

Richardson tell them that the present law forbids white men settling there; that there are, however, between 500 and 1,200 in the region and between 50,000 and 60,000 emigrants every year traveling the roads for the Pacific coast beyond. Howard of Texas rages in a long speech over this ruthless violation of Indian rights—organizing a territory over their heads without their consent—and is asked how long it is since Texas grew so tender of redskins. The motive beneath is plain. This is a fight between Chicago and St. Louis, on the one hand, looking forward to the opening of the Platte valley Pacific railroad; New Orleans and Texas, on the other, trying to block the northern route until they can push one through on southern parallels; and New York City helping the southerners in order to maintain her own hold on the California trade by sea and the isthmus of Panama. The collateral evidence to prove this is convincing, but cannot be quoted here.

The Polk administration had sent out the governor appointed to Oregon by the Gila river route in 1848. Jefferson Davis, in a speech on the question of making a twenty-year government contract with the Panama railroad company in 1849—when the Illinois members opposed, saying that a rival proposition would be submitted by a road to be built inside the United States—declared himself in favor of a Pacific railroad "whether through the valley of the Gila, or by Pueblo de Los Angeles, whether to San Diego, Monterey or San Francisco." There is just one significant reference to slavery in the debate. Howe of Pennsylvania asks the sturdy champion of free soil, Giddings, a member of the committee which reported the bill, why there is no provision excluding slavery from the new territory. Giddings replies that by the Missouri compromise slavery is perpetually prohibited in the Louisiana purchase north of 36-30. Howe asks if Giddings has any recollection of a compromise since then, referring to that of 1850, and Giddings rejoins that the latter does not affect the Nebraska question. So with this single reference to slavery the bill passes the house by northern and western votes, 98 to 42, and goes the next day to the senate. There Senator Douglas, at the head of the senate committee on territories, reports it unaltered on the 17th of February. It is not until the morning light of March 4, 1853, is breaking through the windows upon the all-night session of a senate about to die that Douglas gets a chance to call up the Nebraska bill. Senator Rusk of Texas is on his feet in an instant. "I hope the bill will not be taken up. It will lead to discussion beyond all question." Atchison, pro-slavery democrat from Missouri, pleads with the south to let the bill be taken up. He says he did not expect opposition from the quarter of Texas, Arkansas and Mississippi; that he had found that there was no prospect, no hope of a repeal of the Missouri compromise and that the tide of population pressing upon the border would inevitably break over and take possession of the Indian lands and the maintenance of peace and order on the frontier demanded organization now.

The debate goes on for hours while the sands of an expiring session run out. At the end of it a motion to lay the bill on the table prevails by a vote of 23 to 17. It is this vote analyzed which proves the real nature of the opposition to the Nebraska bill—the combination of commercial rivals with slave jealousy which is determined to prevent a Pacific railroad up the Platte valley. Eighteen out of twenty-three votes to lay on the table make the solid south—both whig and democrat—against Douglas' bill; the other five are from the commercial states of the northeast. Every one of the seventeen votes for the bill is from the north and northwest except the two votes from Missouri. Before another Nebraska bill could be debated in congress the southern interest had rushed the Gadsden treaty from Mexico to Washington, paying \$10,000,000 for a strip of desert in Arizona and New Mexico, whose only use was to open a better route for a southern Pacific railroad.

