The Institutions, Duties and Relations of Alabama.

AN ORATION
BEFORE THE
EROSOPHIC AND PHILOMATHIC
SOCIETIES
OF THE UNIVERSITY OF ALABAMA,
BY HON. JOHN A. CAMPBELL, L.L.D.,
JULY 12TH, 1859.

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UNIVERSITY OF ALABAMA, JULY 13th, 1859.

HON. JOHN A. CAMPBELL—Dear Sir:—At a meeting of the Erosophic and Philomathic Societies, held last evening, the following Committee was appointed to wait on you, and request a copy of your able and eloquent address for publication.

Permit us to add our personal solicitations for the publication of an oration which will be read with instruction and delight by the people of Alabama.

Very Respectfully,

H. C. CLARK,
T. L. M. OWEN,
J. R. ROCKETT,
S. S. HARRIS,
J. P. JONES,
DAN JONES.

TUSKALOOSA, ALA., 14TH JULY, 1859.

GENTLEMEN:—Your note on behalf of the Societies belonging to the University, has been received. My address to them was prepared at their request, and a copy is submitted for their disposal.

It affords me pleasure to learn that it meets with their approval.

With thanks for your expressions of kindness,

I am your friend,

JOHN A. CAMPBELL.

MEMBER, H. C. CLARK,
T. L. M. OWEN,
J. R. ROCKETT,
S. S. HARRIS,
J. P. JONES,
DAN JONES.

Committee of the Erosophic and Philomathic Societies.

ADDRESS.

GENTLEMEN OF THE EROSOPIC
AND PHILOMATHIC SOCIETIES:

I have accepted your invitation to participate in the solemnities of this festival in acknowledgement of the debt that I, in common with all other citizens of this State, owe to this University whose fortune has been committed to us by the Federal Union; and besides, to make acquaintance with its members on whom the heritage of power, obligation and duty in the government of the State, must in an important measure devolve.

Before such an audience, a discourse upon the institutions, relations and duties of our State can hardly be deemed inappropriate. The institutions of Alabama are not indigenous in the State. They were ordained and impressed upon her territory before she had acquired a name, and while it was still occupied by those aboriginal tribes whose presence was a mystery and which have passed away from it as a tale that is told. The principles of our institutions are the affiliating bond that connects us with the Federal Union—an empire, composed of peoples acknowledging the supremacy of the same Constitution and confederated to preserve the blessing of liberty for themselves and
their posterity. The Constitution of Alabama pro-
mulgates as the general, great and essential prin-
iples of this liberty, that the people of the State are
the fountain of power; that freemen are equal
in rights; that governments derive their authority
from the people and may be reformed or abolished
according to their will; that none may be deprived
of the power to worship God in the manner most
agreeable to his conscience, or be molested for reli-
gious principles or opinions. It declares that neither
honors nor crimes shall be hereditary; that life,
liberty and property shall be protected by law;
and determinate modes of organization and procedure
are prescribed, having for their object to secure a
fair and impartial administration. It defends the lib-
erty of speech and publication, and requires all in
whom any portion of the power of the State is de-
posited to be chosen for a limited period, and with a
few exceptions by the immediate suffrage of their
fellow-citizens.

The philosophy embodied in this Constitution cre-
ates moral as well as political relations between our
State and the remaining States of the Union, and
connects us with the historical development in Eu-

erope and America in which this philosophy has been
the living principle of events—introducing in both,
new conditions of progress and civilization. This
philosophy had its day-spring in the revival of let-
ters in Europe and in the yearning of the human
mind for spiritual independence. It acquired strength
amid the moral and intellectual schism and the ma-
terial strife that accompanied the Reformation and
the civil wars in Germany, the Netherlands, France

and Britain. It was developed in the literature and
free inquiry of the 17th and 18th centuries, in the
revolutions of America and France, in the spread
of commerce, science, arts, invention and the amel-
ioration of law and institutions that illustrate this
epoch, and finally, in the increasing power of an in-
telligent, regulated and conscientious public opinion
upon questions of international obligation and social
progress. We thus perceive that the history of the
doctrines embodied in our Constitution is a statement
of the causes and conditions which have aroused and
invigorated the human conscience and intellect for
five centuries, and so determined the fortunes of na-
tions and individuals.

At the revival of literature in the 15th Century,
the European Commonwealth as now, was composed
of nations of kindred race and united by the tie of a
common religion. An ecclesiastical establishment ex-
tended its authority and influence in every part, and
its members acknowledged the same spiritual Father
who was the recognised arbiter of matters of faith and
doctrine for the Catholic Church of Europe. They
had digested a body of law of much excellence, in

which the most important of the social relations were
wisely regulated. They had consecrated marriage and
delivered its sanctity from the contamination of di-

vorce, and established filial reverence and submission
as the law of the family. Their superior intelligence
and culture had placed the clergy in the councils of
kings, and to preside in the halls of justice; and illus-

