

ALEXANDER
JOHNSTON

*AND HIS CONTRIBUTIONS
TO POLITICAL SCIENCE*

READ BEFORE THE ACADEMY OF POLITICAL SCIENCE
HAMILTON HALL, COLUMBIA UNIVERSITY

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N O T E

THE death of Alexander Johnston occurred on July 21, 1889. The following address was read before the Academy of Political Science, Hamilton Hall, Columbia University, on May 5, 1891.

No suitable memorial having appeared, I have felt impelled to print the address for distribution among a few of Professor Johnston's friends and admirers, although conscious how imperfectly it portrays the value of his work.

J. HAMPDEN DOUGHERTY.

October 27, 1900.

ALEXANDER JOHNSTON

AND HIS CONTRIBUTIONS TO POLITICAL SCIENCE

Read before the Academy of Political Science, May 5, 1891

THE death of Alexander Johnston, at the age of forty years, terminated the career of one of the ablest and most brilliant contributors to American political science that the country has produced since the close of the civil war. His was a life that was unique in its devotion to one great subject; success came to him while young, and the promise which shone from his first book was fulfilled in his later works. The mere bulk of his writings on our political history shows how easily and continuously he must have labored, but so ample a writer would not have won the high praise which his works have evoked had he been merely what Mommsen, with scant justice, calls Cicero, "an empty but voluminous author." The posthumous fame of Johnston does not rest upon the fact that his productivity was so great that at the age of forty he left behind him works equaling in volume the writings of Macaulay or surpassing those of Robertson; that in less than ten years his literary activity created as much as Motley or Prescott composed in lives terminating in the sixties; it is based upon the sterling character of his work, and what, without too generous praise, or without disparagement of the efforts of co-laborers, may be called a unique service to political science. The many tributes which his death called forth from the press, both in the United States and in England—where he ranked among the best known of our American political authors—and the opinions of his merits which have since found expression in recent political literature, are ample

justification of a memorial of one who was so brilliant an exponent of the science to which this academy is devoted.

In his "Beginnings of American History," Professor John Fiske, who in earlier works has repeatedly recorded his high estimate of Professor Johnston, truthfully says that he was unrivaled in his special field, and that "his early death must be regarded as nothing less than a national calamity."

The work he had done was but the foundation upon which he proposed to rear that which he felt himself destined to do; it was but an introduction, like the "Introduction to the History of Civilization in England," which the brilliant and philosophical, although somewhat sophistical, Buckle, himself also a victim of early death, has left as his literary monument. The foundations which Johnston reared are, however, of such a nature that others, imbibing his spirit, may continue the building, whereas none but Buckle himself could have constructed the edifice which he proposed to raise; and in this respect the labor of our historian was more fortunate, as well as greater. A master workman has fallen, but the fabric will not be allowed to remain unfinished or to crumble into ruin.

Alexander Johnston was descended from a nation distinguished for its shrewd sense, its ready sagacity, and remarkable deductive powers. He was of Scotch extraction both upon his father's and his mother's side. I have heard him, in his almost inimitable style, describe his researches while a boy into the pedigree of his family. Inquiring once of an uncle, all that he could learn was that the Johnstons were Lowlanders, who had once borne the name of the "reiving" Johnstons. Conceiving this, as he mirthfully said, to be the family's patent of nobility, he became intensely anxious to ascertain the meaning of the adjective, until finally, lighting upon an old glossary, he discovered that the term was derived from the language of border warfare, and implied so bad a reputation for thieving and cattle stealing along the borders between England and Scotland that at once all further genealogical aspirations were extinguished. His ancestors were doubtless such honest, respectable people as Carlyle describes in his *Reminiscences* in referring to persons of this name. He came of pious, sensible, and intelligent stock, the stock which constituted the yeomanry of Scotland, and to which Walter Scott—still, in the judgment of lovers of true literature, an unrivaled master of fiction—was proud to belong.

Alexander Johnston was born in Brooklyn in April, 1849. The period of his birth was an eventful one in the history of the United States. The "war by act of Mexico" had been victoriously closed. Mexico had ceded some of her provinces to the United States; in one of these gold had been discovered, a fever of immigration into California had seized the people of the East, a state government had been erected there, and the State was knocking at the doors of the Union for admission into the American sisterhood. Excitement over the Wilmot proviso, which had been temporarily lulled by a treaty of cession with Mexico without any stipulation as to slavery, had broken out afresh, for California, peopled by free men, had adopted a constitution forbidding slavery, and the famous compromise of 1850—a compromise planned forever to terminate all sectional agitation, but destined to fan it into fiercer life—was about to be arranged. It was an epoch pregnant with great events, such an epoch as in the history of civilization always gives rise to great minds.

Concerning the early boyhood of Alexander Johnston there is little to be learned. He early took to books, and became a rapid and omnivorous reader. Many of the literary allusions to be found in his writings may be traced to the reading of his boyish years. His mind from infancy was quick and clear. He did not, as an uncle once said of him, have to learn his lessons like other boys; if he read a lesson he seemed to be master of it. Part of his scholastic training he received at home, and he seems to have felt that he owed much to this circumstance. When the writer first became acquainted with him, he was a boy of eleven or twelve, among the youngest in his class, which was the highest class in a Brooklyn public school. The old adage, that the boy is the father of the man, was never better exemplified: there were the same broad, full brow, the same clear eye, a physique not frail yet not robust, a mirthful humor, a poised temper, an eager mind, distinguished by its precocious clearness and penetration. He was, of course, easily first, and the rank which he took in the school was yielded to him as a matter of right, and was maintained by him in his later school, and in his college, life. The class of which I speak was, at the time of Johnston's connection with it, under the charge of a woman of superior qualifications for her post, and this lady had the sagacity to discern the nascent powers of the boy. Two instances of his precocity are indelibly stamped upon my

memory: one was a composition bearing the title "Good Humor," in which with many a striking antithesis that quality was distinguished from wit; the other was an explanation of Hero's fountain, the subject of a day's lesson in physics. Here the boy showed an intelligence far ahead of his classmates, and a knowledge of the subject which, considering the meager explanation of the textbook, demonstrated the reasoning and philosophical character of his mind. In short, in all those studies which summoned the judgment and the reasoning and analytical faculties into play he was certain to excel.

The public school which he attended was singularly fortunate in its possession of an excellent library, to the privileges of which the scholars of his class had access. None availed themselves more freely of the opportunity for good reading than Johnston, and the influence of this library upon his career may well serve to demonstrate the value of such an addition to all our public schools. In that day circulating libraries were not common in Brooklyn, and even the slight fee charged in such libraries might perhaps have restricted his access to books—"those splendid palaces," as Bulwer describes them, "open to all, rich and poor." The library of the school was well stocked with standard historical and other books, and it is, I believe, to its existence and the opportunities it gave to a mind eager for knowledge, that the literary tastes of Alexander Johnston are largely to be attributed. Certain it is that here they were cultivated and developed. Even at this early date, his chief delight was in American history; and his precocious, if immature, mind was attracted to the constitutional questions which were then the staple of daily conversation and of newspaper debate. He read voluminously but intelligently, and I do not hesitate to affirm my conviction that before he went to college he was as thoroughly familiar with the *facts* of every period of American history as he ever was in later years. De Quincey, in his autobiography, says that when he entered Oxford, at fifteen, he was familiar with the whole range of Greek literature, and that from his childhood he had been "a reader, nay, a student, of Demosthenes," while at the same age he knew the English poets well and took a pleasure in the ancient English metrical romances. Apart from the amplitude of the classical knowledge which his essays exhibit, a knowledge which must have been early acquired, that his assertion is not the romantic tale of a victim of opium is estab-

lished by the well-authenticated story that, while he was a student at Oxford, one of the professors said to another, as the boy passed them, "There goes a lad who could harangue an Athenian audience better than you or I could address an English one." So it may be said of Johnston, his boyish reading had made all the epochs of the nation's life, from its earliest and hardly conscious impulses toward union in pre-Revolutionary days to the dramatic incidents which were daily enacted about him in his youth, familiar history. No other explanation so adequate can be given of his absolute and unrivaled command of the facts of the nation's life. He was no poacher upon the field of political literature. He wrote, as he spoke, from an abundant mind and the amplest control of facts. He was not always original; and because of the vast width of the territory he laid under tribute he was, like all large minds, greatly indebted to others. But all that he wrote gives evidence of the completeness with which he had assimilated what he had read, and often of the advantage which the ideas of others derived from filtering through his lucid and philosophical mind.

