

adopted that instrument did not contemplate just such a contingency. Even if not contemplated, experience had shown that many general laws have been used, and often perverted to purposes not contemplated by those who framed and adopted them, and yet we could not escape the plain letter of the law, and that the unrestricted power to make treaties includes all the subjects and purposes for which treaties are usually adopted.

The second objection did not apply directly to the constitution, but to a principle upon which it was claimed all our institutions were founded. The territory of Louisiana had about 30,000 inhabitants and under the principle that all governments derive their just powers from the consent of the governed it was claimed that our government was about to exercise sovereignty over those inhabitants without their consent.

The Growth of an Idea.

In my opinion there is no more interesting subject in modern history than that of tracing the origin and growth of this idea. As with most of the progress of the last four centuries, we must go back to the Reformation for its origin. Charles the Fifth was emperor of Germany, and with Spain the ruler of nearly one-half of the known world. A number of the little states into which Germany was divided had in some of its forms adopted the Protestant religion. Charles had resolved to reduce all Germany into conformity with the Catholic church. He had broken up the Smalkeld League of Protestant Princes, had imprisoned its leaders and reduced their electorates into apparent subjection. Maurice of Nassau and Saxony, and a relative by marriage to the Prince of Orange, secretly formed another league, and under pretext of assisting had organized a large army and led it against the emperor. He secured military possession of a large part of Germany. By an unforeseen accident the emperor barely escaped capture. The treaty of Nassau was the result, under which the Protestant and Catholic electorates were each allowed to enjoy their own religions. In this treaty the people were only indirectly represented by their princes, but in assuring liberty of conscience throughout a large part of Germany, it taught that the will of the people should be considered by their rulers. It next appears, still vague and indefinite, during the revolution of 1640 in England. There it was claimed that parliament, representing the nobility and wealthier of the people, had the ultimate right of sovereignty. The movement seemed to have failed through the excesses of the army of the commonwealth, but left seeds which afterward regenerated England. In the revolution of 1688 the whig party, led by Halifax and Somers and other distinguished leaders, openly declared that govern-

ment was the agent of the people, who when their rulers violated their rights and usurped powers not conferred by the constitution were authorized to depose them and put others in their place. In this revolution the masses of the people had little direct part, and in the final settlement, while the principle was in fact accepted, it was obscured by placing upon other grounds the change of administration.

To our own country we must look for the full development of the principle, and publishing it to the world as the true basis upon which all civilized government must finally rest. The circumstances were unusually favorable for its adoption. The early settlers driven from their homes to find a place where they might freely enjoy the dictates of conscience, and imbued with the principles of liberty, planted on our shores numerous little democracies where all were equal and where each participated in affairs of state. They grew by neglect; they were hardened and consolidated by conflicts with savage foes who knew no mercy. Poverty and hardship were their lot. They recognized that in the eye of God all were equal, and they permitted no distinction of rank or right to destroy this equality. They doubtless could not, and enjoying, did not attempt to formulate the great principle by which their actions were controlled. This came from another direction. With the exception of the little republics of Greece in the time of Pericles and Socrates, perhaps there had been no age in the history of the world when intellectual activity was so intense as it was in the 18th century; and this activity largely took the direction of examination into and discussion of the nature and rights of man, and the origin and duties of government. We have Locke and Hume in England, Kant in Germany, Voltaire and Montesquieu and Rousseau and others in France, all immersed in the solution of these grave problems.

Arbitrary England.

At this time England commenced its arbitrary acts to bring the colonies under the jurisdiction of parliament. She crippled our commerce, prohibited our manufactures, imposed taxes without our consent, and billeted soldiers in our homes regardless of our laws. Then from this continent came the answering cry to the doctrines of the great European philosophers. The press teemed with pamphlets, the rostrum was converted into a place for lectures from Samuel Adams and James Otis of Massachusetts, Benjamin Franklin and John Dickinson of Pennsylvania, Witherspoon of New Jersey, George Mason and Thomas Jefferson of Virginia, and last, but not least, from Thomas Paine, a citizen of the world, by whom the arbitrary and oppressive acts of the mother country were com-

pared and contrasted with the primary rights of man. The whole culminated in that greatest of appeals to humanity, the declaration of independence, in which it was boldly declared, that all just government rests upon the consent of the governed. Then followed eight years of devastating war, from which it is doubtful whether, with all the bravery and devotion of our people, we could have emerged successfully, without the patience, magnanimity, self-sacrifice, heroism and superiority in affairs both of state and war of the hero whose birth we celebrate tonight, George Washington.

In the eyes of the world success seemed to have rendered sacred the principle for which we fought; but what was the condition of our country? There was no bond of union; very soon New York commenced to levy duties upon the trade of Connecticut and New Jersey, conflicts of authority ensued, rivalries and jealousies began to grow between the states; in Massachusetts, Shay's rebellion against the state in behalf of a depreciated currency was suppressed with the greatest difficulty, and it became evident to thoughtful men that there must be a change of conditions, or the states would soon fall an easy prey to conquering nations, or to the larger states in our own country, and the great life principle of our existence be again lost to the world.

Equal to the Crisis.

Again our people rose to the occasion. After several futile attempts, a convention was called which framed the present constitution. In every act of its adoption, in every line of its contents, it affirms the principle upon which the war was fought as set forth in the declaration; and let it ever be remembered that the chief purpose of the constitution was to preserve the liberties of the people and the integrity "of the states, as the most competent administrations of our domestic concerns."

Thus we find this principle established as the keystone of the magnificent structure our ancestors had erected. From this long digression we must again return to the Louisiana purchase; but before doing so, it is necessary to define what in practical affairs we mean by this principle. It is one thing, under an idea, to accomplish a desirable result, and another, after that result is accomplished, to carry it into effect in our future life.

Evolution.

Perhaps the clearest statement of the principle is made by Herbert Spencer in his *Principles of Sociology*. It is, that from the beginning, the evolution of civilization in society has been the gradual substitution of consent and contract for force, and the ultimate conclusion that consent and contract shall rule supreme. We must not forget that in