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A Discourse on the Genius of the Federative System of the United States

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that your invitation was dictated more by a wish to hear something connected with them, than by any misjudging partiality for myself.

To what theme, then, could I more naturally turn, than to that of the peculiar character and structure of our political institutions? What subject is it so much, at once, the interest and the duty of every man to study and understand? We are a free people; and when we say this, it becomes us to consider what we say, and to form adequate ideas of all the rights and all the duties implied in that word freedom. We are emphatically a free people; free in theory, and free in fact. By the unqualified acknowledgment of all the functionaries who minister in our affairs, they are our servants, and we their masters and our own. What study then so interesting as that of the character of our rights?

Yes, gentlemen, we are FREE; and this, our freedom, is our boast, for this at least we have, in common with the men whose history is fame, and whose deeds most nobly illustrate the name of man. The beacon-light which guided Miltiades, and Themistocles, and Cincinnatus, and Camillus, and Cato, and (greatest of all) our own illustrious Washington, along the path of glory, still shines for us, and to us the same path is still open. To emulate their deeds and rival their renown is the task before us; for to be free, is to have it always in our choice to devote ourselves to the well-being of our country and the world.

Yes, gentlemen! The career of these distinguished men is open to us; but it is only as the career of Cyrus was open to Sardanopulus; the career of Titus to Domitian; the career of Trajan to Elagabelus; as the career of every monarch, illustrious for wisdom and virtue, has been open to those scourges of the earth, whose life has been one wanton and tyrannical abuse of powers conferred for the benefit of their fellow men.

Gentlemen: it is in no unkind spirit that I have suggested this comparison. It is that I may at once startle you to a sense of the eternal though much perverted truth, "that liberty is power;" and that all power, whether that of a sovereign prince or a sovereign citizen, is alike a trust, delegated by the same all-wise being, and enforced by the same sanctions;—honor, the reward—infamy, the punishment. Do you look with contempt and abhorrence,

"On him who sits amid the gaudy herd
Of mute barbarians bending to his nod,
And says within himself, 'I am a king;
And wherefore should the clamorous voice of wo
Intrude upon mine ear?'"

Well may you do so; forgetful as he is, that the power of which he boasts, was given him that he might make the sorrows of his people his own, and succor their distress, and mitigate their calamities, and soothe their afflictions. But have you no

A DISCOURSE

ON THE GENIUS OF THE FEDERATIVE SYSTEM OF THE UNITED STATES.

Prepared to be delivered by Professor Beverley Tucker of William & Mary College: read before the Young Men's Society of Lynchburg, Va., Aug. 26, 1839.*

I appear before you, gentlemen, in compliance with an invitation which deserves my grateful acknowledgments. To have been deemed capable of offering one thought proper to guide your minds in the pursuit of truth, is an honor, which I beg you to believe I highly appreciate. In proportion to my sense of it, has been my anxiety not to disappoint your favorable anticipations. I have felt that it was my duty to give my best thoughts to the selection of some topic worthy of your attention. In my choice, I have been aided by the obvious reflection, that you would naturally expect from me a discourse on some subject not remotely allied to the studies of the youth committed to my charge. With these you had reason to suppose me most familiar; and it became me to believe

* Professor Tucker was unavoidably prevented from delivering this address in person; and it was read before the society by one of its members, and unanimously ordered to be published in the Southern Literary Messenger.

kindred feeling for him, who says within himself, "I am a freeman; and wherefore should the eye of God or man inspect my ways or hold me answerable?" Reverse the case, and the question might be more appropriate. Were he a slave—*his misdeeds might be another's crimes*. As it is, he is master of his actions and his destiny. Who shall stand between him and the arbitrament of public opinion? Who shall shelter him from the irreversible condemnation of posterity? Who shall screen him from the eye of the judge of quick and dead?

Gentlemen: if to be thus free is to be thus responsible, (and that it is so, heaven and earth do witness,) is it less your duty than that of the nursing of royalty, to acquaint yourselves with the true character of the government whose authority you direct, and the enduring interests of the country whose destinies have been committed to your hands?

You will readily answer, "No." Yet some may be surprised at the earnestness of this question, supposing, as so many do, that nothing is so easy as the successful administration of the affairs of a free people. That this idea is delusive, the history of every nation that ever tasted of freedom too plainly shows. Precisely in proportion to the strength of this delusion, and the apparent simplicity of free government, is the difficulty of the task. This it is that renders men impatient under the restraints of wholesome laws. This it is that establishes a miscalculating confidence in the efficacy of forms of government and constitutional restraints. This it is that causes that confidence to glide from the government itself to those who administer it, that lulls into fatal security that jealousy, whose sleepless watch is the only safeguard of freedom, and commits the keys of the fortress of liberty to hands which convert it into a dungeon.

