

Morton's History of Nebraska

Authentic—1400 to 1906—Complete

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CHAPTER IV CONTINUED (10)

From this vast purchase of territory adjacent to the previous holdings of the republic have been created twelve great states, namely: Louisiana, in 1812; Missouri, in 1821; Arkansas, in 1836; Iowa, in 1846; Minnesota, in 1858; Kansas, in 1861; Nebraska, in 1867; Colorado, in 1876; Montana, in 1889; South Dakota, in 1889; North Dakota, in 1889; and Wyoming, in 1890. Although only about one-third of Colorado, two-thirds of Minnesota, and a little more than three-fourths of Wyoming are parts of the Jefferson purchase, yet we have left of it in the Indian territory and Oklahoma enough to make several more states. The estimated population of the land ceded by Napoleon in 1803 was fifty thousand whites, forty thousand slaves, and two thousand free blacks. More than four-fifths of the whites and all the blacks except about one thousand three hundred were in and adjacent to New Orleans. The rest were scattered through the country now included in Arkansas and Missouri. The population of the Louisiana Purchase is now about 14,000,000, and if it were as densely populated as Belgium, which contains 536 human beings to the square mile, it would contain and maintain 473,326,592.

The importance of the Louisiana Purchase does not spring alone from its extent and value as a vast territorial addition to the country, but very largely from its momentous political significance and effect. In the first place it was a pawn played by the great Napoleon in his universal game of war and diplomacy, in which the ancient empires of Europe were the stakes. Acquired by France under Louis XIV., through exploration and settlement here and there, it was ceded to Spain as a salve for sacrifices on her part in the treaty of 1763, which secured the supremacy of the English-speaking race on this continent and in general as a colonizing power, and was the territorial preparation for the great republic. Before Napoleon had forced himself into actual power as first consul, November 9, 1799, Talleyrand, who ruled under the directory, had conceived the idea of once spreading out France in a great colonial empire, and curbing, through near neighborhood, the pretentious young American republic, by securing the retrocession of Louisiana. Spain's fortunes were going from bad to worse, and after Napoleon's startling victory over the Austrians at Marengo in June, 1800, Talleyrand's messenger had but to demand the retrocession on the terms he proposed and it was accomplished—October 1, 1800.

The Spanish king, complaining that France had not carried out her part of the bargain, delayed the delivery of Louisiana, but finally yielded, October 15, 1801, on the assurance of Talleyrand that, "You can declare in the name of the first consul that France will never alienate it." Meanwhile Napoleon had won peace from Austria by force, and from Great Britain through diplomacy, so that now he prepared to take possession of Louisiana; but first he had to deal with the revolution of the negroes of the important outpost of Santo Domingo, under the lead of Toussaint L'Ouverture. The disaster which finally befell Napoleon's army in Santo Domingo, and the impending renewal of his irrepressible conflict with England, led the marvelously practical first consul to abandon whatever thought he may have indulged of a colonial empire in America. It is doubtful that he ever fully entertained or regarded as feasible this original dream of Talleyrand's. But at any rate, and in spite of Talleyrand, his unequalled executive mind saw straight and clear to his purpose and acted with characteristic decisiveness. In the early days of April, 1803, he disclosed to Talleyrand, and then to others of his ministers, his purpose of ceding Louisiana to the United States. At the break of day, April 11, the day before Monroe, Jefferson's special envoy for the purchase of New Orleans and possibly the Floridas also, arrived in Paris, Napoleon announced to Marbois, his minister of finance: "Irresolution and deliberation are no longer in season; I renounce Louisiana. To attempt obstinately to retain it would be folly."

