Morton's History of Nebraska

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CHAPTER V CONTINUED (16)

Douglas very plausibly if not conclusively established his contention that he at least was breaking no new ground and springing no surprise in what he regarded as the incidental repeal of the Missouri compromise. In his noted speech in Chicago, October 23, 1850, he had very explicitly and broadly generalized the principle which he substituted for the compromise:

"These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. . . . These things are all confided by the constitution for each state to decide, and I know of no reason why the same principle should not be confined to territories."

He cited the forcible fact that the two great political parties—whig and democrat—in their national conventions in 1852 "adopted and affirmed the principles embodied in the compromise measures of 1850 as the rules of action by which they would be governed in all future cases in the organization of territorial governments and the admission of new states."

Seward, Chase and Sumner were the principal leaders of the opposition to the Kansas-Nebraska bill. Perhaps they had a finer ethical and philanthropic instinct and purpose than Douglas. This is doubtless true at least of Chase and Sumner. It is true also of Lincoln, whom the new opportunity presented by the passage of the bill lured out of the hiding into which he had gone discouraged after his unfortunate participation with the whig party in its opposition to the Mexican war, and discouraged also by the easy ascendency of Douglas in Illinois. But the position of Douglas was far different from that of either of the statesmen named. He had the tremendous responsibility of leadership of a party which was virtually without opposition and whose dominating element was fatuously bent, as it continued to be to its self-destruction, on the expansion of slavery. To Douglas fell the colossal task of holding the dominating pro-slavery element of his party at bay without destroying the party—and the Union. It would be rash to say that Seward, Chase or Lincoln, who were all ambitious, practical politicians, would have done differently in Douglas's place. Seward and Lincoln represented politically the echo of dying whiggism, and Chase had cut loose from the democratic party. It was therefore easy for them to join the now swelling chorus of the North and of the civilized world against slavery. But Douglas had the misfortune at this critical juncture of being the responsible leader of the dominant party and personally ambitious as well. Though Seward and Lincoln, and perhaps Chase, were already shaping the new anti-slavery republican party of which they were to become the ambitious leaders and the prime beneficiaries, yet as their aim was more remote than that of Douglas, its element of selfishness was not as apparent. Certain it is that in their early leadership of the republican party Seward and Lincoln compromised on the slavery question more than Douglas evaded—omre than it was possible for him with his impetuous, Napoleonic, dictatorial spirit to trim. The dramatic halo of the Civil war, from whose embrace death snatched Douglas all too soon—for he had promptly and unequivocally thrown his weighty influence on the side of the Union—hides all but martyrdom and saintship in the character and career of Lincoln, and illuminates, if it does not exaggerate the moral heroism of Seward and Chase. It is not likely that an impartial estimate of these early republican leaders will ever be written. For an opposite reason no impartial or just estimate of Douglas has yet appeared.

After the passage of the Kansas-Nebraska bill there was a memorable struggle in Kansas for six years between the pro-slavery and anti-slavery forces, both augmented by organized colonization from other states, until the unhappy territory was admitted as a state without slavery in January, 1861, just as the southern states were busy going out of the Union. Actual experience in Kansas with the popular sovereignty plan of adjustment was sorry and sorrowful indeed. But this was a sorrowful and vexatious question, and under any plan there would have been an irrepressible conflict. It should suffice that though under Douglas's plan freedom was born in sore travail, yet it seems not improbable but for that plan it had not been born at all; and it is to the eternal credit of the courage and capacity of Douglas that there is no doubt that freedom won the day under his leadership against the now blind and mad greed and aggressiveness of the South and the truckling policy of Buchanan's administration. In the trial of a masterful statesman's character and career it should be esteemed a weighty matter that throughout his course and after he had compassed "the Kansas-Nebraska iniquity" this "subservient demagogue" remained the idol of his party in the North; that the confidence of the exacting, destructive slave-power of the South was, on the other hand, always withheld from him, until it finally accomplished his undoing as well as that of his party and the Union.

While calm and ripened public opinion will not hold that Douglas ought to have considered uncompromisingly and exclusively the welfare of the slave or the immoral quality of slavery, where the life of the Union, as well as that of his party, was already at stake, yet, obviously, he lacked that sentimental regard and sympathy for the negroes in bondage which the civilized world now applauds in Garrison, Phillips, Sumner and Chase, but which in effect cooperated with the fire-eating sentiment of the South in precipitating the war which otherwise might have been avoided. Perhaps Douglas played a hard-hearted as well as a desperate game, not guiltless of finesse, with his overbearing, cunning and outnumbering southern party associates; and perhaps he was overselfish in yielding to the preposterous demand of a part of them for the repeal of the compromise. But it would be rash as well as unjust to draw the sweeping conclusion that his ultimate motive was not patriotic or that he did not sincerely believe that his substitute for the compromise offered the most practicable solution of the momentous and vexatious question with which he was confronted.

