

DEMOCRACY IN ALABAMA: ALEXIS DE TOCQUEVILLE'S VISIT TO ALABAMA IN 1832

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INTRODUCTION

One hundred eighty years ago, a youthful Frenchman and his loyal companion arrived in the Gulf Coast port of Mobile. Bound for Washington, D.C., and a visit to the White House, the two travelers were destined to spend precious little time in the adolescent state of Alabama. Their visit provided enough time, however, for the two men to make the acquaintance of a loquacious Alabama attorney and, over the miles of a rough stagecoach journey, offered a fascinating historic perspective on Alabama's legal, political, and societal proclivities and mores of the time. But do the attorney's observations ring true or have any relevance to today's Alabama? Perhaps that is a question best answered by each individual reader.

A TALE OF TWO FRENCHMEN

On Wednesday, January 4, 1832, a steamship sidled alongside a Mobile, Alabama wharf, marking the successful end to a short voyage from New Orleans. As ropes were secured and gangplanks lowered, two Frenchmen joined the queues of disembarking passengers.

The older of the two Frenchman, Gustave de Beaumont, possessed, according to a contemporary description, a "large friendliness; he was a good speaker, a genial partner, and highly intelligent; very much a countryman, with a touch of peasant cunning . . . that did not affect his perfect honesty."¹ Despite such attributes, however, history would largely forget the congenial Beaumont.

The same would not be said of his traveling companion. He was a small, slight man, described by a contemporary as having "an agreeable, regular, but sickly face shadowed by a mass of curly brown hair that preserved an air of youth about him; his sad, unanimated features assumed

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1. HUGH BROGAN, *ALEXIS DE TOCQUEVILLE: A LIFE* 80 (2006).

more expression when he talked.”² This traveler was Alexis-Charles-Henri Clérel de Tocqueville or, less formally, Alexis de Tocqueville. In three years, he would publish the classic *De la démocratie en Amérique*, which, as *Democracy in America*, is still being read today for its pithy and telling observation on young America and the unique character of its inhabitants and their nascent political culture.³

Nine months earlier, the two French lawyers had arrived in Newport, Rhode Island, after crossing the Atlantic from Le Havre, France. Ostensibly, the pair of noblemen had come to the United States to observe America’s penal system with an eye toward offering comments on reforms for France’s own prisons. In reality, the voyage was little more than a pretext to observe the adolescent republic first-hand—a broader mission reflective of the aristocratic Tocqueville’s concerns with how his own native land would continue to evolve from the chaos of its own recent revolution.⁴

By the time Tocqueville and Beaumont reached Mobile, they had completed a circuit encompassing twenty-one of the twenty-four states that constituted the United States in 1831 and 1832, to include a visit to the Michigan territory and a side jaunt into Canada. Most recently, they had traveled over the cold Allegheny Mountains to reach Pittsburgh and journeyed by steamship down the Ohio River to Cincinnati. Finding the Ohio River frozen solid at Cincinnati, they soldiered on overland to first Louisville, Kentucky, and then Nashville, Tennessee.⁵

Leaving Nashville, Tocqueville and Beaumont traveled by wagon to Memphis, where they boarded the steamship *Louisville* and steamed down the Mississippi to New Orleans. Running aground on a sand bar, the *Louisville* survived the incident and continued its voyage downriver toward the Crescent City.⁶

New Year’s Day, January 1, 1832, found the two Frenchmen in New Orleans, confronted by a city that seemed to be nursing a collective hangover from the previous night’s festivities. The year so recently rung in would, in the United States, witness the Black Hawk War erupt between settlers and Native Americans in the Illinois and Michigan Territories, a cholera epidemic that would claim over 3,500 lives in New York City, and the re-election of Andrew Jackson to a second term in the White House. Overseas, the year 1832 would bring the expansion of the voting franchise

2. ALEXIS DE TOCQUEVILLE, LETTERS FROM AMERICA 2 (Frederick Brown ed. & trans., 2010).

3. See MATTHEW MANCINI, ALEXIS DE TOCQUEVILLE AND AMERICAN INTELLECTUALS ix–xiv (2006).

4. BROGAN, *supra* note 1, at 140–46.

5. See generally ALEXIS DE TOCQUEVILLE, JOURNEY TO AMERICA (J.P. Mayer ed., George Lawrence trans., Anchor Book 1971) (1835).

