

Morton's History of Nebraska

Authentic, Complete

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CHAPTER V CONTINUED (17)

In the organic act of Indiana, however, (1800) the first division of the northwest territory, a provision that the territory might have a legislature, "so soon as the governor thereof shall be satisfied that it is the desire of a majority of the freeholders thereof," was substituted for the rigid condition of the Ordinance of 1787 requiring five thousand free male inhabitants. No provision was made for a legislature in the organic act of the district of Louisiana (1805), and that of Michigan passed the same year merely adopted the Ordinance of 1787. The right of freeholders to decide when a legislature should be established was left to Illinois (1809) and Arkansas (1819). The organic act of Missouri (1812), and all the territories established after 1809 provided for immediate legislative assemblies. Wisconsin (1836), the next territory organized—excepting Florida—was the first to come in with the right to elect both houses of the legislature, but the act contained the offset that "all the laws of the governor and legislative assembly shall be submitted to, and, if disapproved by the Congress of the United States, the same shall be null and of no effect." This provision for submission of enactments to Congress was incorporated in the organic acts of all the territories organized from that time until Nebraska and Kansas were reached, including Iowa (1838), Oregon (1848), Minnesota (1849), New Mexico and Utah (1850), and Washington (1853). Such undemocratic surveillance would have been galling to the spirit of popular sovereignty which pervaded the Kansas-Nebraska act, and the two principles were quite incompatible.

Under the Ordinance of 1787 members of the legislative council were required to be freeholders to the extent of five hundred acres, members of the house of representatives two hundred acres, and electors fifty acres. Members of the council of thirteen of the territory of Orleans were required to be owners of real estate. In the Missouri territorial act members of the council were required to own two hundred acres of land, and members of the lower house were required to be freeholders, and only free white males, who were also taxpayers, could vote. This provision of the Missouri act was applied to the territory of Arkansas. When Wisconsin was reached in 1836 all property qualifications for electors and members of the legislature were dropped, and were not resumed by any of the subsequent territorial organic acts, and like qualifications were required for both electors and representatives.

While the Ordinance of 1787 did not specifically restrict the suffrage to whites, it did provide that apportionment should be based upon the number of free males. The act of Congress (1808) "extending the right of suffrage" in Mississippi restricted it to free white males, but who should also hold fifty acres of land in accordance with the terms of the Ordinance of 1787. This restriction of the suffrage to "free white males" is found in every subsequent territorial act to and including that of Montana passed in 1864, excepting those of Oregon and Washington in which the term "white male" is used. But, beginning with Wisconsin and until Wyoming was reached, the legislative assemblies of the territories were left free by the organic acts to prescribe the qualifications of voters.

In the Ordinance of 1787 apportionment is based upon the number of free males, but in the acts of Mississippi (1808) and Missouri the term free white males is used; when Wisconsin is reached it is based upon the population, except Indians, and this basis is followed to the end.

In all the territories of the Louisiana Purchase, of Mexican acquisition, and of the northwest territory, beginning with Wisconsin, the suffrage restriction term always used was "free white males," while in the acts of Washington and Oregon the word free is left out. Was this curious fact due to another, namely, that in all the former territory slavery actually existed to a degree, and southern jealousy was bent on preventing any mulatto slave from voting?

CHAPTER VI

The First Governor—Rival Towns—Organization—Election Precincts—First Capital Controversy—First Election.

Francis Burt was already a man of mark in the nation when, at the age of forty-seven years, he was appointed, by President Franklin Pierce, the first governor of Nebraska. His previous training and experience in political public service excelled that of any governor of the state. He was a lawyer by profession, but at an early age began to take an active part in politics. He was a member of the famous nullification convention of South Carolina—his native state—in 1832, and then at the age of twenty-five began a career of nearly continuous membership of the state legislature until in 1844 he was elected state treasurer. From 1847 to 1851 he was editor of the Pendleton Messenger. In 1852 he sat as a member of the constitutional convention of his state, and was then again elected a member of the legislature. In 1853, soon after the inauguration of President Pierce, he was appointed third auditor of the treasury of the United States, and it is said that his execu-