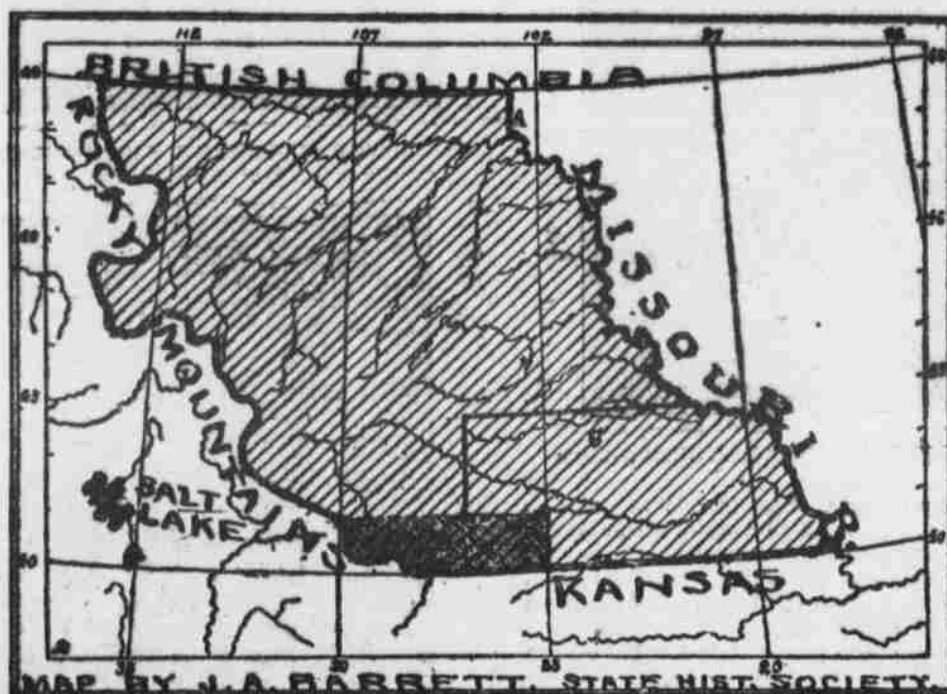
The new congress met and on December 14, 1853, Senator Dodge of Iowa introduced practically the same bill that had been killed March 4. Senator Douglas reported this bill from the committee on territories on January 4, 1853, with boundaries changed on the north, with the provision that when Nebraska was admitted as a state or states it should be "with or without slavery, as their constitution may prescribe at the time of their admission"; and with section 21, or "the stump speech in the belly of the bill," as Benton called it, declaring that it was the true intent and meaning of the act to carry into practical operation the principles of the compromise of 1850—first, that all questions pertaining to slavery in the territories and the new states formed therefrom were to be left to the decision of the people residing in them; second, that all questions involving title to slaves or questions of personal freedom were left to local courts with right to appeal to the United States supreme court; third, that the fugitive slave law was to be carried into execution in the territories as well as the states.

What was Douglas' motive in proposing this to make Nebraska a cockpit where slavery and freedom should fight it out? The common republican opinion then and

since was that Douglas was conciliating the south to pave his own path to the presidency. Is there not another sufficient reason without this one? For ten years he had been trying to open this country lying straight in the path of commerce and emigration from his own state; for five years he had seen Pacific railroad projects blocked by commercial rivals, south and east. He had seen those interests strong enough to kill his bill the spring before even when strongly supported by the slave state of Missouri. He knew that a hasty treaty with Mexico was being pushed to prepare the way for a Pacific railroad that would build up the rivals of both Chicago and St. Louis. No one knew better than he that commerce and migration to the Pacific would follow the route of the first railroad. No one was closer than he to the railroad and commercial interests of Illinois. He had secured the first United States railroad land grant for the Illinois Central. The Rock Island, first of all Illinois roads, had just reached the Mississippi. Railroads would soon be built across Iowa. The natural route to the Pacific was across Nebraska prairies. If opened to white settlement it was certain the rush of population would carry the road on its shoulders and with it the trade not only of the west, but of the world to Chicago. The price to pay was to satisfy the slave sentimentalists of the south—to offer them, *prima facie*, an equal opportunity with

Democrats," signed by Chase, Giddings, Sumner, Gerritt Smith, Edward Wade, Alex DeWitt, a fiery review of the Nebraska bill and a stirring call of the free states to action. The free states responded. Mass meetings, newspapers, pulpits, voiced a mighty chorus of protest. The legislatures of five northern states sent in solemn resolutions against the bill. Douglas found he must drive hard to get the bill through, and he drove. From January 30 to March 3 the bill was debated in the senate in the intervals of other business, with Douglas urging every day toward a final vote. The night of March 3 Douglas spoke from midnight until daybreak, closing the debate, and the bill passed by a vote of 27 to 14. Fourteen northern democrats, fourteen southern democrats and nine southern whigs voted "aye." Four northern democrats, six northern whigs, two free soilers, one southern whig (Bell of Tennessee) and one southern democrat (Sam Houston of Texas) voted "nay." One important amendment had been made, proposed by Senator Clayton of Delaware, that only citizens of the United States should vote or hold office in the new territories. This was designed to shut out foreign immigrants who had declared their intention to become citizens and passed by the close vote of 23 to 21.