6. *Id.*

in Great Britain with the passage of the Great Reform Act, pro-democracy demonstrations in Germany that would be remembered as the Hambacher Fest, and, in Tocqueville's native France, the so-called June Rebellion, ultimately memorialized by Victor Hugo's *Les Misérables*.

If Tocqueville spent any time musing on what the new year might bring, then his journal does not betray such speculation. Instead, his thoughts were likely on more immediate issues—such as the fact that he and Beaumont were already at least two weeks behind schedule. Accordingly, the two Frenchmen spent only a few short days in New Orleans. They soon set sail for Mobile, Alabama, reaching it on January 4, 1832.

TOCQUEVILLE'S MOBILE

Unfortunately, Tocqueville's writings leave no record of his observations of Alabama's port city. Although the 1830 U.S. Census indicates that he would have found Mobile to be a metropolis of approximately 3,200 souls, Mobile was also the vortex of the young state's winter social scene. With upriver planters bringing their families to the city for the holiday season during the mild and otherwise inactive winter months, the city struggled to accommodate its winter guests. Such guests would, at times, swell the city's population threefold.⁷

Casting out across Mobile's crowded streets in search of lodging, Tocqueville and Beaumont would have quickly noticed that, even though the city had been settled by their countrymen over a century earlier, its urban core boasted a bevy of new brick buildings built in the wake of a catastrophic fire five years earlier.⁸ Such urban rehabilitation had been financed by the city's lucrative cotton trade; at the time, 99% of the port's exports were cotton.⁹ By the end of the decade, Mobile would lead Savannah and Charleston and trail only New Orleans in cotton tonnage exported.¹⁰ It was no overstatement to declare Mobile the state's commercial capital of the time, even as Tuscaloosa served as the political seat of government for an Alabama that historians would one day describe as a veritable "cotton kingdom."¹¹

Despite the lucrative cotton trade, adequate lodging remained an elusive will-o-wisp for Mobile's visitors throughout the 1830s. Perhaps it

7. MOBILE: THE NEW HISTORY OF ALABAMA'S FIRST CITY 73 (Michael V.R. Thomason ed., 2001).

8. *Id.* at 67.

9. *Id.* at 70.

10. *Id.*

11. *Id.* at 73; WILLIAM WARREN ROGERS ET AL., ALABAMA: THE HISTORY OF A DEEP SOUTH STATE 93 (1994).

was no surprise, then, that the two Frenchmen decided to press on for their ultimate destination of Washington, D.C. To do so, they would forgo another steamship voyage and instead cut overland across Alabama. With Alabama's first railroad—a two-mile stretch of track flanking the Muscle Shoals in northern Alabama—still six months from opening, such a trek meant travel by stage to and along Alabama's Federal Road.

THE FEDERAL ROAD

Today, the Federal Road is all but forgotten but for a handful of historians. One hundred and twenty years ago, however, the Federal Road was the functional equivalent of all of Alabama's interstate highways rolled into one. Carved out of the frontier wilderness as a postal road with \$6,400 appropriated by Congress in 1806 (a modest sum subsequently supplemented substantially), the narrow pathway began at the headwaters of the Oconee River near Athens, Georgia, crossed the Chattahoochee River into Alabama south of modern-day Columbus, and, after arcing west and south across Alabama, terminated at the gates of Fort Stoddert's wooden stockade on the Tombigbee River north of Mobile.¹² "But for the Federal Road with its forts," one latter-day historian would opine, "there [would be] no Alabama as we know it."¹³

By 1832, a hardy breed of entrepreneurs operated a series of stagecoach lines on the Federal Road and the various roadways spurring out of it. Although steamship travel was ascendant on Alabama's rivers, travelers such as Tocqueville and Beaumont still found the stages—whether the heavy Cumberland, the egg-shaped Trenton, the Troy, or one of two models of Concord—were the most practical, timely, and economic mode of transportation across Alabama.¹⁴

To access the stage routes, however, the pair of Frenchmen first transited the upper reaches and rivers of Mobile Bay, making their way by boat to the village of Blakeley. Once in Blakeley—an erstwhile economic rival of Mobile's whose future had been doomed by lethal yellow fever epidemics and vicious land speculation—Tocqueville and Beaumont joined a handful of fellow travelers to board a stagecoach bound for Montgomery.

