ARTICLES

THE SOUTHERN SCHOLAR: HOWARD COLLEGE BEFORE THE CIVIL WAR

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Abstract

The Southern Scholar examines graduation addresses delivered at Howard College in Marion, Alabama, in the 1840s and 1850s to gauge the nature of ideas on that campus. In contrast with some more stridently proslavery addresses at many other southern schools in this era, especially the University of Alabama, the addresses at Howard College are largely more moderate. Though one address emphasizes the economic benefits of slavery, most are more focused on the role of educated people in sustaining a commercial Republic in the United States. The addresses reflect the place that many thought southern "scholars"—students and college graduates—should play in leading the South and the United States towards a stable, commercial Republic. In contrast with Emerson's American Scholar, who was supposed to challenge accepted ideas, the "southern scholar" of the Howard College addresses were people who would support a Republic based on broad commerce and industrial development. Such ideas fit well with the economic origins of the students; federal census data reveal that a significant number of a sample of Howard College students in 1850–51 came from slave-owning families.

The ideas at Howard College, moreover, reveal the wide intellectual horizons of affluent Southerners, which correlates with what other scholars are increasingly finding about the pre-Civil War South.

1 Judge John J. Parker Distinguished Professor of Law, University of North Carolina–Chapel Hill. I would like to thank Walker Beauchamp for his kind invitation to participate in this symposium, Mary Sarah Bilder, Daniel L. Filler, Roman Hoyo, and Gregg Polsky for comments, and Kellie Corbett for her fabulous research assistance.
The Old South conjures images of slavery, brutality, affluence, and secession. Increasingly it is coming to stand for the discussion of ideas about economy, religion, slavery, and law. This part of our country and our history, which has for so long been seen as part of a violent past barren of ideas, is increasingly being seen as a place where ideas were widely discussed, even if they were largely in defense of property and ownership of humans.

Marion, Alabama, is now remembered, if at all, for two events in the Civil Rights Movement. The first is a death sentence handed down for stealing a few dollars, which brought national attention to the Perry County legal system. The second is the death of Jimmy Lee Jackson during a civil rights protest. His death sparked events in Selma, where on a certain Sunday in April, 1965, marchers crossed the Edmund Pettus Bridge to an uncertain future in the near term. A few days later they crossed the bridge again and marched all the way to Montgomery singing “We Shall Not Be Moved.” Thereafter came the Voting Rights Act of 1965.

2 As an illustration of how historians write about the south, one might turn to the historian of Howard College, Mitchell Bennett Garrett, who wrote a short monograph on the school’s history from 1842 to 1902. His history begins by discussing the setting of Howard College in Marion, Alabama, with a remembrance of an “old settler” who migrated to Perry County in 1832. The recollection focuses on the brutality of slavery in Perry County as the land was cleared and cotton planted.

Negros were cutting timber all night until sunrise Sunday...I had never seen negroes worked so hard or so poorly fed...It looked as if the devil had a clean bill of sale to all this country. But I caught the cotton and “n—r” fever, and bought a negro next year, and the Yankees liberated ninety-two that I had collected.

Mitchell Bennett Garrett, Sixty Years of Howard College, 1842-1902, 85 HOW. C. BULL. 1. 2 (1927).


More than a century before those events, Marion was an important destination for students seeking a college education. Two colleges graced the hamlet of Marion in the years before the Civil War: Judson Female Institute, founded in 1838 and Howard College, founded in 1841. After the Civil War Howard moved to Birmingham, where it became Samford University.

Recovering the ideas of students and faculty at Howard is part of the now vibrant field of pre-Civil War education, which increasingly realizes the central place of education in gauging the ideas of its surrounding culture. This field has been quietly growing for years now, as historians increasingly realized that what was taught in school reflects well the broader culture.

Some of the key themes in that broader culture that appeared in the schools included the struggle to maintain the Union; technology...
and the growing market economy; the need for a strong sense of personal duty to maintain the Republic; and the challenges of maintaining order as individuals exercised more autonomy.

The market economy was freeing people from the constraints of their local community. They had more money and thus more ability to move; the authority of the law was loosened as people moved to cities. New ideas challenging Americans to think differently went along with the social and cultural reality. Rather than deferring to the past or to traditional figures of authority, pragmatic Americans were thinking for themselves. A major challenge was to hold the nation together amidst all of those forces pulling in different directions.

The ideas on college campuses reflected the struggles in the United States around the market, individualism, the rule of law, and binding the nation together through moral, religious, constitutional, and economic interests. Such values are particularly apparent in the addresses to college literary societies and the graduation addresses delivered at schools throughout the United States, North and South, in the years before the Civil War. Often times the better addresses were published and they serve as gauges of the ideas on college campuses.