tive services in that department were unusually efficient, until he was relieved by the appointment as governor. Governor Burt was born on his father's plantation, in what was called Edgefield district, South Carolina, January 13, 1807, the fifth of ten children. His grandfather, Matthew Burt, was born in 1732 at Mecklenburg, Va., and removed to Edgefield, S. C., after the Revolutionary war. His son Francis, the sixth of fourteen children and father of Governor Francis Burt, married Katharine Miles, whose mother was the daughter of a French Huguenot. Governor Burt in 1831 married George Ann Hall, eldest daughter of Dr. George Abbott Hall, who belonged to a Charleston family of Revolutionary note. They had eight children: Frank (died in 1850); Armistead, a practicing physician at Highroads, N. M., who lost an arm while serving in the Confederate army; George Ann, married William H. Dawson of Charleston; Harriet Giraud, wife of D. M. Young; Joanna Lois, married George Roberts; Mary Eliza, married to William A. Johnstone; Katharine; and George Abbott, or Frank, as he was called after the death of his older brother, who is engaged in farming. All the living children are married except Katharine, who is at the head of an orphans' home at Macon, Ga., which is under the auspices of the Episcopal church. The institution was originally a home for daughters of Confederate soldiers. Miss Burt, known as Sister Katharine, has devoted her life to this work.

A glance at the famous nullification convention and the conditions out of which it grew reveals in an interesting way the political character of the first governor of Nebraska and political conditions in the country when the territory started on its organized career. Roughly speaking, the northern states in the first quarter of the nineteenth century were looking mainly to manufactures, while the southern states were looking to agriculture. As a growing sentiment against slavery became manifest in the North about this time, alarm for its safety had begun in the South. While the sentiment of the people of the South was, for economic reasons, naturally against a protective tariff which, while it taxed their importations, could not benefit them, since they had no expectations of developing manufactures, yet the doctrine of rigid construction of the powers of the Constitution, which they began to advocate about this time, was intended primarily as a defense against congressional interference with slavery.

But these economic conditions were the immediate occasion, if they were not the prime cause of the attempt to nullify the protective tariff acts of 1828 and 1832. South Carolina had cast her industrial fortunes upon agriculture alone and upon a single branch of agriculture, namely, cotton growing. Cotton was therefore the only important domestic product which the people of South Carolina had to exchange for the manufactured necessities and luxuries then imported from European countries, and they felt and resented the high tariff of 1828 and 1832 as a direct and heavy burden upon their means of subsistence. And so they then and there began the rebellion which ripened in 1860 and ended in 1865.

In his message to the special session of the legislature which had been called to provide for the convention, Gov. James Hamilton Jr. insisted that the Union was "a confederacy composed of coequal and coordinate sovereigns." The resolutions which the convention adopted declared that the objectionable tariff laws "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void and no law, not binding upon the state, its officers or citizens;" that it was the duty of the legislature to adopt measures to enforce the ordinance and prevent the enforcement and arrest the operation of the acts annulled; that no suits brought in the state courts involving the validity of the ordinance or legislative enactments to enforce it should be appealed to the United States Supreme Court, and that any attempt by federal authority to enforce the tariff laws would absolve the state from the Union. Twenty-six members of the convention had the courage to vote against the adoption of the ordinance, but Governor Burt was not of them. He was one of the 136 voting aye.

And yet when we consider times and conditions this drastic and revolutionary act should not excite our wonder. We may not affirm that Massachusetts would not then have acted similarly under similar serious provocation. There was as yet no strong or distinct comprehension of the importance or sacredness or inviolability of the union; and an adequate sentiment of this sort could only be awakened by a shock. The first awakening shock came with the clash of Jackson's imperious championship of a real union against this very South Carolina doctrine of the rope of sand—of nullification. The final shock did not come till the day of Appomattox. In 1854, as in 1832, the South dominated the Union, South Carolina dominated the South, and the Burt family were to the South Carolina manner born, and were of influential standing in that turbulent, intractable and irrepensible commonwealth.