Have an interview this very day with Mr. Livingston." He had said the day before that he feared England would seize Louisiana as the beginning of war; and already, April 8, he had countermanded the order for General Victor to sail with his army to take possession of Louisiana. When in an interview later in the day Livingston was "Still harping on my daughter," begging only for New Orleans and West Florida, he was disconcerted at the sudden demand of Talleyrand, "What will you give for the whole?" The next day Livingston conferred with Monroe, but in the afternoon he met Marbois, who invited him to his house, and during the night a preliminary understanding was reached. After much haggling about the price the papers were signed during the early days of May, but were dated back to April 30. Napoleon sought to preclude danger of the subsequent cession of the territory to England, or any other rival power, and to protect the inhabitants, who were mainly French and Spanish, in the enjoyment of their religion and racial propensities, by inserting the following guarantee in the treaty:

"The inhabitants of the ceded terri-

tory shall be incorporated in the union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizenship of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

Though this vast territory had actually been pressed upon the American ambassadors, its acquisition was indeed a triumph for the young republic.

"Livingston had achieved the greatest diplomatic success recorded in American history. . . . No other American diplomatist was so fortunate as Livingston for the immensity of his results compared with the paucity of his means. . . . The annexation of Louisiana was an event so portentous as to defy measurement. It gave a new face to politics, and ranked in historical importance next to the Declaration of Independence and the adoption of the Constitution—events of which it was the logical outcome; but as a matter of diplomacy it was unparalleled, because it cost almost nothing."

But Livingston's cup of glory turned to ashes on his lips. He was charged with corruption in the distribution of the part of the purchase price which was to be paid to American claimants, and the credit the public gave Monroe elevated him to the presidency, where he was so fortunate as to make his name known of all men by the timely enunciation of the "Monroe Doctrine," which was adopted as an expedient for the safety of the still young and not yet firmly founded republic and its institutions, and which is still maintained as a principle of American policy, but more perhaps through the influence of tradition than of the original need or expediency, this motive having been superseded by one of wider scope and farther reach though not definitely defined or conceived. The direct bearing of an account of the Louisiana Purchase upon a history of Nebraska will now begin to appear, and is forecast in the following estimate of its political effect or sequel:

"On the transcendent importance of that event, aside from the expansion of territory, we get some idea when we reflect that the Missouri compromise, the annexation of Texas, the compromise of 1850, the Kansas-Nebraska bill, the Dred Scott case and at length the Civil war, were events in regular sequence directly traceable to it, not one of which would have occurred without it."

The sweeping conclusions of the eminent jurist are doubtless technically correct, but there is a hint in them of the almost dogmatic implication in many historical accounts of the famous purchase that it was a work of chance—a result of the accidental extremity of the fortunes of Napoleon and of the Spanish nation at that particular time, and of the acumen of several American politicians. Mr. Adams partially corrects this misapprehension when he declares that the acquisition of Louisiana was "the logical outcome of the Declaration of Independence and the adoption of the Constitution." But the historian would have been equally correct and more fundamental if he had said that the acquisition was the logical outcome of the ascendancy of the English race and English institutions in North America, as against the Latin race, which was formally determined by the result of the French and Indian war and the treaty of 1763. The expulsion of France and Spain would have been completed by the same English race without the incident of the secession of the colonies and the division of English territory which the Declaration of Independence proclaimed. While the great Napoleon's necessity of trying conclusions with England at home in 1803, just as his predecessor had tried conclusions with England in America in 1763, and his necessity of diverting the troops with which he intended to take possession of and defend Louisiana to put down the Santo Domingo rebellion, probably at once precipitated this final surrender of French pretension to America which might have been held in solution yet for some time, still the precipitation would have been only a question of time; and it is not unlikely that there would have been the same evolutionary working out of the question of slavery and of union, the same tragedy and the same glory. The first view, in short, has the fault of empiricism, of explaining an important social phenomenon as an accident instead of a natural evolutionary process.

News of the retrocession of Louisiana to France, which reached America about eight months after it had been agreed upon, disclosed the inherent or inevitable opposition to the reinstatement of France. And so Jefferson was moved by fear of such an event to write in July, 1801:

"We consider her (Spain's) possession of the adjacent country as most favorable to our interests, and should see with an extreme pain any other country substituted for them."