His method was that by which all truth, whether scientific or philosophical, is to be attained—the Baconian method. In his mastery of facts he reminds one of Charles Darwin, whose reputation, great as it deservedly is for the highest generalizing power, was first laid in a sober and complete conquest of the facts of Nature, begun in early life.

I have dwelt upon this epoch of Johnston's life and the character of his historical studies in boyhood because I conceive a knowledge of these facts to be essential to a proper understanding of the work which he did, and a needed counterpoise to the notion that so voluminous a writer is likely to be full of inaccuracies. Brougham somewhere animadverts with severity upon the numerous errors in Hume's history; errors, it seems, which the great philosopher himself candidly acknowledged, and the existence of which his critic ascribed to the rapidity with which he wrote and the insufficiency of his studies. No such charge could be maintained against Johnston. His writings are not exempt from defects; he was quick to confess them, and he was never impatient at corrections. But it would be a mistake to assume that when, as we shall see later, he threw away the Greek grammar upon which he was engaged and turned his attention to the field of American history, it was as a novice. He was a master of his

subject before he wrote the first line of the American Political History—his first book, which was published in 1879.

During the civil war his father entered military service, and about this time the boy left the public school and moved to Astoria, where he took up his residence with a maternal uncle, by whose assistance he was enabled to prepare for college. I can not but recall with distinctness the last time I saw him in his Brooklyn home, seated in a room with his mother, a great volume of American history open before him. He entered Rutgers College in 1866, and by dint of teaching and the kindness of his uncle he prosecuted his college work, and was graduated, in 1870, with the highest honors the college could bestow. While at Rutgers he was enamored of the classics, and became a brilliant Greek and Latin scholar. After graduating he resolved to study law, and for this purpose entered the office of Governor George Ludlow, at Trenton. He was admitted to the bar of New Jersey in 1875. Had he remained at the bar he would surely have achieved professional distinction, for he had all the qualifications of a successful lawyer. Possessed of an inexhaustible fund of anecdote, of a lively wit, a versatile, ready, and penetrative mind, and of a prodigious capacity for work, he could not have failed of high eminence as an advocate. But, although well equipped for the encounters of the forum, he shrank from devotion to the narrow problems of the profession, for he was a born jurist, with a keen zest for the discussion and elucidation of great principles. The death of his father, who had retired from the army with shattered health, brought him responsibilities as the eldest son, and so he settled into the more quiet but no less influential vocation of a teacher, and took a place in the Rutgers Grammar School. He had, however, no aversion to the law, having probably been diverted from it more by circumstance than inclination; and he freely recognized not only the benefit he had derived from the study of jurisprudence, but also the powerful and commanding position which the bar has always held in the United States, and its influence upon the development of American institutions. Nevertheless his choice was wise, for he could not have accommodated himself to the routine of the profession, and his nature was too lofty for him to have ever merited the scorn which Carlyle pours upon the lawyer who regards his intellect, his “highest heavenly gift,” as a loaded pistol hung up in a shop window for sale, to be had by whomsoever pays the price. His would have

been the traditional notions of professional ethics—the high aims which, in these money-making times, can not be too often commended or too earnestly pursued.

After spending two years in the Rutgers Grammar School he moved to Norwalk, Conn., and accepted the office of classical teacher in an institution in that town. Here, says the *Norwalk Gazette* in an obituary notice of Professor Johnston, he soon made himself a special favorite with the students; and as his acquaintance extended his popularity increased, for his broad and sympathetic nature and his conversational charm were such as to endear him to all associates. He afterward opened a day school for boys, the purpose of which was to qualify his scholars to enter college.

Thus far his chief work had been in the classics. But it had not been the mere routine labor which stifles the aspirations of many able men. He had become convinced that the classics were inadequately and imperfectly taught, because the system of teaching was unwise. He conceived the idea of preparing a Greek Grammar and Reader, which, if they should meet with employment, might render the study of Greek simpler and more profitable. He at once devoted himself to the composition of these books, but they were never completed. What seemed almost an accident led to the abandonment of his classical plans, and impelled him into the field for which Nature had destined him—of American history.

Professor Johnston's home in Norwalk, like his later home in Princeton, was a little Abbotsford, for it was impossible for those within the circle of his influence to resist the attraction of his magnetic mind. Conversation often turning to American political topics, he soon became impressed with the ignorance of American history which many of his friends exhibited. He was finally asked to suggest a compendium which would supply the needed information. This question set him thinking, and the more he thought the clearer became the conviction that no such book really existed. Here was a gap in political literature that needed to be filled, and he resolved to fill it, and he did so with his *History of American Politics*. It was not an easy task to find a publisher for his book; the manuscript was rejected by several publishers; but perhaps it was no disadvantage, as Carlyle expresses it, that the door was several times slammed in his face, for these mortifying incidents did not daunt the young historian; on the contrary, they caused repeated scrutiny of his manuscript, and retouchings which made

it more nearly perfect. At last Messrs. Holt & Co., under advice of Mr. E. L. Godkin, decided to publish it. It appeared in 1879.

“The first copy,” says a friend of Professor Johnston, in a letter to the *Evening Post*, “was given to Mrs. Johnston. The second went to Mr. Godkin, the editor of the *Nation*, with a note stating that the author had received a great amount of his political education from the columns of that paper, and asking the editor to accept the little book as an evidence of his appreciation. This must certainly have gratified Mr. Godkin no less than did his answer please and surprise Professor Johnston. For with his thanks the editor sent the information that he had seen the *History of American Politics* before; that in fact Mr. Holt had given him the manuscript to secure his opinion of its merits, and he had taken great pleasure in advising its publication.”

The immediate success of the book proves that the author had supplied a long-felt want. It is original in its plan and execution. It is a concise account of party struggles since the adoption of the Constitution, the ratification of which almost at once gave rise to the parties which, under one name or another, have since been practically the only parties in American history: that of broad construction and that of a strict interpretation of the fundamental law of the Union. The genius of the author is shown as much in the omissions as in the text. There is not a doubtful sentence between the two covers of this little work, nor one that could be dispensed with as unessential to the subject. The book has passed through many editions, and was eventually carried down to the close of Garfield's administration. One of the happiest of its successes is its impartiality. More than one critic has declared that it would be impossible, from its pages, to determine the writer's own political bias. Since all that had hitherto been written upon American history unfailingly betrayed the author's political predilections, whether the author was a Bancroft, a Hildreth, or a Von Holst, this is certainly high praise.