One address received extraordinary attention: Ralph Waldo Emerson’s 1837 Phi Beta Kappa address at Harvard. The American Scholar. Emerson addressed the duties of scholars—which looked remarkably like the values we thought many Americans followed—of retesting old ideas and disposing of the ones found wanting. There were others who rose up to defend the established ideas and established practices, to be sure. If we look at the American Scholar in context, we find many more college addresses talking about the need to follow traditional values than to break out of established modes of thought. At Washington College in western Pennsylvania, for instance, Thomas Verner Moore, a Presbyterian minister from Richmond, delivered an address on Conservatism. At other northern schools the story was largely the same. New York lawyer Daniel Lord delivered an address on the conservative elements of the legal profession at Yale in 1851; William Greene spoke about the need to abide the rule of law in the wake of the Fugitive Slave Act of 1850 at Brown University; and Timothy Walker, a Cincinnati law professor, decried the reform spirit of the age at Harvard in 1850.

There were other addresses, to be sure, that pushed with Emerson for retesting of accepted ideas—Henry Tutwiler, a young professor at the University of Alabama gave such an address at his school in 1835. At Wake Forest, a young lawyer gave an address on Declaration of Independence and called it the result of Newton’s scientific method applied to politics. But such challenging addresses were rare.

The modal college address focused less on the role that scholars could pose as questioners than on the challenges faced by the United States.

15 See, e.g., GEORGE F. BADGER, ADDRESS DELIVERED BEFORE THE PHILANTHROPIC AND DIACETIC SOCIETIES AT CHAPEL HILL, N.C. JUNE 26, 1833, at 8 (Richmond, Thomas W. Whyte 1833).
16 See, e.g., WILLIAM GASTON, AN ADDRESS DELIVERED BEFORE THE AMERICAN WHIG AND CLOSIOPE SOCIETIES OF THE COLLEGE OF NEW JERSEY, SEPT. 29, 1835, at 22 (Princeton, John Bogart 1835).
21 DANIEL LORD, ON THE EXTRA-PROFESSIONAL INFLUENCE OF LAWYERS AND MINISTERS, JULY 30, 1851, at 12 (New York, S.S. Chatterton 1851).
25 HENRY TUTTWILER, ADDRESS DELIVERED BEFORE THE EROSIOPE SOCIETY AT THE UNIVERSITY OF ALABAMA, AUG. 9, 1834, at 16 (Tuscaloosa, Robinson & Davenport 1834).
26 See WILLIAM B. RODMAN, AN ADDRESS DELIVERED BEFORE THE TWO LITERARY SOCIETIES OF WAKE FOREST COLLEGE, JUNE 9, 1846, at 19 (Raleigh, W.W. Holden 1846).
27 Alfred L. Brophy, Progress and the Idea of Law in College Literary Addresses in Antebellum New England (unpublished paper) (discussing context of Emerson’s American Scholar Address and noting the predominance of addresses opposing Emerson’s transcendental ideas in favor of obedience to established thinking).
As the Civil War approached, speakers at Southern schools also began to speak of a southern nation. They calculated the value of Union and often found it not worth the cost. But in the 1840s and early 1850s, addresses at Southern schools continued to speak of the value and importance of Union. This essay returns to several of the addresses delivered to the two literary societies at Howard College from 1846 to 1854 to gauge the ideas in circulation at Howard College, and also to sketch how the ideas of morality, commerce, and republicanism functioned together. The published addresses from Howard College before the Civil War reflect the use of oratory to reaffirm and extend key values of education, nationhood, market, and rule of law. While they defended the idea of slavery as well, slavery was not nearly


as prominent in the Howard College addresses as in many addresses at southern schools. The addresses reflect a strong orientation towards support of education, Union, and the economy. They reveal the central role that education was believed to play in shaping the nation. For, as one of the co-founders of Howard College, Reverend Edward Baptist, said in his 1846 address, it was educational institutions that formed "the character of a whole nation." Educational institutions, like civic associations, were key elements of the constitutional culture.

The Howard College addresses reveal that these ideas were all bound together—and often that law was part of the mission of creating a unified and strong commercial republic. While nearby University of Alabama was already a place of radicalism in the 1840s and early 1850s, Howard College at this time was a place of moderation. Speakers at Howard College, like some southern schools, such as Davidson College, were concerned with Union and with promotion of the Republic. And they were turning to oratory—and later to print—to promote those ideas, as others were using print to advance antislavery ideas.