Traveling both day and night, Tocqueville's wheeled conveyance bumped through thick forests of massive pine, oak, and hickory, boggy

12. See Kevin Harrell, *The Federal Road*, ENCYCLOPEDIA OF ALA. (Oct. 26, 2011), <http://encyclopediaofalabama.org/face/Article.jsp?id=h-2999>.

13. HENRY DELEON SOUTHERLAND, JR. & JERRY ELIJAH BROWN, *THE FEDERAL ROAD THROUGH GEORGIA, THE CREEK NATION, AND ALABAMA, 1806–1836*, at 2 (1989) (quoting Peter Joseph Hamilton, *Early Roads of Alabama*, in 2 *TRANSACTIONS OF THE ALABAMA HISTORICAL SOCIETY* 39, 50 (Thomas McAdory Owen ed., 1898)).

14. See *id.* at 62.

swamps, sandy morasses, and precarious causeways and bridges. Lurching and jolting on the 192-mile trip to Montgomery, it transited a wilderness domain populated by wild turkey, deer, black bears, rattlesnakes, panthers, and increasing numbers of hardy settlers. Some of the latter would have operated inns and roadside taverns along a route that arced through or near the communities of Burnt Corn, Greenville, and Snowdoun, offering meals of pork, hominy, and cornbread to stagecoach passengers.¹⁵ At night, Tocqueville and Beaumont slept either on the stage's benches or on corn fodder piled on the stage's floor while burning pine torches offered rudimentary illumination for the stage's driver.¹⁶

CONVERSATIONS WITH AN ALABAMA ATTORNEY

If Tocqueville was impressed (or dismayed) by the wilderness his stage traversed, then he did not record it. Rather, confined in the close quarters of the stagecoach, Tocqueville fell into conversation with a fellow traveler who, like the traveling Frenchmen, was an attorney. As Tocqueville would later admit, with a painful sense of aristocratic aloofness, "I have forgotten his name which anyhow is very obscure."¹⁷

Tocqueville's "obscure" conversationalist was one of approximately 310,000 people (a third of them slaves) who called Alabama home in the early 1830s.¹⁸ As an attorney, he was perhaps one of some 450 attorneys practicing law in Alabama in 1832.¹⁹

"In a frontier state there was a desperate need for attorneys, men with the skills to defend the innocent and prosecute the guilty," the authors of *Alabama: The History of a Deep South State* declared. "Fraud and violence were common. Disputes over land, women, horses, cards, and slaves often degenerated into fistfights aided by knives, sticks, and teeth. Wills and

15. *Id.* at 64, 94–96.

16. *Id.* at 64.

17. TOCQUEVILLE, *supra* note 5, at 102.

18. *Historical Census Browser*, U. OF VA. LIBR., <http://mapserver.lib.virginia.edu/php/start.php?year=V1830> (select "total population" in the "General Population" field and "total slaves" in the "Slave Population" field; then select "Submit Query") (last visited Jan. 28, 2013).

19. E-mail from Tim Lewis, Dir. & Librarian, Ala. State Law Library, to James L. Noles, Jr. (June 26, 2012) (on file with author). Today, in an Alabama that boasts a total state population of 4,802,740 (based on 2011 U.S. Census figures), one can find 14,182 licensed attorneys residing within the state. See *Current Member Stats*, ALABAMA STATE BAR, <http://www.alabar.org/members/information.cfm> (last visited Jan. 30, 2013); Alabama QuickFacts, UNITED STATES CENSUS BUREAU, <http://quickfacts.census.gov/qfd/states/01000.html> (last visited Jan. 28, 2013). Looking at such figures per capita, one can estimate (excluding the slave population from such calculations) that there was one attorney for every 460 non-slave Alabamians in 1832, compared to one attorney for every 336 Alabamians today.

deeds needed to be probated, and many counselors rode circuit, moving from one county courthouse to another.”²⁰

Perhaps Tocqueville’s fellow passenger was such a circuit-riding attorney. Regardless, Tocqueville found himself drawn into conversation with the Alabamian, ultimately declaring the exchange to be “stamped with much practical good sense” and “corroborated by several pieces of subsequent information”²¹ Perhaps not surprisingly, the conversation quickly turned to politics.