trious instances may be designated in which they
tempered the rigor of law by equitable administra-
tion, restrained kings and nobles in a career of vio-
ference and rapine, and founded institutions for the protection and security of the people. They taught in the universities all that remained of learning, and maintained the use of the Latin language as a medium of communication for the learned in Europe. They claimed that their spiritual head, the Pope, was the constituent power of Christianity; that without him there could be no church; without a church, no Christianity; and without Christianity, no religion for the people who were Christian; so that the life of Christianity was in the Pontifical Power. He was the depository of doctrine, the distributor of sacraments, the Sovereign in whom ecclesiastical power resides in its plenitude, and in so far as morality, policy, science, art or industry have points of contact with religion, he was entitled to absolute and unquestioned supremacy. And thus the most interesting subjects of human inquiry or interest were submitted to limitation and rule by this comprehensive claim of authority. The awakening of letters by the increase of commercial intercourse, the accumulation of wealth and refinement in the Italian cities, and the introduction of classical literature consequent upon the fall of the Greek empire, were accompanied with ardent aspirations for liberty. Petrarch, in tones of melodious music that had vibrated through western Europe, had already sung "That in this one good of liberty, the religious will find the permissions of their rites and forms of worship; the students, their learned leisure; the aged, their repose; boys, the rudiments of their several branches of education; maidens, their chaste nuptials; matrons, their womanly honor and the dignity of their modesty; and fathers of families, the claims of natural affection and the sacred privileges of their ancient homes." But these aspirations were but the promise of better things seen afar off. The pressure of the theological system of the church upon the Spiritual independence of the age, is seen in the speculations of the most profound inquirers of the time.

One, discoursing on the immortality of the soul said, "That like the eternity of the Universe, it is a problem which human reason cannot solve and which God alone can certify." "As for me," he adds, "it is enough that St. Augustine who surpasses Aristotle and Plato should have believed this, for me to accept it. I submit besides, all my opinions to the Holy See." But in another treatise, the same Philosopher in writing on the will, says: "Why impute to me the good or evil that results from my own actions? If there is a will that gives a law to this world, impelled by this superior will and obliged by this law how can my actions be spontaneous?" And he says that such thoughts preyed upon his soul as the vulture preyed upon the vitals of Prometheus, and that he had no rest from them. It is clear that the solutions of the Roman See had ceased to have any power over this resolute and inquiring spirit. He is an example of a large class who, in the silence of the school or cloister, rebelled against the constraint of human authority and claimed for the intellect and conscience freedom, as they

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of providence, foreknowledge, will and fate, fixed fate, free will, foreknowledge absolute, of happiness and final misery, passion and apathy, glory and shame."
The enthrallment of political philosophy and civil administration from the theocratic dominion, was accomplished with less difficulty than the release of the moralist and schoolman. The statesmen of the 15th century, with scarcely an exception, so far from regarding religion as the end of human policy, made of her a potent instrument to serve the uses of government; however sordid or ambitious. We have only to mention Ferdinand and Charles V. of Spain, Louis XI. and Francis of France, Richard III., and his successors of the Tudor family in England, the Popes Paul, Julius and Alexander, in evidence of the fact.

Machiaveli was the interpreter of the political philosophy of his time. No writer ever taught more dogmatically that the true in morals and religion was not necessarily true or safe in politics. He appropriated a saying of Cosmo de Medici: "That hands entrusted with the reins of State should not be embarrassed with a rosary." He inculcated, "That a wise man will not condemn an ambitious one for employing extraordinary means to rule a monarchy or found a republic. What is important for such an one is, that success should be present to defend him— that success will absolve him." In reference to the Roman See he maintained, "That the evil example of this court has destroyed in Italy every sentiment of piety and religion; from that comes derangement and confusion infinite." He predicts that the time was rapidly approaching either of the imminent peril or total overthrow of the power of the church. At the same period, science discovered that the forms of scholastic inquiry taught in the univers-

ities and sanctioned by the theologians were insufficient for the discovery of truths of nature, and that a more independent and liberal form of inquiry was requisite. Da Vinci, a century in advance of Bacon, pronounced that "the proper interpreters of nature are observation and experience. These never deceive; our intellect deceives, for it anticipates effects that observation and experience may not justify." "It is necessary," he says, "to consult experience in a variety of circumstances in order to deduce general rules. For hence good rules may be drawn. But what is the value of such rules? They guide us in our inquiries of nature and in the operations of art. They hinder us from abusing ourselves with the expectations of results we can never attain."

The discovery by Columbus of another hemisphere, you will recollect, was made in opposition to the conclusions of the Doctors upon the system of the Universe, and his theories were treated as a heresy against the dogmas of the church.