A. THE YOUNG AMERICAN AT HOWARD COLLEGE:
JOSEPH WATKINS TAYLOR

While Perry County, Alabama came to provide strong support for the Civil War, in the 1840s Howard College was a place of relative moderation. In 1849 twenty-nine-year-old lawyer Joseph Walters Taylor delivered an address to the Howard College literary societies. Taylor, who had been educated in Kentucky, was a member of the Alabama legislature from Greene County. In an address to the literary societies of the University of Alabama two years earlier in August 1847, Taylor justified support for the University. Much of the talk was about how the bounties of education would disperse throughout the state—how, in his florid prose, the University "becomes a sun in the intellectual firmament, illuminating the valleys as well as the mountain tops of society." In 1852 he delivered a lengthy memorial address for Henry Clay, who had been the Whig Party's presidential candidate in 1844.

In his 1847 address at the University of Alabama, Taylor developed themes that appeared again in his address at Howard by noting that the University helped shape the morals of its students, and therefore the rest of society, and perhaps most importantly, that the University contributed to Union. For its students learned about the proper role of the federal and state governments, were educated to understand and advance the interests of Alabama, and that they learned to defend the constitutional rights of Alabama to slavery. Taylor feared that many interests were aligned against slavery and southern states. "The pulpit and its instrumentalities, the press and its agencies, are the weapons [abolitionists] wield. The world is the field of battle; mankind the spectators." The Universities' students had the task of defending the south in this cause. "The sons of the South are its legitimate, its reliable, and its appointed defenders; and in the Universities of the South, must they be [imbued] with the skill and force in the use of the weapons of reason.

37 Edward Baptist, Address Delivered Before the Trustees, Faculty, and Students of Howard College, Nov. 16, 1846, at 6 (Tuscaloosa, M.D.J. Slade 1846).
41 See, e.g., Jeannine DeLombard, Slavery on Trial: Law, Abolitionism and Print Culture (2006); Caleb Smith, Preface to The Oracle and the Curse: A Poetics Of Justice From The Revolution To The Civil War (2013).
43 The first published address by Edward Baptist, a minister from Mobile, was in 1846. It is relatively unrevealing about ideas of law, for it was short and largely focused around religious themes. See Baptist, supra note 37. Similarly, A.J. Requirer's 1859 address is florid and unrevealing. See Augustus Julian Requirer, Address Delivered By A.J. Requirer, Before the Adelphi and Franklin Societies of Howard College at the Town of Marion, Alabama, on the 27th of June, 1859 (Marion, Commonwealth Office 1859).
44 Joseph W. Taylor, A Plea for the University of Alabama: An Address Delivered Before The Erudite and Philomathic Societies Of The University Of Alabama, Aug. 9, 1847, at 15 (Tuscaloosa, M.D.J. Shade 1847).
46 Taylor, supra note 44, at 25.
necessary to the high encounter to which they are called." As the Civil War approached, Taylor became even more openly proslavery. Just after the opening of the Civil War, on July 2, 1861, in an address to the literary societies at Greensboro's Southern University, Taylor again justified the school because of what it would do to facilitate slavery. He also justified the War on the grounds of "repeated and persistent infractions of the constitutional compact by the people of the North, and the development of a fixed purpose, on their part, to destroy the property and imperil the lives of the people of the South, by a wicked crusade against their social institutions ..."

But in 1849, at the anniversary of the Adelphi and Franklin literary societies of Howard College, Taylor's address had little on slavery. Instead, he focused on the role of the educated in the promotion of a unified, commercial republic. Taylor's address was titled *The Young American: His Education, Duties, and Rewards*. Taylor took the title from the Young America movement, which was popular in the 1840s. The movement, which is most often associated with the Democrat party but also took pieces of the agenda of the Whig party, centered around a series of ideas to promote an educated, commercial republic. Taylor's address presents a brief in favor of the Young America movement and the role of the educated in promoting the agenda of Young America. This was part of the focus on ideas central to the United States—a well-educated electorate acting in the interests of the Republic rather than acting on their passions and base self-interest. It is a variety of what historians have on occasion called "republicanism." Though in more recent times, there is skepticism about the utility of a term that has such varied meanings. Yet Taylor's invocation of such ideas at Howard College—and the use of it by orators at other schools—should cause us to pay renewed attention to the idea of a commercial Union. Taylor reminds us that we should not take lightly the value of Republican ideology in the pre-Civil War South.