Spain, unlike her then monstrosly militant neighbor of the same race, was already too inert to be seriously inimical. Madison, Jefferson's secretary of state, wrote, September 28, 1801, to Livingston, who had just

reached France, that the proposed change of neighbors was a matter of "momentous concern." If allowed, "inquietudes would be excited in the southern states where numerous slaves had been taught to regard the French as patrons of their cause." Livingston, who perceived the perplexities of the situation, wrote to Madison several months before the cession that he was persuaded that the whole business would result in the relinquishment of Louisiana to the United States. It was plain, moreover, to astute American statesmen that the retrocession of Louisiana by the French undid the work of the Seven Years' war and nullified the treaty of 1763. Jefferson's feeling seemed to grow stronger, and he wrote to Livingston, April 18, 1802, that New Orleans was so important to the United States that whoever held it was for that very reason naturally and forever an enemy, and that the day France took possession of the city the ancient friendship between her and the United States ended and alliance with Great Britain became necessary. Nor were English statesmen slow to foresee the natural sequence of events. Before the cession had been mooted Lord Whitworth, the British ambassador at Paris, had predicted that America would reap the "first fruits" of the coming French war with England; and Addington, anticipating Napoleon's own later reason for the cession, told Rufus King that the first step of England on the outbreak of war would be to seize Louisiana.

The interesting question as to Napoleon's real reasons for alienating Louisiana from France will perhaps never be settled. Of our late standard historians of the United States Adams gives the question the most thorough consideration; and while he seriously damages, if he does not completely demolish the reasons usually given, he fails to establish others in their place.

"Bonaparte had reasons for not returning the colony to Spain; he had reasons, too, for giving it to the United States,—but why did he alienate the territory from France? Fear of England was not the true cause. He had not to learn how to reconquer Louisiana on the Danube and the Po. . . . Any attempt (on the part of England) to regain ascendancy by conquering Louisiana would have thrown the United States into the hands of France; and had Bonaparte anticipated such an act he should have helped it. . . . Every diplomatic object would have been gained by accepting Jefferson's project of a treaty (for New Orleans alone) and signing it, without the change of a word. . . . The real reasons which induced Bonaparte to alienate the territory from France remained hidden in the mysterious processes of his mind. Anger with Spain and Godoy had a share in it, disgust for the sacrifices he had made, and impatience to begin his new campaigns on the Rhine,—possibly a wish to show Talleyrand that his policy could never be revived, and that he had no choice but to follow into Germany,—had still more to do with the act."

McMaster, on the other hand, puts the orthodox, or generally accepted reasons into a nutshell, thus:

"New combinations were forming against him (Napoleon) in Europe; all England was loudly demanding that Louisiana should be attacked; and, lest it should be taken from him, he determined to sell to the United States."

Somewhat more at length, and willing to credit Jefferson with shrewd foresight, Schouler adopts the same reasons:

"The accident for which Jefferson had here allowed was, in truth, the speedy renewal of hostilities between France and England. The treaty of Amiens had been too hastily drawn up, and its adjustment of disputes was too incomplete to be more than a truce between them. . . . And thus it came to pass ere Monroe could reach Paris. . . . Napoleon after his abrupt fashion had relinquished, and most reluctantly, his designs upon the American continent, under the pressure of a speedy war with England, and the necessity of preventing the United States from making the threatened alliance with his enemy. Forced to surrender the Mississippi, in any event he resolved to put it out of the reach of his immediate foe, and gain the gratitude of a new and rising power. He needed money, furthermore, in aid of his warlike operations."

Rhodes essays little on this topic beyond crediting Jefferson with long-headedness:

"The possession of the mouth of the Mississippi was a commercial necessity, and Jefferson showed wisdom in promptly seizing the opportunity presented by a fortunate combination of circumstances to secure the purchase of this magnificent domain."

But it is easier and perhaps safer to give over attempting to interpret the motive and design of the arbiter of the Nebraska country, who is likened to deity, and acknowledge that "his ways are past finding out." For a noted Englishman, even, avows that he was "a supernatural force"; that "his genius was supreme"; that "he raised himself by superhuman faculties," and "carried human faculty to the farthest point of which we have accurate knowledge." And we find the head of the English army character-

izing him as "the greatest soldier and ruler, the greatest human being whom God has ever allowed to govern here below. . . . His greatness in peace, his success in war, his wisdom as a ruler, his genius as a commander, all combine to make him the most remarkable man whom God ever created."