I have selected these instances to evince the widespread dissent, not to say absolute protest, of the guiding minds of Europe against the intellectual authority that had been so long predominant. They serve to show the approach of that mighty schism and those divisions and commotions which for so long a time disturbed the harmony of the world, and which are ranged in history under the name of the reformation. The decrees of Councils, the decisions of Popes, the opinions of Canonized Fathers, the traditions of the Church were questioned without compunction, and the rights of private judgment founded upon independent inquiry peremptorily asserted.
After a century of collision and strife in Europe Chillingworth affirmed, "I do not understand the doctrine of Luther, Calvin or Melancthon, nor the confession of Augsburg or Geneva, nor the catechism of Heidelberg, nor the articles of the church of England; no, nor the harmony of protestant confessions, but that wherein they all agree and which they all subscribe with greatest harmony as a perfect rule of their faith and actions, that is the Bible, the Bible, I say the Bible only is the religion of protestants;" and with this confession he earnestly affirms that no other test should be demanded of a christian belief. "In other things," he adds, "I will take no man's liberty of judgment from him, nor shall any man take mine from me. I will think no man the worse man or the worse christian, I will love no man the less for differing in opinion from me, and what measure I mete to others, I expect from them again." It is not my purpose to institute any comparison between these opposing systems, nor to inquire whether the doctrines of freedom have been consistently maintained, either by law or opinion, when they have been thus promulgated. It is only my purpose to bring to your notice the fact, that they were maintained, and that there were great spirits abroad who accepted them with loyalty and truth. Milton argued with irresistible force, "That for belief or practice in religion, according to a conscientious persuasion, no man ought to be punished or molested by any outward force whatever, and that to Protestants, whose common rule and touch-stone is the Scripture, nothing can with more conscience, more equity, nothing more protestantly can be permitted, than a free and lawful debate at all times, by writing, conference or disputatation of what opinion soever disputable by Scripture." In the company of Milton we feel that we are with one who was associated with those who laid the corner-stone of American Institutions. The same spirit that breathes in his political writings, the same forms of expression that embody his mighty thoughts, are to be found in those solemn declarations of the rights of man that preface our constitutions. The controversy for spiritual and intellectual independence, as a natural consequence, superinduced others for civil and political liberty. The dogma of the equality of man before God, and the consequent right of access to Him in the form of worship, without constraint, and according to the dictate of conscience, to many of the reformers included the doctrine of absolute equality in civil society. For, they said, a radical distinction among men in society can alone be justified by the existence of an original and inherent difference in their natural organization, and such a difference might legitimately affect their relations as religious beings. Upon such a difference, Aristotle vindicated the relation of slavery, and modern science is even at this time employed in investigating the physiology of the human race for a solution of a similar problem. In the homogeneous society of Europe, political and civil equality was assumed to be a natural complement of the doctrine of unlimited freedom in matters of religion. The acknowledgement of this in the constitution of a State, of necessity modifies to an extraordinary degree the relations between government and its subjects. According to the enlightened opinion of Christian States
there exists an order of truths which are immutable, not subject to the control of government or society, but to which the State in its corporate capacity, as well as its members, owe obedience. The great problem in the organization of a State is, to preserve these truths inviolate and to define the domain of human liberty, so as to permit no encroachment upon them. The claim of the Catholic church was and is, that the founder of the church ordained an authority external to the State to preserve, interpret and dispense the truths he had revealed, and that within this limit the temporal power cannot interfere;—that beyond this, human sovereignty is complete. There is nothing incompatible in this doctrine with that which claims that in a State formed of individuals consenting to apply the common force of their society to the maintenance of the personal rights of each, inclusive of conscience and thought and the material relations that are classed under the name of property and personal security, power should reside in the society at large to be administered by a common will, and that the form of administration might be modified according to the counsels of experience. This was not a prevalent opinion however in the 16th and 17th centuries. That power comes from God was asserted to be an immutable truth from God, who created men for society and ordained order as essential to society, and thus whosoever resisted the power, resisted the ordinance of God. The claim of the absolutists was that the power of kings was divinely appointed, and the logical consequence that society owed passive obedience to despotism was insisted on. In Europe there existed at this period a remembrance of ancient liberty, and there remained traces among its institutions of the feudal principles that formed the common law of Europe, that freemen could only be judged by their peers and, except in ascertained cases, were not subject to taxation without their consent. These principles had been cherished with fidelity in England, they are embodied in the great charter, and were reasserted thirty times in the reenactment of that fundamental law of the Kingdom. Parliament and the judiciary establishment of the Kingdom were organized to preserve them. In no other of the leading States of Europe was there such an organization and distribution of the power of the State, and such modes of administration preserved, as to allow a direct representation of the popular will in the functions of the Government. The desuetude on the continent of assemblies representing popular ideas and will, the establishment of stationary and permanent tribunals of justice and the exclusion of the people from them, the adoption of the complex forms of the Roman law, the secret examinations of witnesses, and the want of publicity in the audience of causes, furnish the explanation of the absolute and irresponsible governments that arose on the ruins of the feudal systems. The faculties of administration were concentrated in the monarch and his royal councils. A nobility gathered about his court who forgot their relations to the commons and, as happened in France in 1614 at the assembly of the States General, repelled with indignation and scorn any intimation that they were members of the same family of men or "so degraded as to hold the close bond of fraternity to the common herd." The
successful effort on the continent of Europe to su-
pre
se all popular ideas and institutions by imperial
and absolute governments failed in England, and
failed by the energy of the institutions that embo-
tied those ideas. An element of strength in the En-
glish nation is found in the tenacity with which they
cling to their traditions. There is among them none
of that presumption and pride that is displayed in
rejecting the lessons of experience, the counsels and
acts of ancestors, and they steadily refuse to divide
the life of their country by abandoning their old and
seeking at large for new laws, institutions and habits.
When Charles I. employed illegal methods of taxa-
tion and punished disobedience by arbitrary sentence-
es in illegal courts, the parliament submitted their
petition of Right, in which the fundamental laws of
the Kingdom which he had violated were embodied
and their obligatory force asserted. When he assen-
ted to it with a saving "of a due regard to leave en-
tire his sovereign power," Lord Coke replied "I know
that prerogative is part of the law, but sovereign
power is no parliamentary word. In my opinion, it
weakens Magna Charta and all our statutes, for they
are absolute without any saving of Sovereign pow-
er." He thus states the question which was settled
in England only by the decapitation of one monarch
and the dethronement of another,—in whom did
sovereign power reside? In the strife that origina-
ted from it, the King exerted arbitrary power over
persons and property, invaded the rights of con-
science and speech, corrupted the administration of
law in courts of justice, and weakened all the guar-
antees of liberty and security provided by the con-
stitution. Earnest and devout men were led to in-
quire into the origin and the limits to the authority
of government, and the relation between governors
and the governed. The rights of Englishmen were
discovered to be rights of men. The validity of con-
stitutions and laws and the conditions on which their
permanence depends were determined, and the basis
of the English Constitution was settled at the revolu-
tion in 1688 upon the acknowledgement, that po-
itical power exists of right in the entire society,
and that government derives its sanction from the
consent of the governed. But in this settlement no
vague theories were substituted for ancient traditions;
laws, manners and habits were maintained in their
essential vigor.