To this judicial faculty, which was so powerfully developed in Professor Johnston, may be ascribed the invitation he soon afterward received to write the articles on American history for the then projected *Political Cyclopædia*, since issued as *Lalor's Political Cyclopædia*. One of the editors of this contemplated work, while in a bookstore in Chicago, had his attention called to the *History of American Politics* as a book which did not reveal whether its

author was a Democrat or a Republican. He bought the work and read it, and the result of his perusal was a letter to Professor Johnston, requesting him to assume the task of writing a series of articles on American political history for the forthcoming Cyclopædia. The reply of Professor Johnston evinced his usual modesty; for, great as were his powers and clear as was his own appreciation of their true worth, he hesitated before embarking upon so vast an enterprise. But he could not altogether refuse, for, as he afterward said in referring to the offer, the work was congenial, and was in a field which he had intended eventually to enter. He consented to write one or two initial articles. The first assigned to him was upon Abolition. He wrote the article and forwarded his manuscript. The hearty response which he received, accompanied by a check larger than he had expected, put to flight all his doubts. He then resolved to accept the offer, and to prepare all the articles.

The editors wisely determined, as they state in their preface, to commit the preparation of all the articles upon the political history of the country to one writer, in order to insure thoroughness, conciseness, and the absence of repetition and redundancy. By such a course the articles gained in consistency as well as in brevity. The action of the editors in selecting Professor Johnston for this special work was highly approved as soon as the first volume appeared. Only those who knew him well can understand the diffidence with which he met the offer, for he was then fully equipped for the task. He had probably even then designed a philosophical treatise upon American political history; and had he lived he would, I believe, have written a work deserving to rank with that of Mommsen upon Rome. The offer which confronted him seemed to be a sort of anticipation of his scheme, presented objectively, but he felt the responsibility which its acceptance involved and hence his hesitation. Had he refused, the work could undoubtedly have been done by other competent scholars, but it is not saying too much to assert that it could not have been better done. The articles from his pen are of several kinds—biographical, narrative, and philosophical—but he is rarely a mere narrator.

The Cyclopædia was completed in 1883. Professor Johnston's contributions to it are simply wonderful, occupying about one fourth of the great volumes. His papers would fill several ordinary octavos. They are, however, rarely long, for he had by nature and by training the art of concise statement. The variety of the topics discussed

occasions the bulk, for the themes embrace the whole range of American political literature. There is a unity in the treatment which of itself would convince the reader that he had the work of one master before him. From the first article, upon "Abolition and the Abolition Movement," with its pregnant suggestions and clear presentation of the successive stages of the abolition movement, to the concluding one, which is upon the Yazoo frauds, with its criticism of John Marshall's law, there are the same firm grasp of principles and the same broad and convincing treatment. What Lord Brougham has said of Hume's Political Discourses may with fairness be applied to these Cyclopædia articles of Professor Johnston: "We read them as different and as short works upon various subjects, but we perceive at each step that we are guided by the same genius; that one spirit of inquiry pervades the whole, one view of national interests is taken throughout, one sagacious unfold of truth, one accurate and bold discoverer of popular error is at work in each discourse."

Within the limits of this memorial it is not possible to attempt any special criticism. The general plan and the individual execution of these articles have been widely praised. The style is always direct, few words are wasted in opening the topic under discussion, and before many sentences have been perused the reader finds that he has been launched upon a broad sea, but that there is a competent pilot at the helm.

It is hardly possible to expect that so easy and abundant a writer should be guiltless of repetition; in fact, the character of the essays renders reiteration in a degree pardonable. Whoever attentively examines these articles will perceive that they often have a similar starting point, and that their paths must at times intersect, however wide may be the territory which they traverse. The repetitions are never wearisome, but serve merely as guides to indicate the leading thoughts of the writer's mind.

The articles upon the "Confederation," the "Constitutional Convention of 1787," "Reconstruction," the "Nation," the "Judiciary," "State Sovereignty," the "United States," and upon other topics demonstrate that to the mind of Professor Johnston the history of the United States was an evolution; that the most prominent characteristic in American history is what Judge Jameson has justly termed "the irrepressible tendency toward Union." The force of this movement is perceptible as far back as 1643; it gathers addi-

tional momentum in 1748 and 1754; it becomes a sentiment of all "America" in 1774 and 1776; and, despite the particularist reaction which produced the Articles of Confederation, it reappears in the Constitution of 1787 and in the adoption of a supreme law over the people of the nation and all the States. How imperfect even this Union was he teaches again and again, showing how the nascent sense of nationality became first established with the War of 1812.

The period of the Confederation was to him but an interregnum in our political history. The people of the several colonies had elected their delegates to the Continental Congress, and these congresses had lighted the first spark of national life; but the legislatures of the States which this Union had called into existence, without legal warrant and in some instances even before State constitutions were adopted vesting them with such power, seized the prerogative of electing delegates to the Third Continental Congress, and eventually, but with no constitutional authority, claimed the right to ratify the articles of Confederation for their respective States. As he pertinently says: "Whence the legislatures derived their authority to form, *proprio vigore*, any such general league can not be known, for the question was never mooted at the time. . . . It was the part of the people then, and not of the State legislatures, to establish the new government; and had the people framed these articles, the act, however unwise, would have been perfectly legal. . . . The whole system must therefore be considered, in our political history, as a period of interregnum, covering the time between the downfall of royal authority under the British Constitution in 1776-1780, and the final establishment of the popular will in its place in 1789 under the American Constitution." (Article on "Confederation," vol. i, p. 575.)

"This whole course of legislative appropriation of ungranted powers, is of interest and importance as explaining the manner in which the Continental Congress was becoming the creature of the State legislatures even before the close of the year 1776, and the underlying cause of the peculiar character of the confederation which follows." (Article on "Continental Congress," vol. i, p. 591.)

Many instances in which the particularist bias of the American people caused their actions and those of their representatives to swerve from the strict line of theory are considered under the "Declaration of Independence" and "State Sovereignty."

With the logic of Von Holst and the ideas of Jameson, Pro-

fessor Johnston is in harmony, and it does not detract from the value of his work to admit his obligations to these writers. But while the tendency of his political thinking led him to a general espousal of the view, in which these two writers concur, of the formation of the Union, he was disposed, more judicially and more completely than either of them, to acknowledge that the American political philosophy which, as the result of the civil war, is established at the close of the nineteenth century, is not a mere logical deduction, but that it is a growth, and that the whole course of its growth is marked by the most emphatic expressions of dissent against the now triumphant theory of the nation. No more of a believer in State sovereignty than Von Holst or Jameson, he more fully than they concedes that history has not been consistent. In his treatment of the subject of State sovereignty he discriminates admirably between State sovereignty and State rights; and while he denies the heresy, as it is now pronounced to be, of State sovereignty, he admits that the arguments from authority are quite evenly balanced. But, although the States have again and again declared themselves sovereign, and despite the fact that a formidable array of great names could be mustered in support of the claim, he quaintly reminds us that to *say* one is a sovereign is one thing, but to *be* one is another. "The nation was made by events and by the acts of the national people, not by empty words or the will of sovereign States."