It was apparently not until some years after its passage that Nebraska was relegated to the rear in the name of the Kansas-Nebraska bill and was thus deprived by its Jayhawker neighbor of its immemorial precedence and of the full fame or notoriety of its relation to this famous or infamous act. Douglas constantly referred to it as the Nebraska bill as late, at least, as the time of his debates with Lincoln in 1858; but in his noted article in Harper's Magazine, of September, 1859, he commits the error of stating that the act "is now known on the statute book as the Kansas-Nebraska act." The act is in fact entitled in the statute as "an act to organize the territories of Nebraska and Kansas"; but the Illinois democratic convention of 1860 called the measure by its present name. The misnomer, and the usurpation by Kansas of first place in the name, may probably be credited to the fact that it is more easily spoken in that form, and that the spectacular and tragical political procedure in "bleeding Kansas" during the years immediately following the passage of the bill gave the territory the full place in the public eye to the exclusion of Nebraska with the comparatively tame events of its organization.

Thus Louisiana territory was conceived by the exigencies and on the threshold of a mighty international struggle which resulted in the annihilation of the greatest and most imperious of potentates; and Nebraska, child of Louisiana, was conceived by the exigencies and in the beginning of a great national struggle, in which the no less imperious power of human slavery was also to meet its doom.

The organic acts for Neuraska and Kansas which were finally adopted contained a guarantee, not found in the bills offered by Douglas in 1844 and 1848, that the boundaries should not "include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Nebraska until such tribe shall signify their assent to the president of the United States to be included within the said territory of Nebraska." This clause was inserted in the Indian provisions of the Richardson bill, doubtless as a result of the strenuous opposition to the organization of the territory on the part of the east and southwest, and it was retained in the Dodge bill.

The bill of 1844 provided that "the existing laws of the territory of Iowa shall be extended over the said territory," but "the governor, secretary, and territorial judge, or a majority of them, shall have power and authority to repeal such of the laws of the territory of Iowa as they may consider inapplicable and to adopt in their stead such of the laws of any of the states or other territories as they may consider necessary," subject to the approval of Congress; thus following the principle of the original provisions of the Ordinance of 1787 for territories of the first grade. This bill of 1844 followed the Ordinance of 1787 in providing for a second grade or representative government; but while under the ordinance five thousand free male inhabitants were required as a condition precedent to legislative government, under the Douglas bill the requirement was five thousand inhabitants merely, only excepting Indians. The ordinance provided that an elector should own fifty acres of land in his representative district, and in order to be eligible to membership in the legislature one should own two hundred acres of land within his district; the Douglas bill required no property qualification in either case, but that members of the legislature should have the same qualification as voters. While the ordinance did not, specifically at least, exclude negroes from the elective franchise, the Douglas bill limited that right to free white male citizens for the first election and empowered the legislature to define the suffrage qualifications thereafter.

On the 7th day of January, 1845, A. V. Brown of Tennessee, member of the House committee on territories, reported a bill amendatory to the Douglas bill which required that there should be five thousand white inhabitants before the territory should be entitled to a legislature. This bill also changed the provisions of the original bill relating to the judiciary system.

The boundary described in the bill of 1848 differed from that of the bill of 1844 in starting where the 40th parallel of latitude crosses the Missouri river instead of at the confluence of the Kansas and Missouri rivers—a little above 39 degrees; in running to the 43d parallel instead of the mouth of the Niobrara river a little to the south, and then following the river to that parallel; and on the south in running along the 40th parallel instead of the devious course, ending at the east on the 38th parallel, as already outlined. The bill of 1848 followed Brown's amendment in requiring five thousand white inhabitants before change to legislative government and also in the provisions for the judiciary, and the bill of 1844 in requiring the approval of the enactments of the legislature by Congress before they hsould become valid. In other respects the bills in question are all essentially alike.

The boundary described in the Richardson bill of February 2, 1853, differed from its predecessor of 1848 in following the summit of the Rocky mountains on the west instead of a right line south from the point of intersection of the northern line with the mountains—which did not appreciably alter the western boundary of the part of the territory included in the bill of 1848—and in adopting the northern line of New Mexico and the parallel of 36 degrees thirty seconds instead of the 40th parallel as the boundary on the south.