The bill now went to the house, where Richardson was still at the head of the committee on territories. He moved, March 21, its reference to that committee. Cutting, democrat of New York, moved to refer it



TERRITORY OF NEBRASKA FROM 1854 TO 1861.
A—WHITE EARTH RIVER.
B—PORTION REMOVED BY FORMATION OF COLORADO.
C—PRESENT LIMITS.

the north in settling the new territory, knowing as Douglas knew that the superior energy and push of the free state migration would win in Nebraska as it already had in Oregon and California.

Such an offer would cut the ground from beneath the feet of the New Orleans-Texas-Mississippi opponents of the bill. They could no longer unite the south against the measure on the score of pretended sympathy for the Indian. It is significant that Douglas wrote the plan for the amended bill alone. The south itself was surprised. It was like picking up privileges in the road. Human-like, its first thought after the shock of surprise was for "more." Senator Dixon of Kentucky on January 16 moved an amendment expressly repealing in plain words the Missouri compromise of 1820. Douglas at once went to Dixon's seat and remonstrated. Dixon stood firm, saying the Missouri compromise was not repealed by that of 1850, and the south wanted the question settled beyond doubt. On the next day Douglas took Dixon out for a drive. When the drive was ended Douglas had adopted the Dixon idea and promised to put it in the bill. There was but one more step needed to make success certain—that was the support of the Pierce administration, and with that the support of every pie counter patriot from Maine to Oregon. The man next to President Pierce was Jefferson Davis. Sunday, January 23, Douglas called on Davis and unfolded his plan. Davis took Douglas with him at once to the president—a rare thing for the latter to receive a Sunday political visitor. The two visitors carried from the White House Pierce's promise to make the bill an administration measure—and the bill was as good as enacted.

Monday morning, January 23, Douglas introduced no longer the Nebraska bill—but the Nebraska-Kansas bill, providing for two territories and declaring that the Missouri compromise having been superseded by the compromise of 1850, is no longer operative in the two territories. The next day the Washington Union, organ of the Pierce government, declares the amended bill an administration measure and a test of democratic orthodoxy.

But while these politicians' combinations were being formed the north was rising in rebellion. Whig and democrat and abolitionist had now a common creed. The very day the Union declared support of the bill a test of democratic faith appeared in print the "Appeal of the Independent

to the committee of the whole, and in spite of all Richardson and Douglas could do, the house did so by a vote of 110 to 56. There were fifty bills ahead of it, which must be disposed of before it could be reached. The opposition of the north was growing louder every day. It astonished those who had reckoned on an uprising. Three thousand New England clergymen out of a total of 3,800 of all denominations, sent in a protest. Five hundred clergymen from the northwest sent in another to Douglas himself, which he felt compelled to present with some caustic remarks to the senate. Now was shown the power of the pie counter. The Pierce administration made it known that no democrats need apply for office who did not push for the Nebraska-Kansas bill. Important appointments were held back until the bill was passed. Every democratic congressman felt the mighty force of the party machine. The house business was expedited and on May 8 Richardson moved to go into committee of the whole for the purpose of laying aside, one by one, the eighteen remaining bills ahead of his own Nebraska bill. This was done, the minority fighting every inch, and Richardson then moved to substitute the senate bill, minus the Clayton amendment, for his own bill.

The democrats of the north found the Clayton amendment too heavy a burden to carry. It meant the driving of foreign-born voters out of their party en masse. Debate went on until May 11, when Richardson rose and moved to close debate the next day at 12 o'clock and on that demanded the previous question. The opposition implored and threatened, but Richardson would not yield. Then began a filibuster, similar to the one that marked the repeal of the silver purchasing clause in the summer of 1858. Every known means to prevent a vote was employed by the minority. All day the 11th, all night, all the next day and until midnight was spent in ceaseless roll calls on dilatory motions. Both sides were worn out and adjourned. On Monday, May 15, the fight was renewed. The Pacific railroad bill here appeared on the scene, inseparable from the fate of Nebraska. It had been made a special order for consideration that week. It required a two-thirds majority to postpone the special order. There was not a two-thirds majority in favor of the Nebraska bill, but there were enough opponents of the Pacific railroad among those voting against the Nebraska measure