Gentlemen: freedom, in its simplest, social form, is an affair of government. The philosophy of social freedom is the philosophy of *self-government*. If this were all, this alone were enough to show the difficulty of the problem. Who of us is equal to the task of self-government, even on the narrow theatre of private life, and in the discharge of its simple duties? Yet it is in that sacred regard to these, and all the other duties of life, which we dignify by the name of virtue, that political philosophers place the foundation of republican government. "Mon," says the wisest of all observers on the political history of man, "men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of

knaves. Society cannot exist, unless a controlling power upon will and appetite be placed somewhere, *and the less of it there is within, the more there must be without*. It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

Hear too, I pray you, the remarks, by which the profound and philosophic Montesquieu illustrates the necessity of the controlling presence of virtue in a republic: "When virtue is banished," says he, "ambition invades the hearts of *all who are capable of receiving it*, and avarice possesses the *whole community*. They had been free with laws. Now they want to be free without them. Every citizen is like a slave just escaped from his master. What once was *maixm* is now called *rigor*: to order they give the name of *restraint*, and that of *fear* to *prudence*. FRUGALITY, then, and not the THIRST OF GAIN, passes for *avarice*. Before, the property of private men constituted the public treasure; but now, the public treasure is become private property. Then it is, that the members of the commonwealth riot on the public spoils, and its whole force is reduced to the power of the few and the licentiousness of the many."

I am fearful, gentlemen, that no suggestion will be necessary to awaken your attention to the resemblance, in some traits of this striking picture, to objects with which your thoughts are familiar. But it has not been presented for this purpose. My design is to bring before you a high authority, verified, in part, by your own experience, in proof of the indissoluble alliance between freedom and virtue, and the necessity of preserving the latter as the only safeguard of the former.

And how shall public virtue be preserved? By the same means which are found most efficacious to secure regard to all the duties of private life. By *strengthening the incentives*, and *weakening the dissuasives* to virtue.

Foremost among the first is the love of country, aided by the love of honorable fame. But what must be that love of country, which is to furnish an ever present and prevailing motive of action, intense enough to triumph over the seductions of pleasure, the temptations of avarice, the blandishments of ambition? Shall it be a mere abstraction, and conversant only with abstractions? Can a name, an imaginary boundary, an arbitrary association of discordant interests and characters, possess a charm of such power? What indeed is our country, but that which embraces the objects of all the ties which bind man to his kind? And what is love of country, but a compendium of all the natural affections of the heart—a blending of "all the charities of all to all?"

Is it not obvious, gentlemen, that a society, embracing all that is dear to the heart of any man, must unite upon it the strongest attachment, of which his particular nature is capable? Is it not

also certain, though perhaps less obvious, that this attachment will have less of the fervor of passion, in proportion as its object is weakened and diluted by being combined with other objects which are regarded with indifference and perhaps aversion? Every man is more deeply sensible of the ties which bind him to his own immediate family, than of his more extended relation to the society of which his family is a member. But let that family form but an inconceivably small part of a collective whole, made up of jarring opinions, and uncongenial feelings, and incongruous habits, and adverse prejudices, and conflicting interests, and there is danger that the love of family and friends, on the one hand, and the love of country on the other, instead of being identical, will become antagonist passions. The very sentiments—out of whose delicate fibre is spun the strong cord that binds the heart of man to his country—may they not thus hold back his affections from fastening on that object? In short, gentlemen, does not a sound view of the philosophy of the human mind point to the conclusion, verified by all experience, that it is in small communities only, that the love of country is found to glow, with the intensity of those passions, which account life as worthless, in comparison with the honor of a wife, the purity of a daughter, or even a wanton's whim. When the countless hosts of Germany met at Austerlitz the army of Bonaparte, the pride of military glory, the very *certaminis gaudia* nerved them to a short and vigorous struggle, and then they scattered like chaff before the wind, and their country sunk unresisting before the triumphant invader. But when three hundred inhabitants of a petty Swiss canton encountered at Mogarten the overwhelming force of Austria, they thought not of victory—they thought not of glory—they thought not of safety. Their thoughts were only of their country. Their country, their *whole country*, was spread out before their eyes, and from every commanding height each soldier looked on the scenes of his childhood's sports, on the fields his own hands had tilled, on the roof that sheltered his loving wife and tender babes. There they stood, fighting as men who, in the midst of despair, perform the tasks of hope. There each fell fighting where he stood, and none was left to tell the story of that glorious but disastrous day. Such are the deeds that testify that the love of country may be a passion which shall spurn at every thing which might frighten or allure, and which can triumph even in death by leaving the conqueror nothing but the worthless carcass of him he would enslave.