In the Richardson bill the feature of legislation by the governor, secretary, and territorial judge is left out, and legislation by a general assembly from the first is provided for; but all enactments of the legislature must be approved by Congress to become effective. Only free white male citizens could vote or hold office. Since the territory was to pass its own laws, the provision of the bill of 1848, extending the laws of Iowa over the territory except as they might be repealed by the governor, secretary and judge was dropped. With these exceptions the bills were essentially alike.

The boundaries in the Dodge bill of December 14, 1853, were identical with those of the Richardson bill, and the bills were otherwise alike in all important provisions. The boundary of the final organic act differed from that of the Richardson and Dodge bills in taking in all of the remainder of the Louisiana purchase on the north, except that part of Minnesota lying west of the Mississippi river, instead of running only up to the 43d parallel; and on the south in running down to the 37th parallel instead of 36 degrees 30 seconds. There are two other important points of difference between the final organic act and the bills which preceded it, namely, that of the famous provision with regard to slavery and the dropping of the provision that legislation by the territorial assembly must be approved by Congress to become operative. This proviso was retained even in the substitute of January 23, 1854. The other bills also provided that the governor should act as superintendent of Indian affairs in place of those officers stationed at St. Louis, but this feature was dropped from the final bill.

The similarity of the main provisions of all these bills is explained by the fact that they, like the organic acts of all the territories which have been organized since 1787, except that of Florida, which was patterned after the Louisiana act, were constructed upon the framework of the immortal Ordinance of the northwest territory. Nebraska was distinguished in being the first territory with an elective legislature whose laws were not required to be submitted to Congress for approval before becoming effective. This submission was not required by the Ordinance of 1787, presumably because the governor, whose assent to legislative acts was required, and the upper house of the legislature were appointed by the president of the United States. There was a departure from this principle in the case of the territorial government of Orleans—the first government established by the United States within the Louisiana purchase. Though the governor and the legislative body, consisting of a council of thirteen members, were appointed by the president, yet, as they were residents of the territory so lately alien in fact, and still so in spirit, it was doubtless deemed discreet that Congress should have the power of vetoing their enactments. The organic acts of the earlier territories, such as Indiana, Mississippi, Michigan, Illinois, and Kentucky and Tennessee of the southwest territory followed closely the Ordinance of 1787. Missouri, the first territory organized after the original division of the Louisiana purchase into the territory of Orleans and the district of Louisiana, was at once allowed a legislative assembly, though the members of the upper house were appointed by the president.

(To be Continued)

Monument to Poe.

The "Puritans" are not all dead yet; indeed, they are "alive and kicking." Not long ago they told us that it would never do to put Edgar Allen Poe upon the roll of fame, because his works showed that he was lacking in "moral purpose;" and now that it is proposed to erect a monument to him in Richmond, Va., where he did much of his best work, we find that some "Puritans" are opposing the project on the ground of Poe's alleged "vices."

Now, we are not careful to answer in this matter. We might easily point to the testimony of Col. John Willis, and Mr. William Wertenbaker, who were fellow students with Poe at the University of Virginia, and who clearly disprove R. W. Griswold's libels upon him as a student. But for the sake of the argument, admit that, morally speaking, Poe's life was irregular, and in some respects even vicious. And what does it all prove?

Poe's admirers are not raising a monument to a "prohibitionist," but to a poet. If the object of the movement were to honor a prohibitionist, why not put up a shaft to Rev. Dr. Swallow, of Pennsylvania, whose candidacy as a cold water candidate for high political preferment does not jingle harmoniously with his name, or why not erect a statue to the Hon. Joshua Levering, the Baltimore coffee roaster, who aspired to be president of the United States on the total abstinence ticket, and let both of them enjoy the thing while they are alive?

If moral delinquencies, or even great crimes are to be regarded as discounts upon a man's literary merit, then where would David's fame be? Does history, sacred or profane, give us any account of blacker crimes than he committed in the matter of Uriah, the Hittite?

One of the finest bits of heathen morality ever written is Sallust's introduction to his history of Catiline's conspiracy; and, indeed, the whole work is justly regarded as superb. Shall Sallust be thrown out of the college course because his private morals were unsavory?

Addison was not always sober, but all Christendom is still resounding with his noble hymn:

"When all Thy mercies, O my God,
My rising soul surveys,
Transported with the view I'm lost
In wonder, love and praise."

Tom Moore was a fashionable dinerout man about town, and yet:

"Come ye disconsolate, where e'er ye languish"

is undoubtedly one of the most popular and enjoyable hymns in all psalmody.

Sterne and Swift were both coarsely obscene and both clerical miscreants, but "Tristram Shandy" still lives and "Gulliver's Travels" will live as long as the language.

