 3, 1902.
  14. *Ibid.*, August 13, 1902; *Omaha World-Herald*, August 14, 1902.
  15. Omaha City Council Minutes, Vol. A54, 491; *Omaha Daily News*, August 18, 1902.
  16. Examples of these accidents can be found in the *Omaha World Herald*, August 20, 1902; *Omaha Daily News*, January 30, August 8, 1903.
  17. *Omaha Excelsior*, September 13, 1902.
  18. *Omaha Bee*, June 6, 1903. The writer of this article claimed that the number of automobiles had more than doubled since spring, 1903, but this is doubtful. Dealers reported that by July there were about 40 automobiles in Omaha. *Omaha Excelsior*, July 11, 1903.
  19. *Omaha Excelsior*, June 20, 1903.
  20. Omaha City Council Minutes, Vol. A54, 611, 620.
  21. *Omaha Bee*, June 10, 1903. The press confused these two measures and reported only the Hoye ordinance. The city council minutes show there were two separate ordinances. The council tabled the Hoye ordinance June 23. Omaha City Council Minutes, Vol. A55, 113.
  22. *Omaha Daily News*, June 11, 1903.
  23. *Ibid.*, June 16, 1903; Omaha City Council Minutes, Vol. A55, 50, 59.
  24. *Omaha World-Herald*, June 24, 1903; Omaha City Council Minutes, Vol. A55, 71-73.
  25. *Omaha Daily News* carried a story reporting that it "understood" the council was considering a new ordinance, but the City Council Minutes do not show any measures were introduced. *Omaha Daily News*, June 27, 1903.
  26. *Omaha Daily News*, August 22, 1903; *Omaha Bee*, August 25, 1903.
  27. *Omaha World-Herald*, August 25, 1903; *Omaha Bee*, August 29, 1903.
  28. *Omaha Excelsior*, August 29, 1903; *Omaha Bee*, August 29, 1903.
  29. *Omaha Excelsior*, September 19, 1903.
  30. The *Excelsior* in 1903 and 1904 contains many notices relating the names of new automobile owners.
  31. The *Excelsior* reported that there were six "ladies" driving during the summer of

1903. None, it was said, violated the speed ordinance when it was in effect. *Omaha Excelsior*, June 27, 1903. Articles on fashion can be found in the *Omaha Bee*, August 22, and the *Omaha Daily News*, December 13, 1903.

32. *Omaha Daily News*, October 7, 8, 1903; *Omaha World-Herald*, October 8, 1903. Automobile dealers worked extra hours during the days following the parade showing autos to people whose interest was stimulated. *Omaha Excelsior*, October 10, 1903.

33. *Omaha Daily News*, November 21, 1903.

34. *Ibid.*, December 20, 1903.

35. *Ibid.*, December 15, 1903; *Omaha Excelsior*, December 26, 1903. Emil Brandeis was the son of Jonas L. Brandeis.

36. *Omaha Daily News*, November 9, 1903.

37. *Omaha Excelsior*, February 27, 1904.

38. In October, 1903, a buggy hit and killed a pedestrian. Witnesses reported that the driver was probably drunk and fled from the scene "furiously." *Omaha World-Herald*, October 29, 1903.

39. *Omaha Excelsior*, April 2, 1904.

40. *Omaha Daily News*, March 12, 1904.

41. In early April H. E. Fredrickson met with the council to consider a proposed ordinance. In effect the council was picking up where it had left off the previous fall. *Omaha Excelsior*, April 2, 1904.

42. Omaha City Council Minutes, Vol. A57, 539; *Omaha Daily News*, April 13, 1904.

43. *Omaha Daily News*, April 14, 1904.

44. *Omaha Excelsior*, April 16, 1904.

45. The committee considering the ordinance chose to substitute a new measure in May. This is the one that finally passed. See Ordinance 5288; Omaha City Council Minutes, Vol. A58, 87-88, 116-117, 150, 179-180, 185; *Omaha Daily News*, May 18, 22, 1904.

46. Two weeks later Donahue contradicted himself by declaring that motorists had been more careful since the council passed the speed ordinance. *Omaha Daily News*, May 20, June 6, 1904.

47. *Ibid.*, June 2, 1904.

48. In June, 1904, the *Excelsior* printed the names of 63 owners as a "complete" list. *Omaha Excelsior*, June 11, 1904.

49. *Omaha Daily News*, June 8, 1904; *Omaha Excelsior*, July 16, 1904. A year later the *Excelsior* and *Daily News* claimed there were only 100 autos in Omaha. *Omaha Excelsior*, May 27, 1905; *Omaha Daily News*, May 15, 1905.

50. *Omaha Daily News*, June 8, 1904.

51. *Ibid.*, June 16, 1904.

52. *Omaha World-Herald*, June 18, 1904.

53. *Omaha Daily News*, June 23, 1904.

54. *Omaha World-Herald*, June 24, 1904.

55. *Omaha Daily News*, June 24, 1904.

56. *Ibid.*, June 29, 1904.

57. *Omaha World-Herald*, June 30, 1904.

58. *Omaha Daily News*, July 23, 1904. Brandeis' White Steamer defeated the Franklin auto of N. B. Updike, president of Updike Grain Company, that afternoon. *Ibid.*, July 24, 1904.

59. *Ibid.*, July 27, 1904.

60. *Omaha Municipal Reports For the Fiscal Year Ending December 31, 1904* (hereafter cited as *Municipal Reports*). Municipal Court records for 1904 could not be found.