“The erroneous opinion is spreading daily more and more among us,” the anonymous attorney shared with Tocqueville, “that the people can do everything and [are] capable of ruling almost directly.”²²

“From that springs an unbelievable weakening of anything that could look like executive power,” the attorney added. “[I]t is the outstanding characteristic and the capital defect of our Constitution, and of those of all the new States in the South-West of the Union.”²³ Here the attorney was referring to Alabama; at the time, the state was considered part of what would one day be called “the Old Southwest.”

“That has grave consequences,” the attorney observed, reflecting on his observation as to the limitations on executive power. “Thus, we did not wish to give the Governor the right of appointing the judges; that was entrusted to the Legislature.”²⁴

“What results?” the Alabama lawyer asked rhetorically. “That responsibility for the choice is divided; that little coteries and little, local intrigues are all-powerful, and that instead of calling competent men to our tribunals, we put there little party leaders who control the elections in the districts and whom the members of the Legislature wish to attract or reward.”²⁵

“Our magistrates are completely incompetent,” the lawyer huffed. “[T]he mass of the people feels it as we do. So no one is disposed to appeal to regular justice.”²⁶

“This state of affairs,” he added, “which is common to the States of Kentucky, Tennessee, Mississippi and even Georgia, is, to my way of thinking, the chief factor causing these fierce manners for which the inhabitants of those States are justly blamed.”²⁷

20. ROGERS ET AL., *supra* note 11, at 122.

21. TOCQUEVILLE, *supra* note 5, at 102.

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.* at 102–03.

26. *Id.* at 103.

27. *Id.*

“Is it then true that the ways of the people of Alabama are as violent as is said?” Tocqueville asked the attorney.²⁸

“Yes,” the lawyer answered simply. “There is no one here but carries arms under his clothes. At the slightest quarrel, knife or pistol comes to hand. These things happen continually; it is a semi-barbarous state of society.”²⁹

“But when a man is killed like that, is his assassin not punished?” Tocqueville challenged.³⁰

“He is always brought to trial, and always acquitted by the jury, unless there are greatly aggravating circumstances,” the Alabamian answered. “I can not remember seeing a single man who was a little known, pay with his life for such a crime.”³¹

“This violence has become accepted,” the attorney continued. “Each juror feels that he might, on leaving the court, find himself in the same position as the accused, and he acquits. Note that the jury is chosen from all the free-holders, however small their property may be. So it is the people that judges itself, and its prejudices in this matter stand in the way of its good sense.”³²

“Besides,” the Alabamian admitted, “I have been no better myself than another in my time; look at the scars that cover my head . . . Those are knife blows I have been given.”³³

Leaning forward from their seats, Tocqueville and Beaumont examined the Alabamian’s scalp. Together, they counted four or five scarred gashes carved through his hair.

“But you went to [the] law?” Tocqueville asked in amazement.³⁴

“My God! No,” the lawyer replied. “I tried to give as good in return.”³⁵

One can imagine an awkward silence descended on the stagecoach for a moment. Obscurely named or not, the young Alabama attorney was apparently not a man with which to be trifled. But eventually Tocqueville’s natural curiosity and sense of purpose inspired further questions—albeit on a less violent topic.

“Do the people choose good representatives?” Tocqueville asked.³⁶

“No, in general they choose people on their own level who flatter them,” the lawyer scoffed. “I have no doubt of the advantage that would

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

come from restricting the franchise. The choices would certainly be better. But it is in the nature of things in a democratic State that the franchise should be extended by an irresistible movement until everyone is a voter, as happens with us.”³⁷ At the time in Alabama, the right to vote was guaranteed to all white males without any property, tax-paying, or militia requirements—a relatively, and perhaps surprisingly, liberal franchise for a Southern state at the time.³⁸

“I predict that in France, too, you will not be able to stop yourselves indefinitely,” he added in warning to Tocqueville.³⁹

“But from these bad choices there must result bad laws and bad government?” Tocqueville queried.⁴⁰

“Not nearly so much as one might expect at first glance,” the lawyer answered. “There are always some men of talent in our assemblies; from the first days these overwhelm the others and absolutely dominate business. It is really they who make and discuss the laws. The rest vote as they do. We have had representatives who could not read or write.”⁴¹