But, gentlemen, it is not through fear alone that liberty is endangered. Other passions, though less abject, are more corrupting; and death itself does not more powerfully influence the mind than the temptations of avarice, and the allurements of ambition. But what is that ambition, whose lof-

tiest aim is the sovereignty of a petty canton? What is that avarice, whose cravings can be satisfied by the plunder of a small and poor state? Weak, indeed, must be the love of country which would not be proof against such paltry temptations. Between the chief of a community, whose place can scarcely be distinguished on the map—whose existence is hardly noted in the history of the world—and him who is but eminent among his neighbors for probity, benevolence and wisdom, ambition itself sees little choice. The love of power is rarely any thing but the love of money, or the love of fame, and weak must be the temptation to seek a station which promises little of the one, and nothing of the other. Ambition is indeed at work every where; in the village as in the metropolis; in the canton as in the mighty empire. "Little things are great to little men." But, gentlemen, it is *not by little men* that the liberties of states are overthrown, and the destinies of nations fixed for good or ill. The evils, against which we have to guard on the side of ambition, are those which might furnish motives of prevailing influence over men capable of great achievements. Ambition, in such a man, when his lot is cast in an inconsiderable community, lifts his aspiring eye to objects far above the paltry offices and petty political distinctions of the state. She reminds him that he is a member of the republic of letters, of the great family of man, and incites him

"To make his mind the mind of other men,
The enlightener of nations."

Hence the flood of light—the continued stream of moral and intellectual influences—that the little republic of Geneva has poured upon the world, from minds, which placed in mightier states, might have shaken thrones, and changed the destinies of the earth. It is in such states—in states that figure in the drama of the great commonwealth of nations, and whose annals form a conspicuous part in the history of the world—here it is that ambition finds its natural aliment, and displays its portentous power.

Gentlemen: had the task which lay before our fathers, been nothing more than to devise a government for the small, though magnanimous colony of Virginia, adequate to her wants and consistent with her free spirit, that task would have been comparatively easy. Experience has shown that the slight change in her domestic polity, rendered necessary by a severance of her connexion with the mother country, was all sufficient. The history of the world might be safely challenged to produce an example of a government more exactly fulfilling all its legitimate purposes, and no more, for fifty years after that event. Do you ask the reason? Look at the powers of your public functionaries! What object was *there* to provoke ambition? Look to the fiscal resources of the

state! What was *there* to fill the rapacious man of avarice? Look to the whole structure of the government, and then find the man who could promise himself, from any abuse of its powers, an equivalent for the blessings to be enjoyed under its faithful administration!

The extreme simplicity and perfect efficiency of the original constitution of Virginia, so long as it was retained, may suggest to some the thought, that, in the problem of free government, there is less difficulty than I have supposed. But, alas! gentlemen, there was, in that constitution, one capital defect. It had not the faculty of preserving itself; for it provided no security against corruptions from without, and a consequent spirit of innovation, which first changed the people, and, through them, changed the constitution.

But still the question comes back upon us: How did it happen, that, through the lapse of half a century, the history of Virginia fully justifies the boast of one of her noblest sons—the boast, that during all that time, “not only did no instance occur, but no charge was ever made, no suspicion entertained, of one single act of corruption in any officer in legislative, executive or judicial station: that no poor man had ever been oppressed with impunity; no rich man exalted on the mere strength of wealth alone; and that no commotion, no faction, no animosities had ever arisen among us, in relation to our internal affairs of government.”

The answer to this bold challenge is to be found in considering how much of the sources of corruption and undue influence, how many of the incentives to ambition, and lures to rapacity are found in the management of the external relations of a state. These give rise to armies, and navies, and foreign embassies; and these to commercial regulations and overflowing revenues; and here it is that ambition finds objects worthy of its aspirations, and the means of attaining them by the corrupting influence of gold.