That the oft-asserted sovereignty of the States was a mere affair of words, not of reality or blood and iron, is thus shown: "If the proximity of more powerful neighbors had ever compelled the American people to sacrifice one or more States or parts of States as the price of a treaty of peace, the fallacy of State sovereignty would have been exposed. . . . Free from dangerous neighbors, the American people did not, until 1861, learn the truth which bitter experience had made familiar to less favored quarters of the globe, that sovereignty is always potentially an affair of 'blood and iron'; and that it needs not only men who know, or think they know, their rights, but men who, 'knowing, dare maintain.'" The question where the sovereignty in America is located, he maintains, can be answered only by asking, Which dared to go alone, to carve out its own path, and achieve its own destiny—the nation or the State? The question answers itself. The States were never more than sovereignties *in posse*; they never became sovereignties *in esse*. "The

idea of a comatose sovereignty, of a sovereignty which sleeps like Rip Van Winkle, but wakes at the exercise of its own suspended will, of an uncontrollable will which still exists though it has resigned its essence to another, of an abdicated sovereignty peacefully reviving its own sovereignty, is certainly an extraordinary political dogma, and its evident fallacy is enough to disprove the notion that the States were ever sovereign. Above all, the provision for constitutional amendment by three fourths, not by all, of the States, is a flat negative to State sovereignty." ("State Sovereignty," vol. iii, pp. 792, 795.) "A system under which a State submits its whole future destiny to an unlimited power of decision in three fourths of its associated States can hardly be called one of State sovereignty." (Article on "United States," *Encyclopædia Britannica*, ninth edition, p. 751.)

"A permanent federal union based upon the uncontrollable will of the States which composed it would be as impossible as a permanent connection between man and woman without lawful marriage." (Article on "State Sovereignty," *Lalor's Cyclopædia*, vol. iii, p. 797.)

Yet how profound was his belief in the desirability or expediency, if not the necessity, of the perpetuation of our State system is attested by the closing words of his article upon the "Nation":

"While the future of the nation is a matter of speculation, we need feel no fear of the perpetuation of the States, for the law which governs the political workings of the American mind makes State formations an inseparable concomitant of national existence. . . . It is impossible to conceive a future American republic in which the State element shall be lacking. The nation would resist an attempt upon the life of the weakest and poorest State as instinctively and as desperately as upon its own. It is conscious in every fibre that it is a being which, like Milton's angels, 'vital in every part, can not but by annihilating die.'" (*Lalor's Cyclopædia*, vol. ii, p. 936.)

He does not allow that the people of New York or Virginia govern themselves less now than in 1789, but contends that "under the silent but potentially omnipotent sovereignty of the nation the States, large and small, are enjoying a power of self-government which their own sovereignties could not have made more absolute. Rhode Island and Delaware, for example, are living their own peculiar life, under the national ægis, with an absolute fearlessness of

interference from their neighbors for which many a stronger State might well have bartered the Philistine armor of sovereignty."

The very causes which make State sovereignty dangerous and hateful to a nation make State rights dearer and more essential. A deeper shade of particularism is developing in the larger commonwealths, with a growing diversity of interests in its different sections. States will be subdivided. The particularist feeling is exhibited in the recent demand of large cities for emancipation from State control over their purely local interests.

Elsewhere he recurs to this same idea, notably in an article contributed to the *New Princeton Review* in September, 1887, to which we shall later refer more fully. He there says: "The general current of interpretation [of the Constitution] has not tended to over-centralization. It is true that the Federal Government claims a larger sphere now than it did in 1789, but so also do the States." State spirit has not declined. "Local feeling, so far from decreasing, is continually finding narrower channels."

The amplitude of the knowledge of American political history exhibited in these *Cyclopædia* articles; the intimate familiarity which they disclose with the writings of our leading statesmen of all epochs; their thorough impartiality; the wide acquaintance which they attest the author had with all varieties of political thought; their lucid directness; their striking originality, justly gained Professor Johnston wide celebrity and established his reputation as one of our leading political students and thinkers. Thus in three or four brief years he had risen from an unknown writer, seeking with the usual difficulties a publisher for his first book, to an author of acknowledged power. There was nothing meretricious in this advance, for it represented the study and reflection of many years, and was the outcome of the reading he had begun in his boyhood. To understand the value of these articles it is necessary to know something of the extent to which they have served students of our political history. In colleges and academies they have been steadily used, and many were the personal commendations which their author received from professors and teachers. Even our historians have not hesitated to avail themselves of this veritable treasure house of political wisdom. Not to mention others, the author of the greatest work upon America which our age has seen has repeatedly, in his copious footnotes, acknowledged the extent to which he has drawn upon them. (Bryce's *American Common-*

wealth, 1889, vol. i, pp. 66, 283, 328; vol. ii, pp. 414, 415, 537, 538, 666, 669.)

The selection of a few fugitive passages such as we have cited does scant justice to the Cyclopædia articles. They are replete with information and with the fresh, vigorous thoughts of a bright intellect. Whether the subject be abolition or slavery, the Virginia and Kentucky resolutions, nullification, that bastard offspring of Jefferson's and Madison's creed, or secession; whether the topic be the compromises of the Constitution, bank controversies, rebellion, reconstruction (in the writer's judgment the most admirable extant statement upon the subject), the Wilmot proviso, or merely a short biographical sketch, the articles may be fairly considered a mine of wealth for historical students, and they display the widest reading and most thorough assimilation upon the part of the author. I do not think there is extant a clearer or more striking essay than his upon the judiciary of the United States; in none other is the fundamental importance of the supreme law clause of the Constitution more emphasized or the participation of the Supreme Court of the United States in the nationalizing forces better described. His views of epochs and of men are alike impartial. A recent author has won deservedly high praise for a biography upon Van Buren, which, in the language of one of the leaders of our bar (Mr. William Allen Butler), long a personal friend of Van Buren, has set his character in a "true historic light"; but it will be found that in some short sketches in the Cyclopædia, Professor Johnston has anticipated the author of "Van Buren" by presenting as reasons for a more favorable verdict upon him the same instances in his public career as are afterward dwelt upon by his recent biographer.

It is chiefly upon his articles concerning the great parties which have appeared in our history that his fame will rest. The articles upon the Federal party, the Democratic-Republican party, and the Republican party evince broad statesmanlike conceptions. As De Quincey somewhere finds a strong argument for the continuance of Christianity in that it is the religion of a book whose numerous texts must provoke endless discussion and thus insure its permanence as a religion, so Johnston discovers the necessity for the persistence of broad and loose constructionists in the very language of the Constitution; but he wisely inclines to the opinion that the coming democracy will relinquish the stronghold of its old leaders

—the denial of the doubtful powers of congress—and rather build its citadel upon the inexpediency of their exercise and the wisdom of repressing all undue tendency toward a strong central government.

The modest principal of the Latin school at Norwalk had made for himself a national reputation. Henceforth his services were in demand both as writer and teacher. Flattering offers came to him from the East and from the West, and among others the proffer of the chair of Political Economy and Jurisprudence at Princeton. He would have preferred a place which was more strictly representative of what he now justly considered his true vocation, but he accepted the post and continued in it until his death.