But in the century of civil strife that preceded and
followed this controversy, there arose in Great Brit-
ain sects of levellers and free thinkers who denied
the existence of a controlling principle of order orin-
ginating with the Supreme Legislator of the Uni-
verse, to which every society is subject and upon
which institutions, laws, duties and language are all
founded. They confounded ideas of authority, or-
der, law and justice with force, and placed the pow-
er of society in those who controlled its physical
strength. They relieved power from responsibility
for violations of the moral law, and dispensed with
the necessity of reason to give validity to its acts.
This philosophy was carried to the continent and ex-
erted a fatal influence on their political and social
ideas.

But the American revolution was not directed
by this school of moral or political philosophy. The
authors of that revolution did not attempt to create a state or a society. The colonists claimed the rights which had been acknowledged in Magna Charta, affirmed in the Petition of Right, and established as the inheritance of Englishmen at the revolution of 1688. They produced the royal charters under which they made their settlements on this continent in evidence of their privileges, and appealed to history and usage to attest their existence. It is seldom, even in the controversial tracts of the time, that there is a departure from these stable foundations. They regarded their claims as the clear and inevitable result of their origin and historical development. Hence there was no violence or fanaticism in their counsels, and rarely enthusiasm even in the day of battle. The revolution by which colonies were converted into independent States, was the calm, grave, deliberate act of men who acknowledged all their responsibility and who knew that the facts would justify them before a candid world. The war that followed was conducted with the same display of firmness and moderation. There are no excesses of revolutionary violence, rage, or hate to recount and lament. There was no employment of new ideas, nor introduction of any principle foreign to our political system. Religion, laws, manners, the habits of domestic life experienced no alteration, and the political arrangements that were substituted for those that were removed, were only such a modification as the existing condition of the country demanded. The sober common sense and the enlightened conscience of the people were continually consulted, and their intelligent answers were followed by union and strength. The Constitution of the United States was ordained to establish justice, promote tranquility, provide for the common defence and to secure liberty. It was accepted by the people, "as the result of a spirit of amity and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable," "as liable to as few exceptions as could have reasonably been expected, and in the hope that it may promote the lasting welfare of the country so dear to all." In meeting the first Congress, the first President elected under the Constitution informed them that he saw in their honorable qualifications for their high office, "that no local prejudices or attachments, no separate views nor party animosities will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the preeminence of free government exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world;" and in closing his address, resorted to the Benign Parent of the Universe in humble supplication, "That since he has been pleased to favor the American people with opportunities of deliberating in perfect tranquility, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations and the wise measures on which the success of this government must depend."
The wisdom, justice and moderation of those who conducted the revolution and organized the State and Federal Governments, were conspicuously displayed in those ordinances and compacts under which the western territories, which have been acquired for the common benefit of the States by the Union, were organized. The surrender of the Northwestern Territory to the Union by the State of Virginia, will remain forever as a bright example of a magnanimous concession of rights that were individual for the common good, upon just and equitable considerations. The ordinance of 1787 was framed contemporaneously with the constitution of the United States, and served as the organic law of that vast territory, sufficient of itself, to form an empire. It was applied subsequently, with the modification of a single article, to the Southwestern territory in which we are. In the act organizing the Mississippi Territory, the article prohibiting domestic slavery was omitted, and an article inserted forbidding the foreign slave trade; and similar provisions were made for the Louisiana Territory. In this ordinance we find the foundations in which the constitutions of all the new States were subsequently erected. It provides the writ of habeas corpus and the trial by jury, proportionate representation of the people in the legislature, and judicial proceedings according to the course of the common law; it provides for moderation and humanity in the criminal code, the inviolability of private property and private contracts by public authority, and the freedom of speech and worship. As a complement to these and to secure the performance of the obligations that such rights superinduced, it provided