From these mischiefs, our domestic institutions were happily exempted, by the arrangement which committed to the federal government the management of all these high and delicate concerns. Within *itself*, therefore, the state government carried no principle of corruption—no disturbing influence to unsettle the balance of its powers, and the harmony of its action. But it would have been unworthy of the wisdom of our ancestors to suppose that the evil was eradicated, because the mischief was thus turned aside. On the contrary, it became them to reflect, that if the foreign relations of a petty state might awaken ambition and afford the means of swaying and corrupting her public servants, the same danger was more to be apprehended from a government wielding the sword and the trident, and administering the revenues of all this vast continent.

The history of the time is full of proof that this danger was viewed with an anxious eye. The formation of a vast reservoir of patronage and influence, which might burst its bounds, and sweep before it all the barriers of the constitution, was a work which demanded all the skill and all the caution of the able men engaged in it. The possibility, that such a destroying stream might be poured over the land, was a necessary consequence of the union. To stay the torrent by direct opposition, might be impracticable. What remained, but to remove, as far as possible, from its desolating course, the great bulwarks which defend the rights of life, and liberty, and property, and domestic peace, and the blissful relations of private life?

To secure this end, an attempt was made to dissociate, from the command of these sources of influence, all authority to legislate over the private interests of men; to accumulate as many as possible of the powers of government in the hands of state functionaries, having little of patronage to recommend misrule to the favor of the aspiring and greedy; and to strip the dispensers of the enormous revenues of the union of all pretexts to invade the sanctuaries of private rights.

Another consideration strongly recommended the same distribution of powers. It has been well and truly said, that it is the duty of every people to consider themselves as the trustees of the providence of God, in the use and enjoyment of such portion of *his* earth as he has allotted to them. Made for the use of man, it is his office to develop its resources, and to task its utmost powers for the benefit of the human race. To this object his legislation should be adapted. Is he blessed with a fertile soil and genial climate, that he may suffer the earth to waste its affluence in wild luxuriance, poisoning the air with rank and unprofitable vegetation? Will not the cry of the hungry orphan rise up to heaven against him, who thus abuses the bounty of the common father of all? Do the bowels of his land teem with rich ores, designed for man, and shall he not draw them forth from the deep recesses, where almighty wisdom has deposited them for his use? Do gushing streams pour down from barren hills into unfruitful vallies, and shall he fail to subdue to his service the mighty power, which, since the world began, has thus been wasting its gigantic strength, and waiting only for the controlling hand of man to direct its energies to the mill, the forge, the loom, and all the infinite variety of machineries, by which the comforts of life are extended, multiplied and diffused? Do his insular situation, and safe and capacious harbors, give him peculiar advantages for commercial enterprise, and shall he not spread his sails to every wind of heaven, and devote himself to the noble task of communicating to every part of the earth all the peculiar advantages of each?

That such is the duty of man to his Maker and his race, none will deny ; and, so far as legislation is necessary to the fulfilment of this duty, so far should it be directed to that object. But how would this task be performed by a legislative body, supreme in all things, and giving law in all things, to a country extending from Passamaquoddy to Cape Florida, to the Gulph of Mexico, and to the shores of the Pacific ; a country embracing every variety of soil, and climate, and production, and including various states, some exclusively fitted for agriculture, some for manufactures, and some for commerce? Could the system of legislation which is best for each, be best for all? Must the resources of all be but partially and imperfectly called forth ; or must the means necessary to their full development in one part, be used to the utter destruction of all hope of a like result in the other? Gentlemen—we had just seen the trial and the failure of a like experiment made on this principle. The British colonies in North America, so long as the parent government confined her legislation to the proper objects of mere commercial regulation, had grown and flourished in a degree unexampled in the history of man. But a claim was set up by the imperial parliament, of a right to legislate for the colonies in all things ; by an old country, for a country in its infancy ; by a commercial and manufacturing country, for a country almost exclusively agricultural. The consequence of this pretension was a severance of the connexion, which our fathers saw must be fatal to the ultimate prosperity of the colonies.