It has been charged that Professor Johnston was merely a specialist, deficient in wide knowledge of philosophy and without broad sympathies with literature. A specialist he certainly was, of a high order, in the same sense as Darwin, for devotion to a specialty is the only modern road to high achievement; but the remainder of the accusation is untrue, and could be made only by one unfamiliar with his attainments. The versatility of his gifts and the great scope of his powers could hardly be better shown than by recalling the classical work to which he devoted several of his post-collegiate years, the contemplated Greek grammar, the vast historical work he did from 1879 to 1884, and his service as professor of Political Economy in an ancient and distinguished seat of learning. Jurisprudence he had studied, but of political economy he had only a superficial knowledge when he accepted a chair at Princeton. Almost before he entered the university, certainly before he gave his first lecture, he had mastered all there was to be acquired, including even the works of authors not commonly ranked among economists—such as De Quincey and Ruskin. From the first hour of his contact with his classes his work was a success. He seized with avidity the leading principles of his subject, and with his vigorous intellect, fascinating manner, and wonderful power of illustration he made the study of the “dismal” science delightful to his scholars. One secret of his success lay in the receptivity and impressionableness of his mind. He was always learning, and with a mind charged with the best thoughts of others he was always imparting what he had learned, but in such an original and striking manner as to evince that perhaps his greatest faculty was that of

the teacher, whether in the schoolroom, the college, upon the lyceum, as editor, or as author. He seized as if by instinct upon the substance of a book; hence he made an excellent reviewer. It has been related of him by the editor of the *Norwalk Gazette*, to whose paper he was a frequent contributor during his life in Norwalk, that during the Garfield campaign the editor, having been hastily called upon for a review of Major Bundy's life of Garfield, could conceive of no one better fitted than Mr. Johnston to write a prompt and exhaustive review. He therefore visited Johnston one afternoon, handed him a copy of the book, and requested a criticism upon it. Upon the following morning Mr. Johnston entered the editor's office, and to his great astonishment handed him a review of the book. He had read the life and had finished a criticism upon it before retiring. This review was subsequently pronounced by General Garfield to be one of the best which had come under his observation.

But the task of lecturing upon political economy and jurisprudence did not abate his ardor for American history. He prepared two histories of the United States for use in schools, one a more advanced work designed for older students, both of which have been highly praised and deserve wide circulation, and he wrote also the article upon the United States in R. E. Thompson's *American Supplement to the Britannica*. In 1885 he edited and, through the Messrs. Putnam, published three volumes of *American orations*.

The same conception of the synthesis of our political life underlies these essays which we discover in the *Cyclopædia* articles and in all his other political work. The colonial period is portrayed, then the first tendencies toward union, with their partial check under the articles of confederation, then the recurrence to the true idea of a national existence in the formation of the present Constitution; the reactionary influences which impeded the progress of the new government and fed the spirit of particularism, the rise of a truly national sentiment with the second war with England, the strengthening of that sentiment with the settlement of the West, with the great European immigrations and the first appearance of railroads; the portentous cloud of slavery with its inevitable alternations of policy between strict and loose construction of the Constitution as the needs of slavery seemed to indicate; the civil war, reconstruction, and the industrial epoch upon which the country is now launched.

In these short articles Professor Johnston is at his best. Immoderate length is a development of the modern essay; the papers of Addison and Swift are usually short and pithy. Like the earlier masters of English prose, of whom he was a student both directly and through their disciples, our own early writers, Johnston knew how to be brief without being obscure. These papers, as he once stated to the writer, caused him more trouble than any others he had written. De Quincey, in an essay upon style, speaks of the importance of the joints of composition. The joints of these short narrations are artistically framed, and the reader glides from topic to topic, intelligently and with a consciousness that the author has a due idea of proportion. Nothing essential is omitted, detail is scrupulously avoided, yet the canvas holds a complete picture painted with master touches.

The purpose of the author is stated in his preface, which also reveals his judicial temper.

Of the author's essays in this compilation, perhaps the most striking are those upon "Slavery and Reconstruction," although students of our later history may find much food for study in the essay upon tariffs. I can not dismiss these papers without mention of their just reflections upon the services of Jefferson, whose policy, "with all its shifts and inconsistencies, was," the author truly says, "to forward the freedom of the individual." "There is hardly any point in which the action of the individual American has been freed from governmental restraints, from ecclesiastical government, from sumptuary laws, from restrictions on suffrage, from restrictions on commerce, production, and exchange, for which he is not indebted in some measure to the work and teaching of Jefferson between 1790 and 1800." While the Jeffersonian democracy represented "all the individualistic tendencies of the later science of political economy, Hamiltonian federalism represented the necessary corrective of law." . . . "It was impossible for federalism to resist the individualistic tendency of the country for any length of time; it is the monument of the (Federal) party that it secured, before it fell, abiding guarantees for the security of the individual under freedom."

No one has, I think, better presented the results of the second war with Britain than the subject of this memorial, and his idea recurs throughout his numerous works. Beyond the naval successes of the war there is little in that epoch, as Henry Adams has

shown in his brilliant volumes upon Jefferson's and Madison's administrations, upon which the patriotic American can dwell without a sense of humiliation. The passion for peace which had become the policy of Jefferson, and which Madison imbibed from him, had abased us to such an extent in the eyes of France and Great Britain that it was openly asserted that no affront, however galling to the sense of a free people, could goad us into war. That the War of 1812 should have been baptized "Mr. Madison's war," when the President was about the most unwilling participant in it, shows how far the coercion of a widespread sentiment can influence party leaders. The war sprang out of the national feeling which had been accumulating momentum with every renewed instance of American submission. "It was of incalculable benefit to the United States," in advancing the idea of nationality; and the development of this idea was, in the author's opinion, worth all the precedent humiliation and the gross mismanagement and blunders which marked the course of the conflict. And as significant of the rise of a real nationality, he asserts that "in the North and West, at least, the old States rights formulas never carried a real vitality beyond the War of 1812. Men still spoke of 'sovereign States' and prided themselves on the difference between 'the voluntary union of States' and the effete despotisms of Europe, but the ghost of the Hartford Convention had laid very many more dangerous ghosts in the section in which it had appeared."

The impulse toward nationalism which forced "Madison's war" and annihilated the opposition of New England, despite the injury which the war caused that section, created and supplied the spirit which, after its close, sought to bring the several sections into a more complete union. The war made apparent the necessity of public roads and better intercommunication among the States, and did much to originate the policy of internal improvements. The war and the blockades forced American manufactures into existence and inaugurated the policy of protection. Even the most rigorous opponent of the doctrine of internal improvements must admit that the party which was thus brought into being has unified and consolidated the country.

It was the tariff of 1816 which, creating in the manufacturers an expectation of protection, destroyed the last vestige of the Federal party rather than the opposition to the war itself. Coincident

with the war came the steamboat, and soon afterward the canal; and these factors of improvement were soon followed by the railroad with its wonderful unionizing influence. Convulsions in Europe produced the great immigrations, which sought the country rather than any particular State, and they were distributed by the railroads through the North and West. The immigrants shunned the South, with its peculiar institution, as they would the plague. Thus the North and West were tending year after year toward nationalization, while the South, excluded from the benefits which the canal, the steamboat, and the railroad were bringing the North, gradually crystallized into a separate *imperium in imperio*, a quasi nationality of its own.

