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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 sub­
ject is it so much, at once, the interest and the du­
ty of every man to study and understand? We
are a free people; and when we say this, it be­
comes 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 emplati­
cally 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 char­
ter of our rights?

Yes, gentlemen, we are FRE:E 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
men. The beacon-light which guided Miltiades,
and Themistocles, and Cluentius, 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 al­
ways in our choice to devote ourselves to the well­
being of our country and the world,

Yes, gentlemen! The career of these distin­
guished men is open to us; but it is only as the
career of Cyrus was open to Sardanapulus; the
career of Titus to Domitian; the career of Trajan
to Elagabulus; 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 con­
ferred 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 pun­
ishment. Do you look with contempt and abhor­
tence,

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 calam­i­
ties, and soothe their afflictions. But have you no

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kindred feeling for him, who says within himself, "I am a freeman; and therefore 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,) it is less your duty than that of the nursing of royalty, to acquaint yourselves with the true character of the government whose authority you disclaim, and the 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 over 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 impudent under the restraints of wholesome laws. This it is that establishes a misleading 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 bils 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-govern ment. 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 theater of private life, and in the discharge of its simple duties? Yet it is in that respect 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. "Men," says the wisest of all observers on the political history of man, "are qualified for civil liberty in exact proportion to their disposability to put moral chains upon their own appetites; in proportion as their love of justice is above their capacity; 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 impenetrable 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," he says, "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 naivete is now called rigor: to order they give the name of restraint, and to that of freedom the name of liberty."

I am a freeman; and wherefore should the eye 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 impenetrable minds cannot be free. Their passions forge their fetters."

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 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 be divided, 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 antagonistic passions. The very sentiments—out of which 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 three hundred inhabitants of a petty Swiss canton encountered at Megarten the overwhelming force of Austria, they thought not of victory—they thought not of glory—they thought not of death. 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 much in the midst of despair, as performing 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 world of 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.

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 shone, 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.

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. "Little things are great to little men." 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 shone, 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 magisterious 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 insufficient. 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 awakened ambition, and then found the man who could formation of a vast reservoir of patronage and influence, which might burst its bounds, and sweep over all the barriers of the constitution, was a work which demanded all the skill and all the caution of the able man 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 to the favor of the republic, 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 not, then, to provide the means of swaying and corrupting her foreign relations, and the means of attaining them by the corrupting influence of gold.

From these mischief, 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 waying 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 man 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?

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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 Gulf 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 unprecedented 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 unfrequlently prevail. The unequal working of an oppressive system could not be denied. Their own sufferings 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 sacrifice of interest to sympathy in favor of the people of a distant region, of different mannera, 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 misfortunes 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 harken 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 states and 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 those 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 wherewith to gild oppression, to varnish injustice, to buy the support of the mercenary, and to engage the cooperation of the ambitious. Look at our history!
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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 impor-
tance, that starts me unawares, and to which their plausible
distinctness seems to impel us. We pause. We reflect. We won-
der that men engaged in the delicate task of devis-
ing 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 ma-
jority of the men of that day there was a para-
mount desire to guard the sovereignty of the states, and by no means to arm the hands of fede-
ral 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 govern-
ment without impairing the sovereignty of the
states, there were some among them who deemed
any such distribution of powers wholly impractic-
able. 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 constitu-
tion, as spoken in debate, and recorded by the
hand of him who uttered it. To such gentle-
men 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, how-
ever weak, having power to assume more power,
has already too much. Overlooking this, we have
fallen into an unsuspecting confidence in the su-
ciciency of the state governments to control federal
usurpations, until the authority and name of the
state governments have sunk into contempt, un-
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 has 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, cherish-
ed, in a spirit of exclusive appropriation, the lu-
nor 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 baleful 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

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

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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 grati-
tude, no disregard of natural or covenanted obliga-
tions, and no defect of magnanimity, could be im-
pugned to her. When the crown was torn from the 
head of Charles I. she had stood alone in her loy-
alty; 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 re-
cent conflict she had not disdained 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 rela-
tion 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 had not then forgotten to boast that the 
honor of her Mason still guided her councils. The 
wisdom of that great man 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 
gain the respect of modern and future ages? The 
stars of our federal constellation, the bright stars 
of our federal constellation, the bright stars 
of our Federal constitution, the bright stars.
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 rivals! What fellowship have we with those who change their country with their climate? The Virginian is a Virginian everywhere. In the wildest 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.