that, "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall be forever encouraged." It is to this source that we trace that article of our State constitution that declares, "Schools and the means of education shall forever be encouraged in this State;" and the means of education designated in the rest of the article were contributed from the common treasure of the Union, under the covenant and for the object declared in the ordinance. The constitution of Alabama continues: "The General Assembly shall take measures to preserve from unnecessary waste or damage, such lands as are or hereafter may be granted by the United States for the use of schools within this State, and to apply the funds in strict conformity to the object of the grant. The General Assembly shall take like measures for the improvement of such lands as have been, or may be hereafter granted by the United States to the support of a Seminary of learning; and the money which may be raised from such lands by rent, lease or sale or from any other quarter, shall be and remain a fund for the exclusive support of a State University, for the promotion of the arts, literature and science." The constitution for the territories was adopted in advance of the Federal Constitution, and displays the anxiety of the statesmen who were engaged in securing the blessings of liberty to themselves and their posterity, to form in every community a body of enlightened men who, under the influence of liberal culture, might establish an intelligent and authoritative public opinion based upon religious belief and moral principle, that would
serve as a control at once upon the government and
for and, if need be, upon the people.

It is unnecessary for me to say to you, that the re-
ligion contemplated in the ordinance is the Christian
religion—a religion that addresses itself to whatever
is manly, heroic, or holy in the human na-
ture; that commands us to cast off fear of those
who are only able to kill the body, but who have no
power to put a stain upon the soul; that teaches that
the world is without advantage to him, who has suf-
fered the divinity in his nature to be destroyed or
permanently obscured; that inculcates the practice
of every virtue, the control of every passion, the
performance of every duty and the attainment of
God-like perfection; “giving all diligence” it enjoins
“to add to faith, virtue, and to virtue, knowledge, and
to knowledge, temperance, and to temperance,” the
higher and more difficult offices of “patience,” “god-
liness,” “brotherly kindness,” till we reach the acme
of human excellence in “charity.” “We should rather
attempt to build a city in the air,” says Plutarch,
“than to found a State without a belief in the Gods.”
In every State there must be a central point, an attrac-
tive principle of social union, that collects and com-
bines its members and constitutes its order; otherwise,
there will be separation, discord, collision, anarchy.
No principle has been found to afford this but relig-
ion. Its etymology indicates that it forms a tie
among beings of a like nature. The Christian Reli-
gion supplies the constituent principle of the family
and sanctifies its holy relations, establishing the rela-
tive duties and due subordination and submission of
its members. It determines the social virtues and
assigns to each its proper rank in the social constitu-
tion, and thus forms the bond of the community.
Laws, habits and opinions formed upon these, de-
termine the public and private relations of all its
members, and subject not only the public conduct
but the secret acts and even the words and thoughts
to a regulating, though invisible, authority. Out of
the family and the commune the State is formed;
and the moral relations among States and nations in
reference to one another follows, as we have seen, the
laws that regulate the domestic and municipal order.
These human relations concentrate and have their
principle and sanction in the primary and pervading
relation between man and God, the author of order
and the patron of society.

There can be no family, social or political order un-
less there shall be submission and, if need be, sacrifice
of the interests that are individual or partial to the
good of the whole. This voluntary subjection of in-
terests that are merely personal, for the good of oth-
ers or of an entire community, constitutes virtue and
is the morality referred to in the ordinance of 1787
as one of the elements that a people must have, to
secure good government and promote the happiness
of mankind. Lord Bacon describes it in saying “I
take goodness in this sense,—the seeking the weal of
men; which is that the Greeks call philanthropia.
This, of all virtues and dignities of the mind is the
greatest, being the character of the Deity; and with-
out it, man is a busy, mischievous thing, no better
than a kind of vermin.” Thus morality finds its
surest support, if not its necessary condition, in a
true and firm religious belief. But to complete the
composition of a great, influence and civilized empire, one secure in its own good government and capable of dispensing happiness among mankind, knowledge is also requisite.

"Blind is that soul which from this truth can swerve,
No State stands sure but on the grounds of right,
Of virtue, knowledge, judgment to preserve,
And all the powers of learning requisite;
Though other aids a present turn may serve,
Tis in the end they will weigh too light."