In 1883, Professor Johnston read a paper, entitled "The Genesis of a New England State," before the Johns Hopkins Society. The essay was subsequently expanded, and was incorporated in the volume entitled "Connecticut," contributed to the American Commonwealth Series. In "Connecticut," which was published in 1887, the idea developed by the author is bold and brilliant. He traces the lineage of true democracy back, not to the compact in the cabin of the Mayflower, but to the three little towns—Hartford, Windsor, and Wethersfield—which, seceding for religious reasons from their parent towns in Massachusetts, were organized upon the banks of the Connecticut. Democracy had its real birthplace at Hartford. Here, under the preaching of the Rev. Thomas Hooker, who had imbibed his notions of civil and religious liberty from the great thinkers of the Cromwellian period, were planted the germs of government by the people, for the people, and of the people. All that Massachusetts could justly wear upon her escutcheon was a bar sinister. The Mayflower compact opens with a formal acknowledgment of the king as the source of all authority, while the notion of class distinctions pervades the governmental framework of the Massachusetts colony from its earliest commencement, and the franchise in that colony was based upon church membership. Hooker, on the contrary, with more profoundly democratic conviction, taught that "the foundation of authority is laid in the consent of a free people"; and that "the choice of public magistrates belongs unto the people, by God's allowance." The charter or constitution framed by the three towns (Hartford, Windsor, and Wethersfield), ignoring all ecclesiastical restrictions, gave the right of suffrage to non-church members as well as to church members.

Upon the broad basis of manhood suffrage, the citizens of the three towns built the first constitution of Connecticut—"the first written constitution, in the modern sense of the term, as a permanent limitation on governmental power known in history, and certainly the first American constitution of government to embody the democratic idea."

The leading idea of the book is the development of the town system into a State and its influence upon the subsequent government both of the commonwealth and the nation. "Every religious dispute" (in New England) "gave rise to a new town, until the faintest lines of theological divergence were satisfied." The first settlements at Hartford, Windsor, and Wethersfield, although irruptions into unorganized and unoccupied territory—such as, for example, the settlement of Iowa two centuries later—were, unlike the Iowa settlement or later settlements, irruptions not of individuals but of organized towns. Each of these towns had gone into the wilderness, the only organized power within its jurisdiction. They are compared with their prototypes, the German towns; they were, borrowing a physiological analogy, political "cells."

The peculiarity of the commonwealth jurisdiction of Connecticut is that it was the product, instead of the source, of its town system. In other commonwealths the central authority is the source of the town life. But in Connecticut the towns created the commonwealth, and the consequent federative idea has steadily influenced colony and State alike. The town is the residuary legatee of political power; the State has to make out a clear case for powers which it claims as against the towns, and the towns have a *prima facie* case in their favor in all cases of doubt.

"All this," continues the author, "is so like the standard theory of the relations of the States to the Federal Government that it is necessary to notice the peculiar exactness with which the relations of Connecticut towns to the commonwealth are proportioned to the relations of the commonwealth to the United States. In other States power runs from the State upward and from the State downward; in Connecticut the towns have always been to the commonwealth as the commonwealth to the Union. It was to be the privilege of Connecticut to keep the notion of this federal relation alive until it could be made the fundamental law of all the commonwealths in 1787-1789. In this respect the life principle of the American Union may be traced straight back to the primitive union

of the three little settlements on the bank of the Connecticut River." (P. 62.)

The constitution which the three towns gave to the infant colony, besides recognizing the right of all freemen to the franchise, created a bicameral legislature or "corte"; the deputies sitting in one chamber were representatives of the three towns as individual political existences, the magistrates sitting in the other represented the towns collectively. This distinction was the germ of the subsequent bicameral system of Connecticut, which apportions representatives in one house to the towns and to the popular vote in the other. In these dual existences, of an *imperium* and *imperia in imperio*, is the germ of the idea which afterward found such noble fruitage in the Constitutional Convention of 1787.

Two plans of representation and legislation were advocated in the Philadelphia convention—one the large State, the other the small State plan. The large States desired to create a bicameral congress and to base representation in each house upon population, and their plan would have given the large States—in other words, the majority—control of each house. The smaller States, fearful of the encroachments of their more populous and powerful neighbors, jealously maintained the system, familiar under the articles of confederation, of a single house in which the States should have representation as equals. New York, apparently unconscious of her great future, made common cause with the small States.

The attitude of Connecticut, says the author, has generally been represented as that of a "small State" intent on upholding every possible reservation of State sovereignty. Such a representation the author stigmatizes as unfair. "There was no reason for it *a priori*, and the State had nothing to gain by it. The theory of the large States, had it prevailed, would have given them absolute control of all branches of the government, and would have been the greatest of calamities for a real development of national spirit and power."

Connecticut, so far from arraying herself with the small States, "desired a sound and practical national government, and the path to it was marked out for her delegates by their own commonwealth's development and history for one hundred and fifty years." (P. 320.) "It is hardly too much to say that the birth of the Constitution was merely the grafting of the Connecticut system on the stock of the old confederation, where it has grown into richer luxuriance than Hooker could ever have dreamed of." (P. 322.)

The antagonism between the large and small State plans, if persisted in, would have ensued in a deadlock. Connecticut's delegates proposed a compromise, suggested out of the experience of their own commonwealth. On motion of Sherman and King, it was voted that representation in the first branch of the legislature should be proportional, not equal. Then Sherman and his other colleague, Ellsworth, moved to give each State an equal vote in the Senate. To this the large States refused to accede, despite the success of the proposition for proportional representation in the lower house, and it was not until the small States threatened to withdraw from the convention and to find a foreign power which would protect them that the compromise could become successful. The question was finally referred to a committee, one of whose number was Franklin, who was favorable to the Connecticut plan, and it was carried. The organization of the House and Senate upon their different bases was due to Connecticut.

There is much of abiding interest in this book. The foundation of the New Haven colony, the contrast between its polity and the freer spirit of Connecticut, its final absorption into the latter colony, and Connecticut's wonderful industrial progress, are well told. Upon the subject of Connecticut's abandonment of her claims to western territory the author suggestively says: "One may well speculate as to the results on American history if such a people, instead of being cribbed into four thousand square miles of territory, had been able to impress their characteristics on the population of the magnificent domain which was theirs by charter." (P. 290.)

The sturdy Connecticut freeman, created in a commonwealth developed from Hooker's democracy and nurtured in an atmosphere of individualism, became a proud exponent of the benignant influences of civil and religious liberty. To him, as the author eloquently says at the close of the book, "government has never been an institution upon which he was to lean for rest, or which he was to use for the purpose of evading the consequences of his own heedlessness, or which was to swallow up his personality." It was "a thing of special purpose, to be worked, like any other machine, to its highest capacity within its proper limits." "It was "his creature, not his maker." . . . "In these later days, when the individual is withering at a rate faster than seems to be altogether convenient, when it is believed that democracy and individualism

are no longer quite convertible terms, there may be a useful lesson in the record of the commonwealth of Connecticut—unbroken success so far as she has followed out her fundamental principle; embarrassment and danger only so far as she has allowed it to be infringed.”

“Connecticut,” in the opinion of some competent judges, is our author’s best and most enduring work. It was carefully and deliberately composed, in the intervals of other labor, during about two years before its publication. Before its appearance his reputation was firmly established, both here and in England, and it must have been founded mainly upon his “History of American Politics” and the articles in Lalor’s Cyclopædia. So well had he become known abroad at this date that he was retained by the editors of the Encyclopædia Britannica to prepare for the Britannica “The United States, its History and Constitution.” The selection of Professor Johnston for this important service was regarded by his associates at Princeton as an unusual honor, and one of them, in a subsequent interview with Professor Bryce, one of the editors, inquired why, among all American historians, this choice had been made. The reply of the distinguished editor was that Professor Johnston had been asked because he was the one man who understood the philosophical origin and development of American constitutions. It would be ungracious, and unjust to other eminent workers in the same field of literature, to ignore the circumstances under which this remark was evoked, but the statement serves at least to show that the selection was not accidental, but that the theory of our government developed by Professor Johnston had peculiarly impressed foreign students of our constitutional history.