“Do you yourself see a great difference between the social state of the North and that of the South?” Tocqueville asked.⁴²

“Immense,” the Alabamian responded. “We Southerners have perhaps more natural advantages than those of the North, but we are much less energetic and, especially, less persevering. Our education is much neglected. We have no regular school system; a third of our population cannot read. One sees none of the same care given to the needs of society, or the same thought for the future.”⁴³

“What power has religious feeling among you?” the Frenchman inquired.⁴⁴

“There is infinitely less morality with us than in the North,” the attorney observed. “But religious feeling properly so called is perhaps more enthusiastic with us. There is religion in the North, here fanaticism. The Methodist sect predominates.”⁴⁵

Issues of tact aside, the Alabama attorney was correct in recognizing the predominance of the Methodists in frontier Alabama, although many of the population considered themselves Presbyterians, the state’s number of Baptist congregations was increasing, and Alabama’s governor, John

37. *Id.* at 103–04.

38. ROGERS ET AL., *supra* note 11, at 69.

39. TOCQUEVILLE, *supra* note 5, at 104.

40. *Id.*

41. *Id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

Gayle, was an Episcopalian. As the *Encyclopedia of Alabama* later recognized, Methodists had “earned the early advantage in numbers of members because of their itinerant circuit riders, who spread out across the state, proclaiming a simple, emotional gospel of God’s unmerited grace that any sinner could freely claim.”⁴⁶

Turning the conversation from religion, Tocqueville queried the attorney as to what many considered the leading political question of the day—a national tariff of 50% levied on imported manufactured goods. New England endorsed such measures, protective as they were to the region’s industries. In the South, however, where most goods were imported, the tariff’s main impact was to increase those goods’ costs to consumers. This was no small matter in a state such as Alabama, where the state’s first textile mill, Huntsville’s Bell Factory, would not even be chartered until later in 1832. Thus, many Alabamians would ultimately struggle to reconcile their Jacksonian sympathies with a South Carolina-led movement that argued, increasingly fervently, that a state could annul, or nullify, what it considered to be an illegal Federal law.⁴⁷ Nevertheless, at the time, Alabama’s loyalty to the President who had opened the state to white settlement remained strong.

“What is the majority opinion in Alabama about the tariff?” Tocqueville asked the attorney.⁴⁸

“The majority is strongly opposed to the tariff,” the Alabamian answered. “But very attached to the Union. The nullifiers of South Carolina find no support among us.”⁴⁹

Tocqueville ended his friendly deposition of his fellow lawyer with a question about the jury system.

“What do you think of the use of the jury?” Tocqueville asked.⁵⁰

“I think the jury useful in criminal cases,” the attorney answered. “I think it is useful in civil cases when it is a question of facts clearly distinguished from law or appreciations of morality. I think for instance that all questions of damages or defamation ought to be tried by jury.”⁵¹

“But,” the attorney continued, “when it comes to civil matters properly so called, to questions of law, and to the examination of legal documents, I think the jury is detestable, and would much prefer the judges alone.”⁵²

46. Wayne Flynt, *Religion in Alabama*, ENCYCLOPEDIA OF ALA. (Feb. 24, 2012), <http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1617>.

47. JON MEACHAM, *AMERICAN LION: ANDREW JACKSON IN THE WHITE HOUSE* 53–54 (2008).

48. TOCQUEVILLE, *supra* note 5, at 104.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

“One of the disadvantages of our juries,” the attorney added, “is that they are drawn from too small areas (the counties). The jurors know about the matter before it is argued. It is judged before it is heard and judged in a tavern.”⁵³

MONTGOMERY AND THE ROAD EAST

Tocqueville’s conversation with the young attorney—particularly its more violent topics—soon proved both practical and prescient. When their coach arrived in Montgomery on January 6, Tocqueville quickly heard that a man had just been killed by a pistol shot in the street.⁵⁴ Before the month was out, another murderer, Coleman Williams, would become the first white man to be hanged in Montgomery.