Enlarged commerce, intelligent industry, facilities of communication, wealth to promote the progress of science and liberal arts and to relieve indigence and penury, liberal and just legislation and efficient and vigorous execution of the laws, under the influence of a wise and regulated opinion of a religious, moral, and educated people, spring from knowledge. These are the munificent results that the architects of American constitutions contemplated for that great western empire when they projected them, at a time when there was scarcely a civilized settlement within its limits. They planted the good seed and were willing to abide the time of harvest. Their guaranty of civil and political equality to freemen, and of the complicated machinery of the common law to fence life and property and personal liberty, are intelligible when these requisites of civilization have been acquired and are in effectual and permanent operation. Truth and justice then have sway, and are powerful to vindicate the innocent, sustain the weak, curb the injurious and subdue the oppressive. Authority is then scarcely felt, so naturally and spontaneously do the members of society perform their appropriate functions; and when employed, it is to bring the members of society into closer union, by the gentle stimulants of law, literature, industry and intercourse. Legislation then only consecrates as law, the duties that have their sanction in the public conscience; obedience is the grateful homage of loyalty, to right as declared by legitimate authority; and justice, as pronounced by citizens selected temporarily to distribute it without aid from the insignia or array of power, is executed through the reverent sentiment for the sovereignty and majesty of law, in a self governed, virtuous community. Free thought, with free speech and free publication spreads information, removes prejudice, levels invincible distinctions among men, and plants deeply in the public mind maxims of political and moral truth which reappear in manners, laws and institutions, that in their reciprocal action exalt the society still higher in the scale of civilization.

This subject will be elucidated by considering it in a different aspect. The constitution of Alabama, among the Indian tribes that inhabited the State a few years ago was wholly inoperative, and the extension of the laws of the whites to rule over them was regarded as mere tyranny; there was not religion, morality or knowledge among those tribes, to serve as a basis for the institutions the constitution prescribed, or upon which to make a claim for their obedience. Let us assume the society of Alabama to become depraved, so that no permanent convictions of religion, no social virtues and duties are recognized, and the state of knowledge to be such as to encourage general laxity in manners and conduct. Infidelity, faction and corruption will then predominate. Thucydides describes such a condition of things, as
existing among some of the Greek cities. The ordinary meaning of words was changed among them. Reckless daring was regarded as true courage; prudence, as cowardice; moderation, as a cloak for unmanliness; and frantic violence was estimated as the mark of the manly character. Kindred became a tie less close than party, for the latter was more ready for unscrupulous audacity. Associations had nothing to do with any benefit to arise from established laws, but were formed to execute rapines in opposition to the laws. Their grounds of mutual confidence rested on no divine obligation, but on the bond of communicated guilt. Men when dishonest more easily acquired reputation for talent, than when true and simple, for goodness. Of the latter they were ashamed, while of the other they were proud. Now, the reason of all these things was that power was pursued for the gratification of covetousness and ambition. While struggling by every means to obtain advantage over each other, they exhibited an excessive refinement of ideas, both in the eminent cunning of their plans and the monstrous cruelty of their vengeance.

Cicero, Sallust, and Tacitus describe such a state. An unrestrained populace, acknowledging no civil order, no law, at once prodigal and covetous, with passions continually inflamed and finding no place of repose, was the instrument of ambition and revenge at Rome. In the field of battle, in the streets of the city, citizens were punished by the sword of citizens; lists of names were posted upon the doors of the Senate, on the walls of the temples, to declare who were doomed by the victor in the contest; friend delivered up friend, and relatives betrayed their kinsmen to death; public honor and private faith were alike destroyed; until at last the people, fatigued with discord, gladly exchanged the horrors of the Commonwealth for the tyranny of the Caesars. Within a century, we have seen a complete exhibition of the power of an infidel and levelling philosophy to overturn, among the most enlightened of the nations of Europe, all the bases of moral and social order, and to deliver it over at one time, as a prey to the inexorable tyranny of a few, and at another to the furious passions of an insolent and capricious multitude, by whom talent, genius, wealth, virtue and public service were alike the object of implacable persecution and hate. Our constitution recognizes the capacity of members of the State to share in the functions of government as electors, representatives, magistrates and jurors: it secures the privileges of speech and association. Let these rights be exercised under no restraints of virtue or of duty, let there be no regulating principle, no responsibility except that which results from the law of force, a code of propriety resting upon no religious or moral basis,—and, since in the absence of a love of duty the sentiment of selfishness will prevail, the State in such circumstances becomes a theatre for the display of individual passions and the collision of personal interests. Pride, cupidity, avarice, ambition and revenge become active and moving powers to contend for mastery of the society; and the spirit of domination arises in one, or among a few, and in the end does not fail to subject it. The old customs, the familiar household sympathies, the hitherto cherished objects of reverence, the habits of subordination and obedi-
ence, the community of thought and opinion, the centres of worship, are discarded or neglected. Self respect, love of country and faith in humanity or God depart from the State, and exhausted with contest it sinks into the apathy and repose of a despotism.

But, not to exaggerate the causes of danger to a State, but to ascertain the extent of our obligations, we examine the signification of the maxim of the ordinance. It declares that religion, morality and knowledge are necessary to good government and the happiness of mankind. These cannot be dispensed with. The young Athenian was made to swear that he would fight till his last breath for the cause of religion and country, and would adhere constantly to the faith of his fathers. The fathers of our constitution claim activity and vigor of their posterity; their work does not allow of supineness or indifference. They speak to each generation in a long succession,

"Go, call thy sons: Instruct them what a debt
They owe their ancestors: and make them swear
To pay it, by transmitting down entire
Those sacred rights to which themselves were born;"

and the formula which embraces the whole range of our duties, is placed before us with the method of its application. A very slight examination will display the truth of this solemn declaration of the wise men of our land. What confers upon marriage its sanctity, forming the family, the germ of the State, in the most sacred convictions of the reason as well as the gentlest emotions of the human soul? To the christian, it is the symbol on earth of the relation of the Saviour with the church he redeemed and consecrated. What determines the law between parents and children, the order, discipline, habits of reverence and gratitude and subordination, that teaches the child obedience, submissive familiar sympathies, so that when he becomes a man and a citizen he finds his most important duties easy; and at the same time teaches the parent justice, self-control, providence and gentleness, and in such a manner that the necessary virtues on which depend good government among the members of the State, become instincts? The christian law of the family is found in the first commandment of God with promise.