But while Napoleon's part in this great transaction remains equivocal, or not positively to his credit, Jefferson's reputation for great capacity and consummate sagacity in his part has been established by a century's severest scrutiny. From the time of the retrocession of Louisiana by Spain to France in 1800 the position of the United States was diplomatically very delicate if it was not desperate. France had been insolently preying upon our commerce, and Livingston was obliged to complicate demands for damages on this account with his negotiations for the purchase of New Orleans. No friendship could be expected from England except as it might be played off against France. In its constant peril of one or the other of these greatest powers, Spain took frequent opportunity to visit the young republic with both insult and injury; and though Napoleon's extremity furnished our opportunity for the Louisiana acquisition, its original stimulus and initiative came from an imperious demand for free commerce, through the channel of the Mississippi river, by the settlers of the western parts of Kentucky and Tennessee.

Before the close of the war of the Revolution John Jay, minister to Spain, had in vain negotiated for an acknowledgment of this privilege, which was claimed on good grounds as a natural right by virtue of our claim of ownership of the entire east bank of the river as far as New Orleans, and of succession to the right of free navigation guaranteed to our grantor, Great Britain, by the treaty of 1763. But then, as now, international treaties and international law were made to be violated with impunity as against the weaker party, and the United States was the weaker party. When Jay, for diplomatic reasons, agreed that the disagreeable matter should not be pressed against Spain for twenty-five years, the restlessness of the Kentucky and Tennessee pioneers broke into riotousness, and preparations were made to set up a separate government, and to send an armed expedition to force the free passage of the river beyond New Orleans. But, crushed in the adversity of the Napoleonic wars, Spain relented in 1795, and guaranteed free passage of the river and a place of deposit for American cargoes at New Orleans for the period of three years. The bold westerners regarded this agreement as a temporary makeshift, and egged President Adams on for a permanent settlement. Even Hamilton, with many followers, urged the necessity of taking advantage of Spain's helplessness and seizing and holding New Orleans by force; but Adams held them off. Jefferson's administration inherited this persistent demand for a permanently free Mississippi, and he silenced its insistent clamor by setting on foot the negotiations for the purchase. Godoy, who in everything save the ultimate power to enforce his policy and rights was a match for Talleyrand and Napoleon, had been recalled to power as foreign minister of Spain after she had been persuaded into the retrocession, and he skillfully played every device for delay of the final delivery. Godoy's bold strategy and Toussaint's revolution in St. Domingo put off French occupation of Louisiana until, by the spring of 1802, Jefferson's eyes had opened wide on the situation. For "the whole power of the United States could not at that day, even if backed by the navy of England, have driven ten thousand French troops out of Louisiana." Morales, the Spanish intendant at New Orleans, had goaded the temper of the free trade westerners to the acute stage by refusing to extend the right of passage and deposit at the end of the three years, as the treaty of 1795 had stipulated; and when restitution was ordered by Godoy's influence, March 1, 1803, it was too late.

The Spanish tariff on trade through the Mississippi, which drove the pioneer western colonists to revolution, and but for the peaceful diplomacy of Jefferson must have involved the forcible conquest of New Orleans, was from 50 to 75 per cent. For the last forty years a tariff tax on western agriculture, equally as high, has been imposed by the forms of law at the port of New Orleans and every other port of the Union, and its most strenuous and ablest opponents have hailed from the same old Kentucky commonwealth. It is interesting to reflect that perhaps the aggressive courage, brilliancy, and legal acumen of our present-day Kentucky free-traders—the Wattersons and Carlises—are an inheritance from those pioneer revolutionists against the Spanish tax on trade which was so appropriately named after Tarifa, a Spanish freebooter at the passage of Gibraltar at a still earlier day. And thus the recalcitrant Godoy, playing for time, hoping against hope to free Spain from the shackles of Napoleon, five hundred thousand Santo Domingo negroes frenzied with the passion for personal freedom, and the necessity of the Kentucky and Tennessee settlers for a free market for their to-

bacco, flour, bacon and hams were the purchase.