to give Richardson the two-thirds majority for its postponement. The motion then passed to close debate at the end of the week. General debate was closed, but there still remained, under the rules, the privilege of moving amendments and making five-minute speeches upon them. How to cut off the flood of amendments and five-minute speeches was the knotty problem for the majority. It was solved by Alexander H. Stephens of Georgia, who moved to strike out the enacting clause. This took precedence over any other motion to amend. The friends of the bill, under instruction, voted for Stephens' motion. This was equivalent to rejecting the bill and made it necessary at once for the committee of the whole to rise and report to the house. The house voted down the report of the committee of the whole, and then had the bill in its own hands. The end was reached and at midnight, May 23, the roll was called on the passage of the bill, with the Clayton amendment stricken out. The vote was 113 to 104—44 northern democrats, 57 southern democrats and 12 southern whigs for the bill, and 45 northern whigs, 42 northern democrats, 7 southern whigs and 2 southern democrats against.

On May 25 the senate agreed to the house amendments and on May 30, 1854, President Pierce signed it and Nebraska territory was born, after the fiercest political fight in the nation's history. The slave sentimentalists of the south had swallowed the Douglas bait. They had secured the "equality" their constituents had clamored for—the right to take their slaves with them into Kansas and Nebraska territory—an empty privilege. To get this they had welded northern whigs, democrats and abolitionists into one compact organization. They had driven the German immigrants into the new organization. And they had opened the northern path to the Pacific to settlement and survey. What use to agitate for a Pacific railroad across the sands of Arizona and New Mexico while the fertile prairies and valleys of Nebraska and Kansas were filling with frontiersmen and the broad emigrant trail up the Platte grew broader every year, its margin dotted with ranches? Is it any surprise that in New Orleans, in Texas and in Mississippi the newspapers of the day report no rejoicing over the passage of the Nebraska bill? There, at least, were southerners smart enough to know they had lost a battle—a battle for commercial supremacy, the foundation for all other supremacy. And is it not more surprising that all these fifty years historians and writers have insisted in treating the Nebraska-Kansas struggle as the product of the ambition of one man to be president, rather than what it really is—a phase in a mighty struggle for a world's highway and commercial empire, in which the presidential ambition of one man played but a subordinate part?

Nebraska Territory—1854-1867.

The territorial life of Nebraska began with the arrival of Governor Francis Burt of South Carolina, who reached Bellevue October 7, 1854, and died there October 18. His only official act was to take the oath of office. His successor was Thomas Cuming of Michigan, secretary of state. He made Omaha the capital of Nebraska—and all she is today is the result of that act. It took a man of iron nerve to fix the capital at Omaha, to fix the apportionment for the first territorial legislature so as to hold it there, to face the storm from squatter sovereigns who denounced his high-handed acts and demanded his removal. Acting Governor Cuming had the nerve and to him Omaha owes her place on the map. The first census, taken October 31, 1854, showed 2,732 white settlers in Nebraska, more than half of these really residents of Iowa and Missouri. Omaha had about 150 people and a brick building built near Ninth and Farnham and donated by the ferry company, was the place where the first territorial legislature met January 15, 1855. The leading features of the session were the capital fight, in which Omaha held what she had, the adoption of the Iowa code, the granting of numerous ferry and bridge charters, the enactment of a prohibitory law and a claim club law. The land in the eastern part of the territory had been acquired by treaties with the Omahas, Otoes and Missourians in March, 1854. It was not surveyed until 1855 and 1856. The settlers were therefore all "squatters," and as such they organized claim clubs designed to secure each of them 320 acres of land whereby the law of the United States they were entitled to only 160. The claim clubs were the government the first two years. Distinguished men like John M. Thayer and A. J. Poppleton were presidents. They stood together and drove off newcomers who tried to settle on their claims.

The census of 1855 showed 4,494 people in Nebraska. A scare over some Sioux Indians near Fontanelle cost the territory \$2,000 and gave General Thayer his first military experience. The treasurer borrowed \$4,000 at 15 per cent interest to pay legislative bills. The first crop of Nebraska wild cat banks were given charters by the legislature. Their charters gave them the right to begin a banking business and issue their paper notes as soon as they had \$50,000 capital "subscribed." J. Sterling Morton and Dr. George L. Miller were among the hard fighters against these bank charters, but many of the mem-