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QUESTIONS.

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Herbert Spencer  
**GOVERNMENT BY THE PEOPLE.** says: "The power of an apparatus primarily depends, not on the ingenuity of its design, but on the strength of its materials. Be his plans never so well devised, yet if our engineer has not considered whether the respective parts of his structure will bear the strains to be put upon them, we must call him a bungler. Similarly with the institution-maker, if the people with whom he has to deal are not of the requisite quality, no cleverness in his contrivance will avail anything. Let us not forget that institutions are made of men, and that, frame them together as we may, it is their nature which must finally determine whether the institutions can stand. These social forms which we regard as all potent, are things of quite secondary importance. What mattered it that the Roman Plebeians were endowed with certain privileges, when the Patricians prevented them from exercising those privileges by ill-treatment carried even to the death? What mattered it that our Statute Book contained equitable provisions, and that officers were appointed to enforce them, when there was needed a Magna Charta to demand that justice should neither be sold, denied, nor delayed? What matters it even now, that all men are declared equal before the law, when magistrates are swayed by class-sympathies, and treat a gentleman more leniently than an artisan? If we think that we can rectify the relationships of men at will, we deceive ourselves. What Sir James Mackintosh says of institutions—that they are not made, but grow—applies to all social arrangements. It is not true that once upon a time men said: 'Let there be law,' and there was law. Administration of justice was originally impracticable, Utopian, and has become more and more practicable only as men have become less savage. The old system of settling disputes by

personal contest, and the new system of settling them by State arbitration have co-existed throughout all ages; the one little by little taking the place of the other—outgrowing it. The feudal baron, with castle and retainers, maintained his own rights, and would have considered himself disgraced by asking legal aid. Even after he had agreed to regard his suzerain as umpire, it was still in the lists, and by the strength of his arm and his lance that he made good his cause. And when we remember that equally among lords and laborers this practice long lingered; that until lately we had duels, which it was thought dishonorable for gentlemen to avoid by applying to a magistrate, and that even still we have pugilistic fights, which the people try to hide from the police, we are taught that it is impossible for a judicial system to become efficient faster than men become good. It is only after public morality has gained a certain ascendancy that the civil power gets strong enough to perform its simplest functions."

And this deliberate declaration by one of the foremost sociological students and writers of the world, teaches Americans that their government can never be better than the people out of whom it is made. It instructs us that the homes and the schools, the parents and the teachers are, in a Republic, more than in any other form of government, the moral and intellectual dynamos that evolve the thoughts and character which control and conserve, energize, or paralyze and corrupt, or destroy the social and political fabric.

Dr. Ben Franklin, in a speech made at Philadelphia, September 17, 1787, on the last day of the convention which created the Constitution of the United States, said:

"I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well administered; and believe further, that this is likely to be well administered for a course of years, and can only end in despotism, as other forms have done before it, when the people shall have become so corrupted as to need despotic government, *being incapable of any other.*"

And at no time since its issuance, on September 17, 1796, nine years after the speech of Dr. Franklin, above quoted, has there been more reason than there is today for the careful study of the wise, far-seeing and patriotic farewell address of George Washington to his countrymen. That grand admonition contains this:

"There is an opinion that parties in

free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical caste, patriotism may look with indulgence, if not with favor, upon the spirit of the party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire ought not to be quenched; it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming, it should consume.

"It is important, likewise, that the habits of thinking in a free country should inspire caution, in those entrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism.

"A just estimate of that love of power and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them \* \* \* \*"

"Of all the dispositions and habits which lead to political prosperity Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation *deserts* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that Morality can be maintained without religion. Whatever may be conceded to the influence of education