Armistead Burt was even more prominent in public affairs than his younger brother, our Nebraska governor. He was a member of the House of Representatives for five consecutive terms, from 1843 to 1853, and was temporary speaker of the 30th Congress for a short time during the illness of the speaker. He survived the Civil war, politically as well as physically, and was a member of the South Carolina legislature of 1865, which enacted the "black code," and in 1876 assisted Gen. Wade Hampton in the revolutionary political movement which rid the state of the carpet-bag regime. Episodes in his career in Congress, at the time when Douglas was first undertaking the political organization of the vast northwest territory known as Nebraska, indicate the short-sighted, imperious presumption and narrow provincialism of the pro-slavery sentiment, which was to overreach itself in the repeal of the Missouri compromise by the Nebraska bill—the first step toward its self-destruction, secession being the second, and war the third and last. On the 21st of February, 1844, there was a sharp debate in the House over an attempt on the part of anti-slavery members to ignore or set aside the rule made by the 25th Congress excluding petitions for the abolition of slavery, and Mr. Burt, answering Bardsley of New York, uttered the following fiery speech:

"Language is impotent to express the intensity of scorn and contempt with which South Carolina regards the miserable, upstart morality of the North which attempts to hold up her domestic institutions to the odium of the world. . . . The gentleman from Maine (Severance) has told the House that that class of petitions will never cease until Congress does its duty by abolishing slavery in the District of Columbia; but I beg permission to say that whenever that discussion is raised in this hall it will be the last subject that an American Congress will ever discuss here. The South would regard it as a declaration of war, and she would act accordingly. She would not allow that government to which she had surrendered certain attributes of her sovereignty for the protection of this property to be permitted in any form to invade it."

It must have been obvious at the time that the settlers of Nebraska would be strongly anti-slavery in sentiment, and it is indicative of the subservient spirit of Mr. Pierce's administration that a man so widely distant in both sentiment and location should be sent to rule over them. Our wonder is increased by the reflection that the great hardships incident to traversing the vast physical distance cost the first governor his life.

With the exception of the short beginning of the Milwaukee & Mississippi railroad—from Milwaukee, the Chicago & Rock Island to the Mississippi, and a few spurs or beginnings in Illinois, no railways had been built west of a line drawn north and south through Chicago. Most of the railways of the country were confined to southern Michigan, Ohio, and the northeastern and southeastern states.

Governor Burt was commissioned August 2, 1854, and on the 11th of September following he left his home—Pendleton, S. C.—for Nebraska, accompanied by his young son, Armistead, and several neighbors who intended to settle in the new territory.

(To be Continued)

NOTED PEOPLE.

E. H. Harriman.

Edward Henry Harriman, the railroad king and one of the financial powers in Wall Street, was born in 1847 in New Jersey, where his father was a clergyman. Harriman entered Wall Street while still in his teens, and became a broker at 21 years of age. He formed a profitable connection with William K. Vanderbilt, and became a private banker. In 1887 Mr. Harriman became a director in the Illinois Central Railroad. In 1899 he carried through the big financial deal by which he gained control of the Chicago and Alton Railroad. He bought the Kansas Pacific Railroad in 1898. It was in May, 1901, that the terrible battle for control of the Northern Pacific took place between E. H. Harriman on one side and J. J. Hill and J. Pierpont Morgan on the other. Hundreds of men were ruined, and on May 11th a compromise was made by which Harriman became a director in both the Northern Pacific and the Burlington Railroads. He has three daughters and two sons.

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Edward VII.

Edward VII, King of England, Scotland and Ireland, Emperor of India, was born November 9, 1841. He was the eldest son of Queen Victoria and her consort, Prince Albert. He is the seventh of the sovereigns of the House of Hanover. He came to America in the fall of 1860 and visited the principal cities of the United States and was entertained at Washington by President Buchanan. He was known as Baron Renfrew. He was educated at Oxford University, England. He won the great English derby in 1896 and again in 1900. He married Princess Alexandra of Denmark on February 4, 1863. Edward visited Egypt in 1869. In 1875 he made a tour of his Empire of India. He ascended the throne January 22, 1901.

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Frederick M. Warner.

Gov. Frederick M. Warner, of Michigan, was born at Hickling, Nottinghamshire, England, on July 21st, 1865. He was brought to the United States when only three months old, and when six months old both his parents died suddenly, and the boy was adopted by the Hon. P. D. Warner, of Farmington.

Early Associations.

There are few things more important to the human life than the selection of proper associations; for they not only reflect character, but also affect it, and upon the experiences of childhood depend the memory and sentiment of maturer years, which are the guiding factors of future nobleness.

Upon the influences of home life are a child's thoughts, ambitions and loves educated, and accordingly are these traits revealed in after life as he gravitates naturally to his most congenial sphere.

To all, the responsibilities of good examples are very great; but to the guardians of youth they are incalculable, for no amount of pretext is effectual if example be missing.