What different result could have been expected, had the general congress of the United States been endowed with powers to legislate in all things for the whole of this vast continent? How long would it have been before a fixed local majority would find or create a fixed local interest, to be advanced by legislation at the expense of a fixed local minority? What hope would there have been, that such a project, once formed, would ever have been relinquished? In small communities, the occasions for such combinations might be more obvious and more frequent. But in such it might not always be in vain to appeal to the sympathy or magnanimity of the stronger party. Such an appeal, made in an assembly of the people, addressed to men, each acting for himself, and responsible to none but himself, each exercising his share of legislative power in his own person, and for his own behoof ; such an appeal, addressed to men so circumstanced, and on behalf of friends, and neighbors, and kindred, might not unfrequently prevail. The unequal working of an oppressive system could not be denied. Their own senses would be the witnesses. The complaints of the sufferers would sink into the hearts of those having daily before their eyes the evidence of the calamities endured. But who will expect a sacri-

fice of interest to sympathy in favor of the people of a distant region, of different manners, habits, opinions, and prejudices, perhaps of a different race, or deriving from their ancestors a far-descended and long-cherished animosity, both religious and political? But even though, could such appeals be made to the people directly, some momentary relentings might touch their hearts, what advantage of this sort could be expected, in a representative assembly, where each man acts, not for himself, but for others, and makes it a point of conscience to harden his heart against the compunctious visitings of nature, and to resist the influence of every consideration but those that spring from the peculiar, and even the mere local interests of his immediate constituents?

Such, gentlemen, are the evils, to which our masters in political philosophy allude, when they warn us against the consequences of consolidation. Such are the mischiefs, against which the authors of our institutions intended to guard, when distributing the powers of government between the functionaries of the states respectively, and those of the whole collective union. In the necessity of devising some means to place the external relations of all the states on the same footing, and to unite the powers of all for the common defence, was found the sole and avowed motive to the adoption of the federal constitution. So far as the general government is made instrumental to other ends besides these, so far do its administrators offend against the spirit, even when they do not transcend the letter of that instrument.

On the other hand, we behold the state governments in the full exercise of that sovereignty, which holds at its disposal the life, the liberty, the property of every man in the community ; yet so restrained from any abuse of powers so formidable, that we become almost unconscious of their existence. Yet there they are, and so few were the limitations imposed by the original constitution of this state in particular, that theoretical politicians did not hesitate to pronounce the omnipotent legislature of Virginia the very *beau ideal* of a many-headed despotism. Yet where were its despotic acts? Where do we find the history of its abuse of this seemingly gigantic power? No where. Where then do we find the principle which has restrained this body from perverting its authority to any purpose of oppression or injustice?

We find it, gentlemen, in the total absence of all those sources of corrupting influence, which take their rise in the management of external relations, and the disbursement of the vast revenues necessary for that purpose. Wanting these, the government of Virginia has nothing wherewithal to gild oppression, to varnish injustice, to buy the support of the mercenary, and to engage the co-operation of the ambitious. Look at our history !

From what quarter of the state has the voice of complaint risen up against the state government, for the alleged abuse of any of its powers? What public functionary, however armed with official authority, however conspicuous for talent, however illustrious for public service, has dared to defy the popular will, or professing to respect it, has attempted to mould it to the purposes of his ambition? Look, gentlemen, to the highest office in the gift of the people of this state. Who feels the influence of the incumbent? Respectable as he certainly is, how many of us here present actually know his name? Who has ever imputed to him the power of controlling elections in favor of his partizans? What fawning minion can he provide for by means of lucrative salaries; passing him on from post to post, and while his unfitness for all alike is manifest to the world, retaining him still in office? What female of tainted reputation would he dare to obtrude on the chaste society of Richmond? On whom can he cast the mantle of his authority? Where is the man whom his anointing hand can consecrate as his successor?

Nor do I limit the application of these questions to the present incumbent of that office. The answers, which would be true in his case, will prove equally true with reference to the most illustrious of his predecessors. The page of Virginia's annals is bright with the most glorious names that live in history. Among them we find that of Patrick Henry. "*His breath was agitation, and his life a storm whereon he rode.*" But, in the silent discharge of his duties as governor of Virginia, that tempest was stilled: the word of power, which struck the sceptre from the tyrant's grasp, was heard no more; and his official career is nowise distinguishable by any extraordinary influence or authority, from that of the humblest of his successors. There too we find the name of Thomas Jefferson. As president of the United States, he has been seen to exercise a power over the thoughts, the affections, the will of his countrymen, without example before his time. As governor of Virginia, what was he, but an official drudge, bound down to the literal execution of his limited functions? Was the chair of state a throne of power to James Monroe, or but a *stepping-stone* from which his ambition might mount *up*—to a *higher* place—on the *footstool*—of the president of the United States?