Taylor built the case first with a plea for an educated public. At its most fundamental level, democracy depended on an educated electorate. "Popular suffrage implies in theory, and exacts in practice, the exercise of mind by all the inheritors of the precious gift. And throughout the various ramifications of the political fabric, we recognize evidences of the indispensable necessity of cultivated intellect for the proper administration of its several departments." The lessons needed to encompass moral education and discipline to promote constitutional values. The republic could only function by having a well-educated, moral, and well-disciplined electorate. For "[u]nder our American systems of government, a universal popular enlightenment is essential to the vitality and perpetuity of the political organism."

Virtue was central to the Republic. Taylor used a reference to an eighteenth-century Muslim prophet, Mukanna, to make the point about the importance of virtue. Mukanna hid his face with a veil. According to outside appearances, he was mysterious and handsome. Underneath the veil, however, the truth was, perhaps, different. Taylor found in that story a parallel to the United States' Republic. While from the

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(1992). Rodgers's critique marked the end, it seems, of talk among historians about republicanism, in part because there was such evidence of ideas of classical liberalism in American thought from the Revolution and afterwards. Taylor's work reflects not a conflict between republicanism and liberalism but a joinder of those ideas, which supports a robust protection of property and order.

53 See, e.g., Aaron V. Brown, Address Delivered Before the Two Literary Societies of the University of North Carolina, May 31, 1854, at 11, 34 (Raleigh, William C. Doub 1854); James C. Dobbin, Address Delivered Before the Two Literary Societies of the University of North Carolina, June 5, 1850, at 10 (Chapel Hill, Societies of the University of North Carolina, Delivered in Gerard Hall, June 2, 1847, at 14–15 (Washington, J. & G.S. Gideon 1847).


55 Id. at 13.

56 Id. at 19.

57 Id. at 12. Probably the source of Taylor's analogy is the English poet Thomas Moore's *Lalla Rookh: An Oriental Romance* (1817), which was expanded by a more recent play by William Cooper. William Cooper, A DRAMA, in THREE ACTS. ENTITLED *MOKANNA* (1843).
outside it might "allure and dazzle mankind, for a season, by the splendid attraction of a fascinating exterior." Yet, without virtue, the Republic will be, like Mokanna, "stripped of the glittering veil which hides the hideous features of a moral deformity, [and] ... fall by the hands of its own deluded worshippers." 58

Education also needed to inculcate values of patriotism and Union. It could do this by teaching about history and by creating literature. As to the former, the history Taylor had in mind was of great men and great events. The great men Taylor had in mind were the Revolutionary generation, people who were "heroes of a primitive type." 59 And the events were such as celebrated the triumph of Anglo-Saxon civilization:

The discovery and colonization of the country, the perils and struggles of its early settlers, the numerous wars with the Indian tribes, the gradual evolution of the social, moral, and political institutions of the people, the rise and fall of the old Confederation, the war of the Revolution, the founding the republic by the formation and adoption of the Federal Constitution, the war of 1812 with England, and that of 1846 with Mexico; the administrations of the several Presidents, from Washington to Taylor inclusive; the separate histories of the individual States. 60

Such topics should be the focus of the celebratory history. Quite simply, "[i]n the germination, efflorescence and final realization of the idea of national independence, he reads a lesson pregnant in warning to the oppressors, and full of encouragement to the benefactors of mankind." 61 Using those tools of history working as an adjunct to lessons of morality, schools would fulfill their duties.

Schools, like corporations and civil associations, worked to promote constitutional values. They did this through the education of their students. And in turn those students brought knowledge to the rest of the community. Taylor used Romantic-era imagery of light to convey the ways that the influence of Howard College diffused throughout Alabama:

As the rays of morning and evening light, caught by the upper circles of the atmosphere and refracted downwards, illuminate its lower strata, and prolong the day, so high knowledge, by its inherent expansiveness, transmits its benefits in all directions, radiating from the circle of the limited number who possess it through all classes of society. 62

Schools like Howard College also aided the democratic mission by the production of literature. There was a special duty of America to contribute to the literature of republics. For it is "a nation among nations, she is held to the full measure of a great responsibility for the advancement of letters, and the promotion of the moral interests of mankind." 63 Such literature was essential in the United States because of the coarseness of democracy. "Democratic institutions need the humanizing and polishing influence of elevated letters," Taylor said. 64

The lessons needed for American scholars, then, were of history teaching virtue. Some of this came through Christianity, which was "the true moral regenerator of mankind," 65; some came through lessons in history. All of those lessons pointed in the same direction, towards virtue, which was essential to the vitality of the Republic. Again Taylor invoked Romantic-era imagery of the solar system to describe the need for virtue:

So impressive ... is the combined voice of reason and experience on this point, that the idea of a republic continuing to exist without public virtue to sustain it, would be regarded, by all sound thinkers, as no less an absurdity than the hypothesis of a solar system without a central sun to attract the several parts. 66