While Hamilton's policy for getting New Orleans was to seize first and negotiate afterward, and early in March, 1803, Congress authorized Jefferson to call out eighty thousand troops, he resolutely kept the key to the situation and continued "to palliate and endure."

"They who sought thus to lessen confidence in the president, and to take the Mississippi entanglement out of his discretionary control by cutting the knot, underrated at this crisis the ability of a most consummate and experienced negotiator; one with whom, in a matter of foreign diplomacy, Hamilton himself bore no comparison."

While Adams, in his rigid impartiality, apparently sees that Jefferson might have been open to the charge of having dallied too long in his passion for peace, in face of the imminent danger of Napoleon's occupation with an impregnable force, if the outcome had been disastrous or less glorious, yet he is constrained to unqualified recognition of his great diplomatic skill.

"With infinite pertinacity Jefferson clung to his own course. . . . The essence and genius of his statesmanship lay in peace. . . . The consistency of the career became more remarkable on account of the seeming inconsistencies of the moment. He was pliant and yielding in manner, but steady as the magnet itself in aim. His maneuvers between the angry west and the arbitrary first consul of France offered an example of his political method. He meant that there should be no war."

The consciences of republicans evidently suffered a severe gnawing because necessity impelled them to violate their construction of the Constitution to get Louisiana. Jefferson urged an amendment which would grant "an enlargement of power from the nation," rather than by mere construction to "make our powers (including treaty powers) boundless," and the Constitution "blank paper." But Jefferson was no less consistent and certainly more logical than his fellow republicans in the House and the Senate. Although it may be "hard to see how any president could have been more federalist than Jefferson himself," confronted by this imperious necessity of acting outside the acknowledged narrow limits of the written Constitution which theoretically restrained him, yet he frankly confessed that he was technically wrong, but as frankly avowed that he should "acquiesce with satisfaction, confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects." Breckinridge and Nicholas, on the other hand, the one author of the Kentucky, and the other ardent supporter of the Virginia resolutions, now began to see implied powers in the Constitution which would amply support the present purpose. John Quincy Adams, representing the younger and more moderate federalists, like Jefferson, desired the acquisition, but like him also thought a constitutional amendment necessary and, cooperating with the administration, like Jefferson, offered an amendment for the purpose. Contrary to somewhat authoritative assertion, the ground of Jefferson's constitutional objection included that of the acquirement of territory as well as the right, which was involved in the treaty, of adding this territory, acquired since the formation of the Constitution, as states to the Union.

The extreme federalists, such as Pickering of Massachusetts and Griswold of Connecticut, in a fit of capricious, obstructionist partisan temper, insisted that the treaty was absolutely unconstitutional and void, their chief contention being that it involved the admission of this new territory as a state in the Union which could not be done without the consent of all the other states, since the Constitution applied in this sense only to the territory comprised within the United States when it was adopted. "Nothing so fully illustrates the low state to which the once prosperous federalists were fallen as the turbulent and factious opposition they now made to the acquisition of Louisiana." But "the mass of the people pronounced the purchase a bargain," and Jefferson knew that he was safe in their hands. "He would accept the treaty, summon Congress, urge the House and Senate to perfect the purchase, and trust to the Constitution being mended so as to make the purchase legal." He called Congress in special session in October; the Senate almost unanimously ratified the treaty, and a bill to carry it into effect was passed with only five votes against it in the Senate, and twenty-five federalists voted against it in the House, seventeen of whom were from New England. Nothing more was heard of "mending the Constitution." Neither Jefferson or Breckinridge, republicans, nor Adams or Pickering, federalists, could then discern that out of the same revolution which had produced only our rigid written Constitution, hobbled by Hamiltonian "checks and balances," the seeds of a British policy were already growing whose full fruitage was soon to be a constitution made to the order of public opinion directly by the supreme popular house of parliament. Providence of the great Louisiana (TO BE CONTINUED)