These questions, gentlemen, are asked in no invidious spirit. They are but meant to remind you how perfectly the great ends of free government have been accomplished among ourselves, by cutting off from the state authorities all the sources of influence which spring from armies, and navies, and foreign representation, and the enormous revenues necessary to these objects. Deprived of these, the full and unquestioned authority to prescribe to us all the rules which are

to regulate our civil conduct, and to enforce them by the most fearful penalties, is powerless, except for good. In like manner, in the regulation of our domestic police, and of the rights of individuals, and in all that pertains to the general welfare of the people and state, we find the duties of equal and exact justice to all men enforced by a responsibility to the public will, from which there is no escape.

If these things be so—if such be the security to private right and public weal, resulting from the denial of such means of influence to those who minister in our domestic relations—how important must it be, to guard the barrier intended to secure our private interests and pursuits from the invasions of an authority armed with all the power and all the influence incident to the management of the foreign relations of this vast continent! The danger is alike in both cases, but far different in degree. Was it unsafe to commit to the state executive the dispensation of the patronage incident to the representation of the miniature sovereignty of Virginia among the nations of the earth; and can it be safe to trust to the government, which manages the whole foreign relations of all the states collectively of this extensive confederacy, any, the least, right to meddle in matters properly belonging to the municipal sovereignty? If it be unsafe to trust the trident—the thunder-bolt—the olive-branch—to him who presides over the calm relations of private life, can it be safe to permit him who is already familiar with these emblems of rule and instruments of power, to touch, with his heavy hand, the delicate interests of individuals, and to bring his portentous authority to interfere in adjusting the domestic rights and relations of men?

These thoughts are suggested, gentlemen, for the purpose of presenting fully to your view the objects which the framers of our institutions proposed to themselves, in dissociating the power to regulate the foreign relations of the confederacy, from the power to manage the domestic concerns, and to legislate over the peculiar interests of the states respectively. How far their purposes were wise, and their plan judicious, is well illustrated by the operation of the state governments in which this plan has done its perfect work. If it has failed elsewhere, it is because the wise and patriotic statesmen of that day had no measure by which to estimate with accuracy the force of the untried powers which they were about to commit to the hands of the federal government. The history of the time shows that they but imperfectly foresaw the extent of those powers, the magnitude and importance of the confederacy, the abundance of its resources, the overflowing affluence of its revenues, and the vast amount and various character of its wide-spread and all-pervading patronage. Had they foreseen these things, they would have heeded

the warning voice of that great statesman, whose tomb is in the midst of you,* admonishing them "that a defect of power may be supplied, but that an excess of power can never be recalled."

Gentlemen, in this simple proposition there is at once a manifest truth and a self-evident importance, which startle us with their palpable distinctness. We pause. We reflect. We wonder that men engaged in the delicate task of devising a form of government for themselves, should ever fail to practise on this maxim. What so simple, as to give, in the first instance, powers certainly not excessive, and, guided by experience, to add more as events might show that more were necessary?

Gentlemen, this is precisely the problem which the framers of our institutions proposed to work, in adjusting the balance of power between the state and federal governments. With a vast majority of the men of that day there was a paramount desire to guard the sovereignty of the states, and by no means to arm the hands of federal functionaries with any pretext for interfering with the proper subjects of state legislation. But it happened, unfortunately, that while these were candidly discussing the more or less of power, which might be entrusted to the federal government without impairing the sovereignty of the states, there were some among them who deemed any such distribution of powers wholly impracticable. To them the very idea of state sovereignty was alternately an object of dread and of derision. To them it seemed "that the rod of Aaron must swallow up the rods of the magicians; or that the rods of the magicians would devour the rod of Aaron." I here use the language of one of the members of the convention which framed the constitution, as spoken in debate, and recorded by the hand of him who uttered it. To such gentlemen it seemed best to carry out the parable, in conformity with the scriptural account, and so to give the rods of the magicians to be devoured by the rod of Aaron.

It is no impeachment of the motives of such men to say, that in all attempts to adjust the balance of power, they were ever ready to throw their weight into the scale of the central government. Hence the warning voice of Patrick Henry was uttered to unheeding ears. The consequence has been that we have lived to experience the truth, so simple in its announcement, and in its application so little understood; and to learn that a government, however weak, having power to assume more power, has already too much. Overlooking this, we have fallen into an unsuspecting confidence in the sufficiency of the state governments to control federal usurpations, until the authority and name of the state governments have sunk into contempt, un-

*Patrick Henry lies buried in the county of Campbell in which the town of Lynchburg is situated.

der the overwhelming power of the government of the United States, and all the rights of a fixed local minority are held at the mercy of a fixed local majority, interested to plunder and oppress.