Taylor identified the means to inculcate virtue and a reverence for Union. While the Union's perpetuity rested on knowledge about the virtues and value of union, 67 Taylor also focused on dangers to those values. Party spirit was one danger; sectional division was another. 68

Taylor's address illustrates the close connection between values

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58 Taylor, supra note 54, at 12.
59 Id. at 21–22.
60 Id. at 23.
61 Id. at 22.
62 Id.
63 Id. at 19; see also John Wood Pratt, An Address Delivered Before the Society of the Alumni of the University of Alabama July 8, 1850, at 4 (Tuscaloosa, M. D. J. Slade 1850) (speaking of the "law of descent of thought" from the better educated to the masses).
64 Taylor, supra note 54, at 18. This was a popular argument at southern schools. See, e.g., James H. Otey, Address of the Rt. Rev. James H. Otey ... on the Subject of a Proposed Southern University (n.p., circa 1859) ("the security of society, the supremacy of law, the preservation of liberty regulated by law ... all these are dependent, at last, upon the prevalence of a sound moral sense among the people. This is the great balance-wheel in our government, the want of which, will not only render the movements of the machinery unsteady and irregular, but endanger its very existence.").
65 Taylor, supra note 54, at 18.
66 Id. at 30.
67 Id. at 28.
68 Id. at 34.
69 Id. at 35.
and constitutional law. Taylor believed that constitutional values, like support for Union, were deeply rooted in culture. As he said, “the federal and state constitutions are intellectual creations, instinct with the vitality of mind.”

He was explicit about the close connections between education and the Constitution: “Deriving their existence from cultivated intellect,” the federal and state constitutions “live and breathe only in its vivifying atmosphere. Withdraw the animating principle of mind, and they shrink to the feebleness of political pageants, adequate to none of the legitimate purposes of government. The duties which they impose upon the mass of the people, require constant thought for their due performance.”

The implication of Taylor’s address is that those interested in understanding the full scope and power of constitutional law need to return to the ideas in circulation in southern society. The lessons of history—which were often related to empire and military success—mixed with the importance of commerce to provide guidance. The rest of the story is well beyond this article, but this vision of how constitutional thought functions in conjunction with the rest of American culture is central to understanding the development of constitutional law. It is also central to understanding how constitutional thought evolved as the South moved toward secession. Taylor’s address confirms that people at the time saw adherence to Union as part of a constitutional system. Thus, explanations of secession and southern nationalism need to include the full range of ideas from property and economy to southern rights, including those southerners whose clung to the idea of Union as their section moved towards secession.

B. CHARACTERISTICS OF THE TIMES: THOMAS G. KEEN

The next year, Reverend Thomas G. Keen of the Mobile Baptist Church gave a similar speech, titled Characteristics of the Times, Strong Incentives to Intellectual Effort. Like Taylor, Keen was focused on the role that Howard College students should play in Alabama society and how education facilitated their development for that role. Keen spoke of the need for students to have “thoroughly disciplined heads and hearts” so that they could guide the impulsive and active spirits of the age. For Keen understood that there was a period of “unparalleled activity and bold adventurism.” Keen saw, as had others, that the spirit of the age in the United States and Europe led to questioning of “prescriptive authority.” The old forms of authority, particularly authority based on long-term practices, was breaking down. In the Northern United States, this led to religious fanaticism and “men claiming greater wisdom than the sages of antiquity . . .” The slogan of those reformers was “we must have change.” In the Southern United States, the call was for redress of constitutional rights. This led many to calculate the value of the Union and to debate whether it was worth the costs. Such discussion revealed that “a storm, such as the world has never yet witnessed, [was] assuredly gathering.” And in 1860, when Keen had moved to a pulpit in Petersburg, Virginia, he spoke to Wake Forest’s graduating class near Raleigh, North Carolina. Keen at that point was even more worried about the gathering clouds.

The day after Keen’s address, Howard College’s President, Samuel Sterling Sherman, delivered the baccalaureate address, The Bible a Classic. Sherman was a native of Vermont and had relocated to Tuscaloosa after his education at Middlebury College, where he became a tutor at the University of Alabama. He later became president of Howard College before leaving in 1851 to start a secondary school in Georgia. Sherman’s address has wide intellectual horizons—his citations