The article which was afterward contributed by him to the Britannica was not commenced until February or March, 1887. It was prepared in duplicate upon a typewriter used for all his later productions, and one copy was dispatched across the ocean before the close of May, the other copy being retained by the author. When we remember that this magnificent essay makes an octavo volume of two hundred and fifty pages, we may be able to comprehend the facility with which it was written. Nor was it composed in a period of freedom from other duties, but in the midst of college work and contemporaneously with the preparation of several short papers. The ease and rapidity with which the author executed almost all his literary work are remarkable. We are re-

mind of Scott's accidental discovery of the opening chapter of his abandoned "Waverley," his resumption of the composition of the story, and his completion of it in about four weeks, and his composition of "Guy Mannering" in an interval of six weeks about the Christmas after "Waverley" was finished. The author of "Waverley" is not more truly shown in his subsequent novels than the author of "American Politics" or of the papers contributed to Lalor's Cyclopædia is in the Britannica essay; for every page is stamped with the writer's characteristics; the same intellect is at work, but with matured and chastened vigor. The work stands to-day the only complete and philosophical record, within brief compass, of Anglo-Saxon life in the zone now comprised within the United States, from the sixteenth century to the latter part of the nineteenth, and not one real essential is lacking. Such a splendid edifice could have been designed only by a master architect after a thorough apprenticeship; and if a career which bore so much promise had to be terminated in its early prime, a more fitting monument of a unique life could hardly have been erected than that which the author was privileged to rear for himself.

The history of the United States is topically treated from the time of the first mustering of Englishmen on the Atlantic coast of North America, and the treatment is along the lines upon which the author had long considered that its development should be traced. They are substantially those adopted in the essays interspersed through his "Representative Orations." While the synthesis is not here first presented by him, the work is by no means a repetition of his earlier productions, but their appropriate capstone. It teems with striking paragraphs and pregnant sentences. "Style," says Mr. Lowell, "will find readers and shape convictions, while mere truth gathers dust on the shelf." While Professor Johnston never cultivated a literary style, nevertheless his writing is admirable and impressive, because, as Mr. Morley has well said of Burke, "he knew so much, thought so comprehensively, and felt so strongly." Here, more fully than elsewhere, with the possible exception of an article upon "Law, Logic, and Government," in the Princeton Review for March, 1888, has the author exhibited the development of the idea which lay at the basis of the American Revolution; and, apart from Professor Fiske, perhaps, no historian has discussed it with equal clearness or fullness. The colonial theory of the relations of Parliament to America was as much a

development as the now generally accepted theory of the relations of the States to the nation, which was never fully triumphant until the civil war. To the British lawyer of Blackstone's day the American colonies were merely corporations holding their charters at the pleasure of the crown, subject to the king's visitation and amenable to dissolution by *quo warranto* proceedings in his courts. Above all, they were subject to legislation by Parliament, which, according to Blackstone, is "boundless in its operations." No collision between the colonies and the British government to test the British claim occurred before 1760, because until then, for a variety of reasons, the British principle had never been put into remorseless execution. But after Chatham's brilliant policy had humiliated Britain's enemies and extended her boundaries, the notion arose of an "imperial parliament," with jurisdiction beyond the four seas; and, coincidentally with this development, came the desire to rule and the necessity for the imposition of heavy taxes to meet the drain caused by successful war. First, the old Navigation Act and the acts against colonial trade were revived and enforced; then Parliament claimed the power to commission colonial judges and officials, to hold office during the king's pleasure; later followed the Stamp Act. All of these usurpations were justified by the application of the corporation theory to the colonies, but they merely drove the colonists to repudiate the theory and to deny the right of an English Parliament to levy taxes upon Americans. The Stamp Act was repealed, but even Chatham maintained that Parliament had the right to legislate over the commerce of America. To his mind, there was a distinction between the *power* to *tax*, which was not a legislative power, and the *right* to *legislate*. Taxes were granted by the Commons, but when the English Commons taxed Americans they were giving not their own money but the property of his Majesty's Commons in America. This was, he thought, the prerogative of Americans alone; but nevertheless, in his view, the legislative jurisdiction of Parliament over America was supreme.

To this view the colonists were for a time inclined to accede, but they soon came to feel that they were subjects of the king with parliaments of their own in the shape of their colonial assemblies, which had exclusive jurisdiction over their local affairs as well as the exclusive prerogative of granting their moneys for the crown. They resented the legislative interference of the Parliament of Great

Britain just as the people of Great Britain might have resented that of the Parliament of Massachusetts. But they were for a while willing to acknowledge the existence of an imperial parliament with power to legislate for the empire upon all imperial concerns, such as matters of commerce, provided they had representation in it; and they constantly likened their case to that of Ireland, which had then its own local Parliament, or to that of Scotland, which had its separate Parliament before the union. But from this position they were driven by the later oppressive acts of the British Parliament, and thus forced either to acknowledge its legislative supremacy or to deny the usurpation altogether. This last was their eventual attitude. Step by step they were driven from denying the right of the British Parliament to tax them without representation, to a denial of the right of the British Parliament to legislate over them, "from objection to *taxation* by Parliament into objections to *legislation* by Parliament." Their sole allegiance was to the king, their relations with him alone; they had nothing to do with Parliament. The king had ceased to be merely King of Great Britain and Ireland; "he had at least thirteen kingdoms beyond the seas and a parliament in each of them." . . . "It needed many years of successful but suicidal logic on the part of their opponents to force the Americans to this point; they even continued to petition Parliament till 1774, but after that time they were no longer inconsistent, and held that the king was the only bond of union between the different parts of the empire." Their final Declaration of Independence is a declaration of their independence of the king only: "they do not then admit that the British Parliament had ever had any authority over them, and that body is only mentioned in one place, in one of the counts of the indictment of the king, for having given his assent to certain acts of pretended legislation, passed by a jurisdiction foreign to our constitutions and unacknowledged by our laws—that is to say, by the British Parliament." Although the first Continental Congress (1765) had memorialized Parliament as well as the king, the congress of 1774 omitted Parliament in its petition. "It was at last seen to be an awkward concession" to memorialize a body whose jurisdiction was repudiated.

This view is an advance upon the commonly accepted notion, which is that Americans would have been contented with representation in the English legislature. Out of that notion has grown the impression, which even Burke shared, and perhaps with jus-

tice, that the encroachments of Parliament upon the liberties of America were the first steps toward similar encroachments upon the liberties of the English people. But America could not have been satisfied to be represented at Westminster or to vest the right of internal taxation or legislation upon her local concerns in the representatives of America and of England jointly. The autonomy which Ireland demands and which has been recently granted to Australia is the least she would have accepted, although she might have acknowledged a federal parliament sitting at Westminster as the ultimate jurisdiction upon matters of imperial interest affecting alike his Majesty's subjects in England and America.

In Professor Johnston's exposition of the confederation and of the Constitution he adheres to the views we have already outlined in mention of his earlier works. In the development of democracy (1789-1829), in the epoch of industrial development and sectional divergence (1829-1850), in the tendencies to disunion (1850-1861), in the treatment of slavery, civil war, and reconstruction, we recognize the touch of the same master hand.