I have said that the error which has led to these consequences had its rise in a miscalculation of the force of the untried powers conferred by the constitution on the federal government. But there was, moreover, a fatally mistaken reliance on the pride of state sovereignty, and the attachment of the people to the authority and institutions of their states respectively.

In that day the primitive people of the ancient and respectable states of New England, cherished, in a spirit of exclusive appropriation, the honor of their descent from men, who, for conscience sake, had turned their backs on all the comforts of civilized life, on all the dear delights of home, and on all the hallowed scenes of their father land, to seek, in a savage wilderness, a sanctuary of the heart, where they might worship God in their own way. This was their *peculiar* boast and pride. In this the other states had no part. Far from it; for south of the Chesapeake they saw the descendants of the very men, with whom their ancestors had struggled, in their common country, for mastery, for property, for freedom, and for life.

In that day, the people of Pennsylvania still celebrated in their hearts the mild glories of their pacific triumphs over the savage race. To them, the success which had crowned their labor of love, and established them the peaceful and prosperous masters of a soil unstained by blood, was a source of exultation all their own.

Interposed between these, the state of New York still retained many of the features of her original character as a Dutch colony. The uncouth names, the habits, the manners, and, in some measure, the language of her people, distinguished them from their neighbors on either hand. Their traditional honors were those of another and a rival race. The triumphs of the Blakes and Boscavens of England, were not their boast. Their glory was in the achievements of De Ruyter and Van Tromp, in laurels plucked from the British crown, and in the long and doubtful struggle maintained with the British flag, for the mastery of the narrow seas.

Proudest of all, in that day, stood old VIRGINIA, vaunting her descent from the gallant cavaliers, who had poured out their blood like water in loyal devotion to an undeserving prince: who, when, all was lost, found refuge here—and here, in defiance of the parliament of England, offered an asylum to his worthless and ungrateful son. She had scarce then forgotten, when, in the provinces beyond the Delaware, she saw none but the Swede and the Hollander, and the lineal and devoted inheritor of the far-descended antipathy between the Round-head and the Cavalier. In that

day Virginia had not forgotten to boast that the love of liberty which then animated her, was a principle hardly more lofty and generous, than her steadfast and devoted loyalty in earlier times. It was her pride to reflect, that in all her struggles with power, no want of fidelity, no want of gratitude, no disregard of natural or covenanted obligations, and no defect of magnanimity, could be imputed to her. When the crown was torn from the head of Charles I. she had stood alone in her loyalty; she was the last to acknowledge the usurper; the last to submit to inevitable necessity, and the first to return to her allegiance, in defiance of a power before which Europe trembled. In the recent conflict she had not dishonored her old renown. Though foremost in the race of revolution, she had been the last to renounce her allegiance; and in this, her resolute fidelity to the crown, she saw a justification of her resistance to the usurpation of parliament, and her final renunciation of that relation to the king himself, to which he, by abetting that usurpation, had shown himself unfaithful. The men of that day did not need to be told that it was not on the fourth day of July, 1776, that Virginia first proclaimed her independence. What others then declared their purpose of doing, she had already done. It was on the twenty-ninth of the preceding month, that she, by her own separate act, completed the organization of her own separate government, and, taking her independent stand among the nations of the earth, put in operation that constitution under which we were born. No, gentlemen! the sons of Virginia in that day needed not that this proud chapter in her history should be read to them. In that day they looked not abroad for topics of exultation and themes of praise. Virginia had not then forgotten to claim the first of men as peculiarly her own. The voice of her Henry still sounded in her ears. The wisdom of her Mason still guided her councils. The rising splendor of her Jefferson still shone for her alone, and along her vallies the last dying echoes of the cannon of York-Town still reverberated. Look where she might, what was there of wisdom and greatness and virtue, in the history of man, to which her own annals might not furnish a parallel? How poor in comparison the boast of England's poetic moralist,

“That Chatham's language was his mother tongue,
And Wolfe's great name compatriot with his own!”

Was this an unwholesome and distempered pride? Ask your own hearts! Ask the history of Virginia, while cherishing these hallowed recollections, her sons, emulous of the example of their fathers, secured to her—not by numbers—not by wealth; but by intellectual pro-eminence—by moral worth—by magnanimous and self-renouncing devotion to the common weal—the first place in this vast confederacy!