Such was life in the Montgomery of the “Old Southwest.” Only thirteen-years-old at the time of Tocqueville’s visit, the city of some 12,700 residents was already thriving, thanks to the happy combination of river-borne commerce and bountiful cotton plantations. By 1832, Alabama’s future capital boasted a collection of stately homes on acre-plus lots stretching up Court, Perry, and Lawrence Streets; Methodist, Baptist, and Presbyterian churches; and a pair of competing newspapers.⁵⁵ At the same time, however, antebellum Montgomery was home to raucous saloons with names like Clayton’s Tavern and the Kentucky Whiskey House.⁵⁶

“As beautiful and as genteel as the town tried to be, always at the surface during these years of church and residential growth was the fact that it was still a frontier town,” observed historian Wayne Greenhaw. “Even though several large hotels, like the Planter’s, were made of clay brick dug from two Indian mounds between Court Square and the river, at night riverboat crews and some townspeople still caroused the streets.”⁵⁷ A biographer of future U.S. Supreme Court Justice John A. Campbell, who had arrived in Montgomery two years earlier as a precocious nineteen-year-old lawyer, offered a similar assessment of the city at the time: “a rugged and largely lawless mudhole somewhere between wilderness and civilization.”⁵⁸

Perhaps not surprisingly, Tocqueville and Beaumont did not tarry in Montgomery but rather continued their stage journey east toward the Georgia line, some ninety miles distant. Passing by the Pole Cat Springs

53. *Id.* at 104–05.

54. *Id.*

55. WAYNE GREENHAW, MONTGOMERY: THE RIVER CITY 39–40 (2002).

56. *Id.* at 41.

57. *Id.* at 40.

58. ROBERT SAUNDERS, JR., JOHN ARCHIBALD CAMPBELL: SOUTHERN MODERATE, 1811–1889, at 15 (1997).

Indian Agency, near modern-day Shorter, they would have been ferried across so-called Line Creek into land that, for a few short months more, could still call itself the Creek Nation.⁵⁹

Although most travelers were underwhelmed with the stretch of Federal Road that ran southwest of Montgomery, the portion to Montgomery's east was in even worse shape. A year earlier, a Scottish author named Thomas Hamilton traveled the same route during his own journeys across the United States. "I have had occasion to say a great deal about roads in these volumes," Hamilton muttered, "but I pronounce that along which our route lay on the present occasion to be positively, comparatively, and superlatively the *very worst* I have ever traveled in the whole course of my peregrinations."⁶⁰

The Frenchmen's journey across eastern Alabama ended at Fort Mitchell, in present day Russell County, south of Phenix City and a short walk from the Chattahoochee River. At Fort Mitchell, the two men found a wooden stockade garrisoned by the soldiers of the Fourth U.S. Infantry Regiment and a ferry to take them across the river into Georgia.⁶¹

"THE MORAL OF THE STORY"

Upon leaving Alabama, Tocqueville and Beaumont struck across Georgia, the Carolinas, and Virginia, finally reaching Norfolk, from where they sailed for Washington, D.C. and a brief meeting with President Jackson. Then it was on to Philadelphia and New York, where they boarded a ship and returned to France on February 20, 1832.

Although Tocqueville's time in Alabama was brief, historians have not discounted the value of his journey through the young state in the winter of 1832. In fact, it was, according to Hugh Brogan in 2006's *Alexis de Tocqueville: A Life*, "the intellectual climax of his voyage"—a time for Tocqueville to think and synthesize "all he had seen and heard and thought in the past nine months"⁶²

Later reflecting on his overland journey through Alabama and beyond, Tocqueville mused that "nuisances of one sort or another were daily events: broken and overturned carriages, bridges swept away, swollen rivers, a lack of seats. The plain fact is that crossing the immense expanse of country we've just seen, doing it so quickly and in wintertime was not a practical

59. SOUTHERLAND & BROWN, *supra* note 13, at 90–91.

60. *Id.* at 91 (emphasis in original).

61. Rebecca Dobrinski, *Fort Mitchell*, ENCYCLOPEDIA OF ALA. (Sep. 6, 2012), <http://encyclopediaofalabama.org/face/Article.jsp?id=h-2957>.

62. BROGAN, *supra* note 1, at 206.

enterprise. But we were right to do it, since we succeeded. That's the moral of the story."⁶³

"[W]e were right to do it, since we succeeded."⁶⁴ In many ways, perhaps the same could be said for the young republic—and the even younger state—that Tocqueville and Beaumont had toured, endured, surveyed, and assayed for the benefit of generations to come.

63. TOCQUEVILLE, *supra* note 2, at 260.

64. *Id.*