The associations of youth are peculiarly indelible to a child's memory, and no one can foresee by what little triviality an impressionable child may be influenced. A melody, a gentle word and glance, the odor of certain garden flowers, or a frown, an injustice, may alike affect their thoughts, from the dawn to the end of life, "for memory has as many moods as the temper and shifts its scenery like a diorama."

When loving associations have been accumulating within us for years, even the possible suggestion that there could exist any possible substitute for them seems almost a sacrilege. George Eliot says: "The illusions that began for us when we were less acquainted with evil have lost none of their value when we discover them to be illusions. They feed the ideal better; and in loving them we still strengthen the precious habit of loving something—not visibly, tangibly existent, but a spiritual product of our visible, tangible selves. Cherish the childish loves and associations—the memory of that warm little nest in which every high impulse was fledged."

With equal force, however, must come the remembrance of unkindness, cruelty and all kinds of injustice—and what more accumulative and powerful in its effects than bitterness, from

ton, Mich. He was educated in the public schools of Farmington, and on September 19, 1888, he married Miss Martha M. Davis, of Farmington. He was engaged in agricultural pursuits until 1889, when he built an extensive cheese factory in Farmington, and he now owns seven of these factories. He was made a state senator of Michigan for three years, from 1895 to 1898. He was elected secretary of state for Michigan in 1900. He became governor in 1904. His home is in Farmington, but his public offices are at Lansing.

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Stephen B. Elkins.

Senator Stephen B. Elkins, of West Virginia, was born in Ohio, in 1841. He was taken by his parents to Missouri while only a lad. He graduated from the University of Missouri in 1860, and, after studying law, was admitted to the bar in 1863. He then went to the territory of New Mexico. He was the delegate to Congress from New Mexico from 1873 to 1877. He married Miss Hallie Davis, daughter of ex-Senator Henry G. Davis, of West Virginia, and moved to that state. He was secretary of war from 1891 to 1893. He was elected a United States senator in 1895, and was re-elected in 1900. He has a magnificent home near Elkins, W. Va., but lives in Washington while Congress is in session. He is many times a millionaire and is interested largely in the coal and lumber properties of his state.

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Eugene V. Debs.

Eugene V. Debs, of the American Railway Union, was born in Terre Haute, Ind., in 1855. He was educated in the public schools of his native city. In 1871 he went to work as a painter in the car shops of the Vandavia Railroad. He worked for three years as a fireman on this railroad. His first public office was that of city clerk of Terre Haute. In 1881 he was elected as a member of the Indiana state legislature. He gained great fame as an orator when he nominated Daniel Voorhees for the United States Senate. He was next made grand secretary and treasurer of the Brotherhood of Engineers. He was re-elected 14 times. He organized the American Railway Union on June 20, 1893. He is married and lives in Terre Haute, Ind.

which emanates atheism, and, in fact, almost every sad, doubting characteristic to which the "flesh is heir."

What little child was ever taught Christianity or the love of God by the doctrine of hell fire only? And what little heart, permeated with the natural impulses of youth, was ever made happy or genuinely good by the monotonous doctrines of the eternal consequences of good conduct? Childhood's longings are not always perversely obstinate, and if in maturer years we should have quite "put aside childish things," still it is the refinement of cruelty to insist upon children sharing our interests, for to the little girl whose arms are hungry for a doll there can be found no solace in housekeeping receipts; nor with any degree of satisfaction to a boy could Gibbon's Rome ever substitute the joys of "Tom Brown at Oxford." Unquestionably, the pursuance of childish duties is as important as those of after life, but also with equal justice should they find recompense in childish joys, which will ever encourage and feed the memories of love and justice.

If "ignorance is a painless evil," so also is the memory of those merry, innocent childhood days, the thoughts of which, like the sun, rise every morning to flood the day with happiness, and to which rays respond and blossom life's highest impulses.

In life's complicated game, when the devices of skill are so frequently defeated by unforeseen and unavoidable incidents, what better capital and offset to depression than happy memories, to which one's mind naturally reverts, and such cheerfulness not only makes life desirable, but from a practical standpoint is a fine asset for all.

In encouraging children by example, associations, happy environment and every rational form of indulgence, one unconsciously benefits humanity in general. The future of all countries depends upon its children, and their early influences and associations.

Science and religion are but different sides of the same shield.