The political advantage of free speech is that a religious, moral and enlightened community, by free and unreserved communication, will probably discover so much of truth as will serve to determine them wisely in the performance of their public duties. What bulwark is there to right judgment and to public decorum against political calumny, private slander or mere licentiousness? What saves the State from those, "who carry lies in their right hand and under falsehood shelter themselves," but the vigor of those principles and ideas that are instilled form childhood, that we worship a God whose word is truth, who has conferred the Godlike faculty of language to communicate truth, and who exacts responsibility for evil thoughts and idle words? In these we learn the crime of maintaining an ignorant, rank or licentious press. Finally, what restrains the demagogue whom the Greek poet describes as a

"Creature of one single sense,
Concentrated impudence,"

from invading the trial by jury to corrupt it, so that a verdict instead of being the true judgment of honest men, shall embody the passions, the appetites or
the perverted sentiments of a faction or cabal, or the sordid aims of a single individual? Why may it not be made a sanctuary for the felon, or the chosen instrument of successful conspiracy against constitutional authority and wise and just laws? We have no safeguard, no protection against such a calamity, but the integrity of jurors and the vigorous maintenance of an intense, active and dominant public opinion, among a people who cultivate religion, morality and knowledge as essential to good government and the happiness of mankind. The State, to secure these, ordained as a duty of primary obligation that, “Schools and the means of education shall be forever encouraged in this State,” and that there should be a State University “for the promotion of the arts, literature and the sciences.”—Thus

“Bending herself by statute, to secure
To all the children whom her soil maintains,
The rudiments of letters, and inform
The mind with moral and religious truth
Both understood and practiced—so that none,
However destitute, be left to droop
By timely culture sustained, or run
Into a wild disorder”.

Education implies development and progress. However an individual may be ensnared by ignorance, he knows that though this may be his nature, it is not his natural condition. He knows that there is a knowledge that he may acquire, that he desires to obtain; and that every such attainment brings him to a clearer vision of the Being who is the end and bound of truth. He discovers that his powers, unlike those of any other being of the animate creation, are not limited to his own development, but that humanity has a being and a development, to which the individuals of the species contribute, and thus create a common patrimony. We enjoy the labors of our race for the thousands of years that have passed. Nations of men whose names we have never heard, or heard so indistinctly as only to know them as belonging to the same species, have contributed the most to our sources of prosperity and enjoyment. Language, the mode of preparing habitations, food and clothing, the collection of men in society, the varieties of trades, the facilities for passing over land and seas, music, poetry, painting, calculation, the organisms of society, government, law and administration, existed at a period of which history has made no record. It is comparatively a modern inquiry, to ascertain the laws that determine the relations of man to nature, to his kind and to God, and to discover the conditions of his development and progress; and this inquiry has disclosed the fact of the steady advancement of the race. One generation succeeds to another, and each transmits whatever conquests it has been able to make over the principle of evil, over ignorance and vice.

The knowledge acquired by man of nature contributes to his material progress. Commerce, the facilities of communication, machinery and arts are promoted in the exact degree his mastery becomes more complete; and when to this knowledge is superadded a knowledge of law and duty, society is exalted in the scale of civilization. The superiority of modern nations over the ancient, arises from their superior perfection in both forms of knowledge.

Christianity has afforded a more perfect law, has improved legislation and promoted the tranquillity and security of social life, and thus has enabled men to make more general and steady advances in
material science, and called for a more vigorous application of the inventive faculties. It is to Christianity that the world is indebted for the system of public instruction. The ancients had their gymnasia, in which peculiar care was taken to develop the body and to fit the pupil for the arts of war and of government; and they maintained schools of rhetoric and philosophy in which the wealthy or well born might be taught. But the commission to the Christian church was to spread the gospel throughout the world, and the acquisition of such truth made all truth desirable. The people who have placed the highest estimate upon the capacity of man and taken firm guarantees for liberty, have provided this as the surest and strongest, that "Schools and the means of education shall forever be encouraged." Here they have placed their hopes of good government and social order and repose—what constitute happiness.