70 Id. at 9.
71 Id.
73 See, e.g., Brophy, supra note 35, at 150-56 (discussing conflicting depictions of Union in addresses at the University of North Carolina); id. at 1956-60 (discussing skepticism about Union in addresses at other southern schoo’s).
ranged from work on ancient Egypt and Rousseau to Maryland law professor David Hoffman, Massachusetts Educator Horace Mann, Brown University President Francis Wayland, English moral philosopher William Paley, the historian of philosophy William Enfield, Alexis de Tocqueville, and Daniel Webster. Like the other addresses, an important theme was that education "is the palladium of free government" and that Protestant Christianity was an important precursor to free government. The address reads as though Sherman was trying to meet the students where they were and broaden their horizons. As he emphasized the multiple lessons in the Bible, particularly the Bible's practical utility, it seemed as though he was stretching to find ways to reach students. However, the lessons were that the Bible was elevating savage nations—a theme that fit with the dominant ideas about Anglo-Saxon supremacy—and that the Bible provided a code of conduct. For it provided "not only the origin of the social compact, of government, of the rights of property and inheritance, of the obligation of oaths, the relations and duties of man to man, of the governed to the governor and the contrary, but also, the first written code of laws ever promulgated. . . ."

C. THE PROGRESS AND PROSPECT OF ALABAMA: NOAH K. DAVIS

In 1854, Chemistry Professor Noah K. Davis addressed the graduating class. Davis was born in Philadelphia in 1830 and raised by his stepfather, John I. Dagg, an educator in Tuscaloosa and later president of Mercer University. Davis graduated from Mercer in 1849, took additional education in Philadelphia, and returned to Alabama to teach at Howard in 1852. He spoke of the "Progress and Prospect of Alabama," which meant largely that he spoke about the economic opportunities in the state and how much there was left to accomplish. He celebrated, rather casually, white supremacy; for instance, he spoke in the second paragraph of the address of the Anglo-Saxon race's accomplishments in subduing the territory of the United States. But most of Davis's address emphasized Alabama's natural and human resources—and explained why that was important to both commercial advances and to the success of the republic. This illustrated the ways that many thought about the state's prospects—as a place to make money and to have a republic. Railroads, manufacturing, and agriculture were all important to Alabama's development—and Davis emphasized the need for more of the first two. Commerce and politics

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84 SHERMAN, supra note 82, at 8 (citing 2 JOHN LLOYD STEPHENS, INCIDENTS OF TRAVEL IN EGYPT, ARABIA PETRAEA AND THE HOLY LAND 111 (New York, Harper & Brothers 1837)).
85 Id. at 10.
86 Id. (citing DAVID HOFFMAN, A COURSE OF LEGAL STUDY 65-66 (Baltimore, Joseph Neal, 2d ed. 1836)); id. at 14 (citing HOFFMAN, supra, 64-65).
87 Id. at 3-4 (citing ELEVENTH ANNUAL REPORT OF THE SECRETARY OF THE BOARD OF EDUCATION 54 (1847)); id. at 21 (citing SEVENTH ANNUAL REPORT OF THE SECRETARY OF THE BOARD OF EDUCATION 144 (Boston, Dutton & Wentworth 1844)).
88 Id. at 15.
89 Id.
90 SHERMAN, supra note 82, at 17 (citing WILLIAM ENFIELD, THE HISTORY OF PHILOSOPHY (London, 1819)).
91 Id. at 26.
92 Id. at 26-27 (quoting Daniel Webster's Bunker Hill Address).
93 Id. at 3.
94 No people on the face of the earth is so much indebted to the Bible as our own. It has always been the friend and guardian of freedom, the Magna Charta of civil and religious liberty. Whenever it has been permitted to exercise its legitimate effects in forming public opinion, that opinion has been on the side of equal rights, and all the powers of despotism could not prevail against it. It was one of the chief agents that prompted the early settlement of this country, and has always exerted a controlling influence in her councils.
95 Id. at 26.
96 SHERMAN, supra note 82, at 14.
97 Noah Knowles Davis, 3 ENCYCLOPEDIA OF VIRGINIA BIOGRAPHY 166-67 (Lyon Gardiner Tyler ed., 1915).
98 NOAH K. DAVIS, THE PROGRESS AND PROSPECT OF ALABAMA: AN ADDRESS DELIVERED AT THE COMMENCEMENT OF HOWARD COLLEGE, JUNE 29TH, 1854, at 5, 10 (Marion, Dennis Dykous 1854).
99 The formation and progress of the American States excites the astonishment of all nations. The van of the Anglo-Saxon race, a few years since, appeared on these shores, and with one continuous front from the Lakes to the Gulf, the grand army began its march across the continent. The Alleghany Range stood it not. The wild animals of the Mississippi valley, both man and beast, wasted before it like shadows of the morning, and forests vanished like melting frostwork.
100 Id. at 10-13.
joined. And in particular he saw the need for education so that Alabamians could harness their rich natural resources and elevate the public so that the state could "secure her rank in the congregation of States." Education, even speeches like the one Davis was giving, had the potential to sculpt the public mind.  