Pope, we are informed, robbed himself of his own letters, sold them surreptitiously to a book seller, and then raised the "hue and cry" after the thief. But this in no wise affects our enjoyment of his exquisite "Rape of the Lock."

A few years ago, when the whole land was in the midst of the throes of the "free silver" controversy, thousands of people who knew nothing of Poe, were unconsciously paying their tribute to his genius by nick-naming their opponents "Gold-Bugs"—a name evidently taken from one of the most ingenious of his tales.

His "Rationale of Verse," is the only treatise we have ever seen on that subject that was worth reading. His definition of "poetry" is the only one we have ever seen that will stand the test of criticism. He calls it "the rhythmical creation of beauty."

We do not believe that Poe's theory of poetry was defensible; and, indeed he frequently violated it himself. If "passion" is to have no part in poetry what becomes of "The Raven," or of "Annabel Lee?" If "horror" is not a poetical subject, what are we to say to "The Conqueror Worm?"

It is coming generally to be held that in rhythm, meter, music and melody Poe was easily the first of American poets. In these particulars, indeed, we can mention no British poet who excels him.

In the powers of analysis and of ratiocinative genius, he leads all our tale writers. If any American author deserves a monument that author is Edgar Allen Poe.—Birmingham News.

Judge a soldier by his past, a philosopher by the future.

Peace with men and nations lasts just so long as and no longer than neighborly love and good behavior.

The National Government and Child Labor.

In November Senator Beveridge announced that he would introduce a bill in Congress which would have the effect of regulating the employment of children through an application of the interstate commerce power. The suggestion was rather startling in its novelty, and at first many of the leading members of the National Child Labor committee were inclined to oppose the Beveridge bill as lacking feasibility. They soon came around, however, to a unanimous adoption of the measure, and thus, however Congress may decide, the subject has been by the president's message and the Beveridge bill, lifted into the highest sort of national prominence. The Beveridge bill does not directly prohibit the employment of children in mines and factories. What it does is to direct railroads and other public carriers that the products of factories and mines employing children under 14 must not be accepted for shipment into other states. The shipper will be required to give an affidavit to the railroad that children are not employed. The bill does not attempt to deal exhaustively with the subject of child labor, but it may be expected to reach coal mines, cotton mills, glass factories and various other large industries whose output is a matter of general rather than of local commerce.

The passage of such a national measure would not relieve the states of an imperative duty as respects the employment of children in many pursuits and callings which have no relation to interstate commerce. But if the nation standardizes the 14-year limit and at one stroke takes the children out of the great mills and factories, it would seem probable that the states would be more likely to adopt the standard and apply it for local purposes than if the general government had not exercised its own power. The subject is likely to be discussed both in Congress and elsewhere from the theoretical standpoint of states' rights versus the extension of national functions. In a general way the education and protection of child life must continue to belong to the states. There is no danger that they will not have left to them a sufficient authority to do far more than they are at present wise enough to attempt for the welfare of the rising generation. — American Monthly Review of Reviews.

The Harriman Railroad System.

The results from the operation of this huge machine are sufficiently well known. The gross income of the system for the last year rose $170,000,000. This is a larger gross income than that of any other railroad system in the world, the Pennsylvania alone excepted. The dividend disbursements for the year are at the rate of about $28,000,000, net—that is, actual disbursements to the public. This, again, is a larger annual distribution than that of any other corporation, the Steel Corporation alone excepted.

All this is a strange change from the old water logged Union Pacific of 10 or 15 years ago, which staggered along, wantonly loaded with debt and fictitious capital, to the crash of '93. The change,—the remaking and rebuilding, I think it fair to say,—has been Mr. Harriman's personal work. Of that there can be no question. He went into the Union Pacific as one of several widely divided groups. In not more than a year he was very actively in command, and yet a little later, absolutely. In the beginning Wall Street referred to the Union Pacific as the Kuhn-Loeb road; today it is very distinctly the Harriman system.—American Monthly Review of Reviews.

Unrest in the Army.

That General Carter is right when, in his annual report as commander of the department of the lakes, he says that there exists "a serious spirit of unrest" among the army officers is beyond the questioning of anybody who has had an opportunity to ascertain their real feelings. One and a large cause of this disquietude is undoubtedly that emphasized by General Carter—the belief that the security of tenure which has been one of the few compensating features of an army career is menaced by the current propositions to take in the future less account of seniority in making promotions and more of the preferences of the promoting powers.—New York Times.

The production of copper in the United States in 1905 exceeded 901,000,000 pounds.