A cursory view of the external relations of Alabama will complete the task I have undertaken. The most important and ramified of these, originate in its being a member of the Federal Union. "I consider," said Mr. Jefferson, as he assumed the office of Vice-President, "the union of the States as the first of blessings, and as the first of duties the preservation of the constitution that secures it." The existence of the Union excludes apprehension of danger from foreign invasion and assures domestic tranquility, or that angry collisions among the States will be transient and of easy settlement. Under the various forms of its existence, it has effectually accomplished these objects. It holds together sovereign States, now increased to thirty-three, of a common origin, related by language, literature and identical political institutions, by a similarity of ideas on religion, morals and social science, with an internal commerce of an almost fabulous extent without an imposition or restraint, and the citizens of each entitled to enjoy the privileges of citizenship in all. One half of these States were formed under the auspices of the Union itself. The territory was taken and its society nurtured and fostered until it became self-sustaining. It was endowed with civil and political institutions such as I have described; and with the blessing of liberty and the means of education complete; and thus fitted, the society has been permitted to exercise the powers of self-government and to become members of the Union. That Union then holds them in peaceful and for the most part harmonious connection with the others, without depriving them of control over subjects of municipal interest, or restricting their powers of local self-government; while in the relations that are essentially national or that concern foreign nations, whether of war, peace, alliance or intercourse, the whole form one people. During its continuance, no obstruction to the free development of the faculties of any of the States has been opposed by one more powerful or overbearing than the rest. But a degree of energy and success in employing the favorable circumstances of their condition has been disclosed among them, of which no corresponding example is recorded in history. Public instruction intelligent and well directed industry, commerce, "invention," facilities of communication, and provident legislation comprehending the interests and wants of every class, attest with no feeble voice the excellency of institutions of which the Union is the chief. It is a habit of the time to disparage the
Union and to underrate its ameliorating influences; and projectors entertain some notion that another union is practicable that will assure to its members a larger measure of justice, tranquility, defence and liberty. The experiment has not been tried, and it may be questioned whether motives exist now to authorize the discussion, much less the experiment of disunion.

The government of the Union has done much toward elevating the United States to a leading position among the nations of the earth, and latterly, in moulding legislation so as to remove obstacles which have been discovered to the enjoyment of domestic repose and security. We have cultivated friendship with all countries, and cherished mutual interests and intercourse on terms of equality. "We are firmly convinced and we act on the conviction," says one of our Presidents, "that with nations as with individuals, our interests soundly calculated will ever be found inseparable from our moral duties; and history bears witness to the fact that a just nation is trusted on its words, when recourse is had to armaments and wars to bridle others." On this basis, we have taken the advance in spreading enlarged, liberal and Christian principles of intercourse and international obligation, in conducting our foreign policy.

We vindicated with arms the rights of neutral and pacific nations in prosecuting their commerce, against the disturbing claims of overbearing and imperious belligerents to prosecute, without check, war and violence; and such has been the power of justice that the belligerents we confronted have engaged to incorporate our principles into the law of nations. Which of us did not feel a sentiment of exultation, when the consummate statesman who lately presided in the State Department, offered on behalf of our country to introduce as international law that no peaceful commerce on the ocean shall be affected by war, and was sustained by some of the most powerful of European nations?

We have imposed upon our citizens as a duty to their own country, to observe in their letter and spirit our obligations to pursue peace in the spirit of peace with others; however "weak" and helpless, to maintain the pledges of our country inviolate, and to eschew as evidence of mere barbarism, the rapacity and violence of wars carried on without the sanction of a lawful and recognized authority. We have abolished the slave trade because incompatible with humanity and justice, and awakened the moral sense of Christian nations to its supreme unrighteousness. We have contributed beyond other nations to erect a power, stronger than an army with banners and more irresistible than the might of kings and despots, the power of an enlightened public opinion founded on principles of religion and morality, to which all shall be subject: And finally, when we come to review the internal conflict and the vehement passions that have agitated the Union and disturbed its repose during this generation, and see that under the influence of reason, patriotism, and the firm and rightful administration of public authority, how nearly these "disturbing causes" have been removed, I think we are justified in saying with Jefferson, that the first of our duties is to preserve the Constitution.

I yield to the Union no absolute or unconditioned existence; it is a constitutional Union of organized
and independent States. But that fact also establishes that the unhinging of fixed opinions in some places, and the aversion to established order, simply because it is order and existing, in others, will not disturb its security. The unreasoning temperament of destructiveness, which has removed so many State constitutions and ancient landmarks of legislation and law, has not unsettled the constitution of the United States. It cannot be rent asunder by faction, nor subverted by conspiracy. Whenever its doom shall be pronounced, it will be as the solemn judicial act of organized States, impelled by an irrepressible sentiment of its necessity and acting under all the sanctions of a society deliberating upon the means to secure good government and the happiness of mankind.

I close this address by bringing to your notice the fact, that our institutions impose a high degree of responsibility upon every member of the State, and that the relations of each are so extended that none can calculate the limit to the consequences of their conduct. In the family, in the school, the University, the State, the Union, you find specific duties assigned to you; and you must have observed even in the limited circle in which you have moved, how the act, the inconsiderate or wanton act of one, may affect the grave and important interests of many. This will be impressed upon you more profoundly as your experience enlarges; and with it, your appreciation will be more distinct of the truth that the philosophic poet of our time has thus declared,

"So will God protect us, if we be Vicious and wise. * * * * * by the soul Only, nations shall be great and free."