What we most greatly need as the pioneer of other preliminary changes, to invigorate our industry, to liberalize our designs and efforts, to promote the formation of facilities and improvements and retain our population, is a general elevation of sentiments and enlargement of views throughout the entire community. This will be measurably accomplished by the influence of education and industrial conventions, and by a continual reiteration of the great truths in public addresses and circling periodicals, which, like the repeated blows of a sculptor's mallet, will finally fashion the public mind to the form of manliness.

While Davis's speech was mostly about the natural resources in Alabama, its lessons were that those resources would support Alabama's economic and moral growth. He turned to an unlikely comparison with Europe to discuss Alabama's potential. Using romantic imagery, he spoke of Gothic cathedrals in Europe and how they inspired visitors and told of the past greatness:

Those of you who may have rambled among the proud old cities of Europe have, no doubt, paused at times before the portal of some magnificent Gothic Cathedral, and wondered at its beauty and grandeur. How strong the huge supporting buttresses that rear themselves against massive walls. . . . Within we feel softened by the mellow light that streams through the sacred device of the colored window, and awed by the hollow-echo of our footsteps over the sepulchral crypt. We gaze with deep and strange sensation on the lifelike statues that fill the hundred-ded niches and guard the honored tombs.

But where monuments in Europe told the story of the past, Alabama will someday have different kinds of monuments, which tell the story of its agriculture and manufacturing.

Already there were elements of southern nationalism in Davis's speech; he referred to Ellwood Fisher, whose 1849 speech before a mercantile group in Cincinnati dealt with what Fisher saw as fundamental differences between the mercantile North and the agricultural South as it made the case for slavery. Fisher spoke of the differences between Yankee merchants and Cavalier, southern planters. Fisher drew from a common mythology, southerners telling themselves a story about their origins in England and an imagined community. Fisher's pamphlet and Davis's casual adoption of it, hints at the ideas about merchants and agriculture in circulation in Marion and at Howard College. Davis also alluded to the 1851 Cotton Planters' Convention in Macon, Georgia, that had supported the development of southern industry and the preparation for a separate southern nation. Yet, he also argued strenuously for a mercantile and manufacturing efforts in Alabama and, thus, while accepting some of the south's self-image as a place unconnected with the market, he also argued that the south should be in some ways more like the north. What was so central to the addresses from 1849 to 1854 was a constellation of ideas of economic and moral progress to help make a successful commercial republic. Education was seen as central to all of that progress.

A few months after Davis's address, a significant tragedy befell Howard College. On the evening of October 15, 1854, a fire broke out in the college building, which also served as a dormitory. The four-story building was completely destroyed; a number of students were injured as they jumped from the upper floors. One student, A.H. Talbert, and Harry, a twenty-three-year-old slave owned by Howard College President Henry Talbird, perished as a result of injuries sustained in the fire. Harry's efforts to save students and his death were commemorated in a monument in the Marion Cemetery. A faculty member, Richard A. Montague, a tutor in ancient languages, injured in the

106 ELLWOOD FISHER, LECTURE ON THE NORTH AND THE SOUTH, DELIVERED BEFORE THE YOUNG MEN'S MERCANTILE LIBRARY ASSOCIATION OF CINCINNATI . . . (Cincinnati, Daily Chronicle Job Rooms 1849). Davis improperly dates Fisher's text to 1847. DAVIS, supra note 98, at 7. The proslavery bias of Fisher's pamphlet is apparent from one response to it. See OSGOOD M. S. SEY, REVIEW OF ELLWOOD FISHER'S LECTURE ON THE NORTH AND THE SOUTH, at 6–9 (Cincinnati, Wright, Fisher & Co. 1849).


109 DAVIS, supra note 98, at 14.

110 Garrett, supra note 2, at 49–50 (discussing October 1854 fire); CATALOGUE OF THE OFFICERS AND STUDENTS OF HOWARD COLLEGE, MARION, ALABAMA, 1854–55 (Marion, Dennis Dykous 1855) (same).