But, gentlemen, with the wisdom or folly of

these feelings we have nothing now to do. Whether for good or ill, they have had their day. They have done their work, and their place is now among the things that are past. It is no longer in our choice to revive them if we would. *They are gone—FOREVER.*

But these sentiments, gentlemen, were among the elements with which the framers of our institutions had to do. In these they saw a principle of repulsion between the states, against which they deemed it necessary to provide. In doing this, they did not miscalculate the energy of this principle of state pride. They only mistook its duration. They did not deem it possible that the time should ever come, when, in the eyes of her own sons, Virginia in herself should be nothing; when the memory of her glorious deeds should be forgotten, and their anniversaries pass by unheeded; when her own proud banner should no longer float above her capitol; and when all her pride of sovereignty and independence should be habitually derided as the apery of children, doing the honors of the baby-house, and mimicking the airs of men and women.

These things *may* be foolish; but they were follies for which wise men made allowance. Their existence was taken into the account, and the balance of power was adjusted to them. They thus become an essential element in the constitution itself. They are like the follies and weaknesses and passions of man, which are a part of his nature, and to which God himself conforms and adapts his laws. They are as the centrifugal force in the planetary system, which, duly restrained by a counterpollent energy, preserves the order of the universe, and without which, all must tumble into shapeless ruin.

Is it not then our duty to cherish them? Do we not owe it to ourselves and our children, as well as to our ancestors, to cherish the memory of their virtues, and their noble deeds; to keep fresh in our minds the recollection of all that is glorious in the history of Virginia; to fan the flame of state pride in our hearts; to keep her independence and sovereignty ever present to our thoughts; to habituate ourselves not only to regard her as one of the bright *stars* of our federal constellation, but as, in and of herself, *A SUN*, sole and self-poised in the firmament of the commonwealth of nations?

And shall they who cherish these sentiments, be denounced as hostile to the union of these states? Trust me, gentlemen, it is by these alone that the union itself can be preserved. It is by these alone that union can be prevented from degenerating into one vast consolidated despotism. There, as over the wide expanse of the Russian empire, the genius of arbitrary sway shall brood, until the free spirit of our Anglo-Saxon race shall burst its bonds, and, by forcible disruption, tear

asunder the whole incongruous mass, and cover this continent, like that of Europe, with the ruins of a mighty empire, broken up into kingdoms and states, implacable in mutual hate, embittered by the memory of former ties.

I repeat it, gentlemen; if we would avoid this fearful consummation, we must strive to renew in our minds the same sentiments which once made Virginia glorious, and which made her glory precious to her sons. And said I, that this attempt would now be vain? That the spirit of our fathers was no more among us, but gone, with their achievements, to the history of the past? O! gentlemen, can this be so? Can you look thus coldly on that past? Can we, in fancy, summon from the tomb the forms of the mighty dead, and shall not our hearts be kindled, and shall not our spirits burn within us, to emulate those who acted and suffered, that we might be free, honored and prosperous? Where do we find the brave in war, the wise in council, and the eloquent in debate, and Virginia's sons are not among the foremost? Are not the names of Washington and Henry, and Jefferson and Madison, and Marshall and Randolph, all *her property*? Are not these her jewels; and shall she, unlike the mother of the Gracchi, pine, because others may outshine her in such baubles as mere *gold* can buy? Can you consent to throw these honors into common stock, and to share your portion in Washington with the French of Louisiana, and the Dutch of New York, and the renegades from every corner of the earth, who swarm their great commercial cities, and call themselves *your countrymen and his*! What fellowship have we with those who change their country with their climate? The Virginian is a Virginian every where. In the wilds of the west, on the sands of Florida, on the shores of the Pacific—every where his heart turns to Virginia—every where he worships with his face toward the temple of freedom erected here. To us, who remain, it belongs to minister at the altar—to feed the flame—and, *if need be, to supply the sacrifice*. Do this, and Virginia will again be recognized as the mother of nations; as the guide and exemplar of the states that have sprung from her bosom, and been nourished by her substance. False to herself, and to the honor of the common origin, these will desert and spurn her. True to the memory of the illustrious dead, true to her old renown, her sons, from every realm, shall flock to her as to their tower of strength, and, in *her* hour of trial, if that hour shall come, shall stand around her, and guard her like a wall of fire.