On September 17, 1787, the Federal Convention, having completed its work, adjourned with a letter to Congress asking for the transmission of the Constitution which it had framed to the conventions of the several States for ratification or rejection. The approach of the first centenary of this event set Professor Johnston thinking upon the work of that convention, which had once been styled by Mr. Gladstone as "the most wonderful work ever struck off at a given time by the brain and purpose of man." Our author's study of institutional development compelled him to reject the Gladstonian notion, for it was beyond the range of probability that a body as wise even as the convention should have produced a *fiat* constitution with such few defects as experience has discovered in the organic law of the United States. That Constitution was the fruitage of colonial and State experience. This idea is presented and illustrated, in the author's usual clear style, in his article, "The First Century of the Constitution," in the *New Princeton Review* for September, 1887. The work of the convention, so far from being a creation, was mainly that of selection from the provisions of the then existing State constitutions, themselves the product of colonial evolution. The members of the Federal Convention were too sagacious to make experiments in constitution

framing; nearly all the articles of the Constitution were derived from the State experience to which the Federalist repeatedly appeals; thence came its bicameral congress, its distinctions between the Senate and House, together with the names themselves; the name and office of President; the theory of rotation in the Senate; the census provisions; the government and administration of the two houses; provisions for the origination of money bills in the popular house; the provisions for a message, for impeachment, for pardon of convicts; as to the appointing power, and numerous other features. The greatest achievement of the convention, as it has always been considered by our most eminent constitutional exponents—that is, the creation of the judiciary and its establishment as a co-ordinate branch of the government—was not altogether a novelty, but exists in germ in the State constitutions. The most serious departure from the beaten path of precedent was in the provision for an electoral college. The electoral system was purely artificial; it existed, as framed, for only a short time, and the growth of democracy has so transformed it that the discretionary feature of it, which in the eyes of the framers of the Constitution constituted its greatest merit, has been completely obliterated. “Since the election of John Adams, no elector has dared to regard himself as more than a ministerial functionary registering his party’s will.”

The practical deduction of the author is, that the success of the American Constitution is proof that a viable constitution can not be struck off at a given time from the brain and purpose of man.

The members of the Constitutional Convention would have been the first to protest against such misconstruction of their work. Natural growth alone gives the promise as well as the potency of permanence. “If there is any secret in the general political success of our branch of the human race, it is that its political methods have been institutional rather than legislative.” The idea is encountered at the threshold of the Declaration of Independence, but despite the intensity of our political admiration for the work of the fathers, our present tendency is to lose sight of our political traditions and to exalt legislation. Here we have the same wise lesson with which the volume upon Connecticut closed. Legal enactments can not accelerate natural processes in social life; and, optimistic as the author was in his outlook for the republic, he was never so optimistic as to advocate the acceptance of offhand

cures for political evils or to favor legislation requiring their adoption.

The ideas embodied in this essay Professor Johnston considered among his best and most original utterances; and that his estimate was not far amiss is seen in the conspicuous place a large extract from this paper has in the appendix to the "American Commonwealth," whose author, lightly touching the same idea in one of his own chapters, observes in a footnote that the same thought has been worked out with much force and fullness by Professor Johnston in an article which appeared after his chapter had been written, but before its publication.

The literary career of Professor Johnston was practically ended a year before his death. For an even longer period, with brief intermissions, illness suspended his college duties. His literary life covers hardly nine years. Complete enumeration of his productions has not been attempted. His vocation was that of teaching. But he was more than a university instructor—he was a genuine teacher of the people. He had the keenest interest in all the political movements of the time; he kept abreast of its political literature; he was always learning and assimilating the teachings of others. By nature and habit a student, yet he never seemed the cloistered academic, but rather a happy admixture of scholar and man of the active world. He could with ease have slipped the scholastic traces, and he would have glided with aptitude into any lofty political place and have filled it with credit and honor. His opinions of other writers were never marked by small vanity or irritated conceit, but were such as distinguished lofty and generous natures. He was not a man to reserve his best thoughts for books. His ideas were impressed upon pupils and friends with all his clearness and exuberance, and with quaint, homely, and forcible similes from all conceivable sources; and his fascinating manner and evident sincerity helped to rivet in the memory the lessons he inculcated. In the readiness and simplicity of his illustrations he has been compared with Lincoln. As has been well said of him by the President of Princeton, "he could subsidize all departments of life and borrow his illustrations from the farm and the bank, from the trades and the professions, and he seemed to have an inexhaustible fund of material in reserve." All his conversation bore the stamp of the mental mint from which it issued. Dr. Samuel Johnson once said of Burke, that "if you were to meet

him in the street, where you were stopped by a drove of oxen, and you and he stepped aside to take shelter for five minutes, he would talk to you in such a manner that when you parted you would say, 'This is an extraordinary man.'" Such was also the nature of Alexander Johnston. Gifted with a lively and social temperament, and with such fluency of utterance, his vast attainments, his ready intelligence, his acute observation and profound thinking awakened the certain conviction not only that he was an entertaining and instructive talker, but that he was an extraordinary man.

Amid the enforced quiet and isolation of his last year he more than once expressed a desire to renew his work, and obscurely hinted at the thoughts to which he would give expression. What ideas were then seething in that fertile brain we shall never know. Had he lived he would have left no "topics of the time"* untouched. He was keenly conscious that our once homogeneous people, whose institutions, as he himself taught, were formed before the commencement of the great European immigrations, was now absorbing extraneous elements, diverse from the parent stocks, at a perilously rapid rate. When ballot reform received its first impulse a few years ago, he advocated its adoption in New Jersey; and he would have hailed its adoption in twenty-four States as proof of our institutional integrity and our still enduring homogeneity. Of the problem of city government, our fathers, he says, knew little or nothing; but he believed that it could be solved only in the same manner as they had solved the problem of national government, by consulting the charts of experience. He would foster the spirit of urban independence, and allow the cities of the Union to work out their salvation as the States have done. A keen observer of political tendencies, he had a sort of prescience of the political revolution of November (1890), for he once said in the spring of 1889 that he would not be surprised if a great Democratic awakening should take place in the fall of 1890, analogous to that which happened in the congressional election next after the presidential campaign of 1840. The conditions were similar, and the Whig success of 1840 was followed two years later by a return of a majority of Democrats to the House of Representatives. Convinced of the destiny of the nation and abhorring all closet panaceas for political evils, he was, nevertheless, candid in inquiring whether

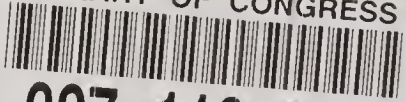
* Professor Johnston wrote many papers for the Century Magazine under the heading "Topics of the Time."

the reconciliation of Democracy with modern industrial conditions was possible without an abandonment of political creeds at present as firmly accepted as was the British theory of the colonies which brought about the Revolution.

Time alone can determine the enduring value of Alexander Johnston's work, but to me it seems to possess something of the same imperishable nature as exists in the work of our early political thinkers who, although dead, exercise more potent influence than while living. Webster, partially appreciated by his contemporaries, was first fully understood when the throes of civil war taught the force of his arguments for nationality. In the peaceful cemetery at Princeton the remains of Alexander Johnston lie, unhonored by stately shaft of bronze or granite; but the work which survives him has, I believe, elements of permanence. It represents the consecration of a brief life to the interpretation of our national history; an interpretation always clear, always rich, always eloquent, always consistent, and, whether we accept it or not, always honest and never sullied by any sordid motive, pecuniary or partisan.



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