111 Garrett, supra note 2, at 49–50.
1854 fire died of his injuries in February 1861.112

In a few years, students and faculty at Howard College were participating in Civil War,113 like those at the University of Alabama.114 But in the late 1840s and early 1850s they were talking about an optimistic future of economic and moral progress and a grand commercial Republic.115 They were people of wide intellectual horizons, who spoke of French enlightenment thinkers116 as well as the latest experiments comparing the properties of coal from Alabama and other states.117

The students were also drawn largely from the slave-owning population. Of the sixty-eight students in the classical department of Howard College during the 1850–51 school year, the families of forty-one of them were located in the 1850 federal census. Of those students whose families were located in the census, all except for nine came from slave-owning families.118 That is, for the 60% of students whose families could be located in the 1850 census, 75% of them owned one or more slaves. The median number of slaves owned by the families of those forty-one students was nineteen humans; and the average number owned was thirty. Levin Lane’s family, from Marengo County, owned the most humans—148. The families of several others students owned more dozens of people. For instance, the family of Jefferson Rives of Lowndes County owned seventy-nine people; the family of George Hodges of Barbour County owned seventy-one people; the family of James Morrisette of Monroe owned sixty-three people; the family of Rueben and William Loggins of Mississippi owned fifty people; the wealth of students’ families is similar to the data for students at the University of Alabama in this era.119

The Howard College lectures showed the possibilities that some saw for colleges in shaping the Republic. They sought a commercial, industrial Republic120 based on ideas of duty, hierarchy, economic progress, and sometimes-sectional pride. And in this matrix of ideas constitutional law was yet one of the many elements that students would study and use to sustain the United States’ republic. The addresses by Taylor, Sherman, and Davis, moreover, reveal southern intellectuals encouraging a modern economy and society.121 Those southern scholars were participating in the ideas, economy, and politics of the world.122

112 Id. at 49 (discussing Montague’s injuries and his subsequent death). A legatee of Professor Montague sued Montague’s executor because the executor took Confederate currency in 1863 as payment for real estate he sold on behalf of the estate. Blount v. Moore, 54 Ala. 360 (1875). Such was the long tail of the tragedy of the fire.

113 See Garrett, supra note 2, at 72–74.

114 See e.g., Eckinger, supra note 11, at 66–70.

115 Other pieces of the Perry County, Alabama, intellectual culture include Archibald John Battle, Piety, The True Ornament and Dignity of Woman: A Sermon Delivered in Conjunction with the Annual Commencement of the Judson Female Institute (Marion, Dennis Dykous 1857) and R.M. Ruffin, Tales and Sketches for the Fireside, Which is Most Respectfully Dedicated to Every Southern Home Circle (Marion, Dennis Dykous 1858). Battle was concerned with the separate sphere that women occupied from men; one of Ruffin’s short stories supported slavery as it attacked Northerners who abused people they owned. See Ruffin, supra, at 27–45 (“Julia Warren, or the North and South”).

116 Samuel Allen Townes has less on intellectual life than local color, although local color sketches provide some measure of intellectual culture, in The History of Marion, Alabama: Sketches of Life, & C. in Perry County, Alabama (Marion, Dennis Dykous 1844).

117 Davis, supra note 82, at 10.

118 See e.g., Sherman, supra note 3, at 18–19 (comparing Alabama coal to that of other states).

119 Catalogue, supra note 110, at unnumbered pages 5–7. Some of the students could not be located because they have common names; for those students from Alabama, the Catalog lists their county of origin, which helps with the identification. For students from outside of Alabama, the Catalog lists only their state of origin.

119 See Royal C. Dumas, My Son and My Money Go to the University of Alabama? Students at the University of Alabama in 1845 and the Families that Sent Them, 1 ALA. CIV. RTS. & CIV. LIBR. L. REV. 67 (2011).

120 William Gaston to Gentlemen, Gaston Papers, Southern Historical Collection, Wilson Library, University of North Carolina, October 3, 1832 (address for a meeting of Whigs in Montgomery, Alabama, which discusses the dream of a commercial republic).

121 See, e.g., Introduction to The Old South’s Modern Worlds: Slavery, Region, and Nation in the Age of Progress 11–13 (L. Diane Barnes et al. eds., 2011).

122 In this regard, the lecturers present a somewhat different picture from the intellectual life of the old South presented by Drew Faust’s path-breaking 1977 book A Sacred Circle: The Dilemma of the Intellectual in the Old South, 1840–1860 (1977). Where Faust identified a relatively small circuit of intellectuals, subsequent work has expanded the census of intellectuals in the old South. See, e.g., O’Brien, supra note 3. Taylor, Keen, Sherman, and Davis are all virtually unknown figures in intellectual history; yet, these obscure figures demonstrate a facility with ideas of politics, literature, history, law, and natural science. These people were engaged southerners, who used ideas to support their world of largely Whig political ideas of Union, commerce, religious piety, and the well-ordered state. See generally Daniel Walker Howe, What Hath God Wrought: The Transformation of America, 1815–1848 (2007). In that regard, they teach us about the broad horizon of ideas in a place where we have too long neglected those ideas and their power.