61. A bicycle squad existed by 1900. Omaha Police Department, *Standard Operating Procedure Manual*, 14.

62. *Omaha Daily News*, September 19, 1904.
63. *Ibid.*, September 2, 12, 1905.
64. *Laws of Nebraska*, 1905, Chapter 129, 549-552. The state law also set speed limits of 10 and 15 miles per hour for business and residential areas versus the city limits of 8 and 12 miles per hour. There was some question as to whether Omaha could enforce its lower speed limits, but prosecution apparently did continue. *Omaha Daily News*, December 10, 1906.
65. *Omaha Excelsior*, May 27, 1905.
66. *Omaha Daily News*, October 25, November 3, 1905.
67. *Ibid.*, October 25, 1905.
68. *Ibid.*, November 3, 1905; *Omaha Excelsior*, May 27, 1905.
69. *Omaha Daily News*, April 18, 26, 1905; *Omaha Excelsior*, April 29, 1905. Several witnesses testified the Brandeis auto was not speeding, and the *Excelsior* declared that Brandeis "has been a careful man as to speed." However, his chauffeur in 1904, Frank Decker, had been in police court before on the same charge.
70. *Omaha Daily News*, July 18, 1907; Expenses of the Police Department November 18, 1907, and August 10, 1908 (bound, unmarked volume shelved with *Municipal Court* records); *Municipal Reports*, 1908-1909, Annual Report of the Chief of Police and Police Department Disbursements for 1908.
71. *Omaha Daily News*, May 20, June 20, 1909; June 8, July 12, 1910.
72. *Ibid.*, August 25, September 1, 1909. Chief Donahue continually called for a larger department in his annual reports. *Municipal Reports*, 1904, 1905, 1906, 1907.
73. *Omaha Daily News*, August 25, August 28, 1909.
74. *Ibid.*, May 12, 1906; June 29, 1907; July 11, 1908; February 26, 1909; *Omaha World-Herald*, August 1, 1909.
75. Police Court records do not list cases dismissed by the judge. Therefore it is impossible to determine the actual number of individuals brought before the court for speeding. The *Daily News* did report that at one session of the court in 1908 10 of 14 cases were dismissed because the officer saw only the license number. *Omaha Daily News*, May 22, 1908.
76. *Ibid.*, May 9, 1907.
77. Municipal Court, Book 1, Book 2, Book 3.
78. *Omaha Daily News*, August 15, 1908, July 29, 30, August 25, 1909.
79. *Laws of Nebraska*, 1907, Chapter 115, 392-395.
80. There is no question that some citizens tried to use their influence with the mayor to escape punishment. *Omaha Daily News*, July 13, 1907, November 30, 1908; Municipal Court, Books 1-5 (these records are incomplete).
81. *Omaha Daily News*, March 21, March 22, May 23, May 26, September 2, 1908; April 18, July 23, July 30, 1909.
82. The Omaha Automobile Club talked with the city council regarding additional legislation. *Ibid.*, July 30, 1909.
83. Ordinance 6215; Omaha City Council Minutes, Vol. A69, 710, Vol. A70, 2. Judges of the police court probably levied lower fines by accepting prosecution under the state law.
84. *Omaha Daily News*, June 9, August 24, 1909. Again, it is not known if the automobile club enforced its penalty.
85. *Ibid.*, June 11, July 28, 1909.
86. *Omaha Excelsior*, September 22, 1906; *Omaha Daily News*, May 30, July 25, 1909; *Omaha World-Herald*, June 28, 1910. Although city council members had occasionally proposed ordinances to cover this problem, they failed to pass a law by 1910. *Omaha Daily News*, December 9, 1908; Omaha City Council Minutes, Vol. A73, 526.
87. *Omaha Daily News*, July 25, 1909.
88. *Ibid.*, April 15, April 29, May 5, May 8, 1910; *Omaha World-Herald*, March 29, 1910.

89. *Omaha Daily News*, February 27, 1910.
90. *Ibid.*, June 15, 1910; *Omaha World-Herald*, June 15, 1910.
91. Ordinances 7202 and 7204; Omaha City Council Minutes, Vol. A79, 430, 441. At least one judge apparently still saw difficulties in reconciling city and state law (no jail sentence for the first offense) and contended he had no authority to send speeders to jail. *Omaha Daily News*, August 6, 1910.
92. *Omaha Daily News*, June 23, 25, 1910.
93. *Ibid.*, June 21, 1910; *Omaha World-Herald*, June 21, 1910.
94. *Omaha Daily News*, June 21, 1910; *Omaha Excelsior*, June 25, 1910.
95. *Omaha Daily News*, June 21, 1910.
96. *Omaha World-Herald*, June 22, 1910.
97. *Omaha Daily News*, June 22, 23, July 8, August 1, 1910.
98. *Ibid.*, November 27, December 24, 1910. *Nebraska Reports*, Vol. 89, 34. The Schultz case was not the first time an Omaha driver faced a manslaughter charge. In 1909 George Gilmore struck and killed a pedestrian at 16th and Farnam. Gilmore, released on bond, disappeared from the city. In 1910 simultaneous to the Schultz incident, two other drivers struck and killed pedestrians. Robert Hamilton, 16 years old, killed a newsboy on his bicycle, and Carl E. Sundell ran over a 5-year-old child. Hamilton and Sundell were both charged with manslaughter in State District Court. Hamilton went free due to a hung jury, and Sundell was found not guilty. For the Gilmore incident, see *Omaha Daily News*, August 28, 1909; District Court Docket 14, 116; for Hamilton, District Court Docket 14, 432; for Sundell, District Court Docket 14, 447.
99. Municipal Court, Book 5.
100. *Laws of Nebraska*, 1911, Chapter 115, 398-403.
101. In 1907 Omaha owners registered 264 autos with the state. There were 742 in 1909. *Omaha Daily News*, July 15, 1907; June 1, 1909; December 31, 1910. The newspapers carried ads for motor trucks and companies generally bragged when they switched to automotive power.