

11.

Though the fundamental notion of eighteenth-century democracy was equal rights, the early State Constitutions were distinguished between those among the population who were qualified to vote and to hold office and those who were not qualified. The voters constituted only a small fraction of the people; and those who were qualified for office constituted a small fraction of the voters. The representative in the State Legislature was required to be of a certain age, to have resided in the State or district a certain time, to possess a certain amount of property, principally in land; to profess a certain religious creed and to be a native-born or a citizen at the time when the Constitution adopted. Or, if white when the Constitution adopted, or if white when they were eligible to office. As the qualifications were carefully detailed in the Constitutions, they must be interpreted as expressing

Constitutions were made, the Governor was constituted as a military rather than a civil officer. His military duties were quite carefully outlined; his civil functions were obscure. He shone in the splendor which now clothes his state as a potentate, and the man on the horseback. To-day he is the man with the quill. His civil functions now almost wholly eclipse his military. The last quarter of the last century was a military period, and the soldier, rather than the civilian, was the honored figure. The position of captain, as the period eighty years later was, was the position of the State. The State was conceived as a military rather than an industrial machine. Safeguards were, consequently, established against an abuse of authority by the Executive. The pardoning and the veto power were not freely given. The Governor was not to be at his disposal, and those chiefly in the military service were to be his council, nominate

The eighteenth century Constitutions were ternal in character, and usually short. Democracy greatly modified these instruments and they have had a long history of change. They became more like laws, and less like treaties. Constitutions with which the Commonwealths began. The change was twofold, conforming to the dual development of the country North and South. The northern zone represented the old colonial tradition, New York and Pennsylvania; the southern zone, Virginia, Carolina and Georgia. Two streams of migration were pouring over the country, and the northern stream was swelled by European tributaries. The southern stream was African in origin, and but slightly increased, though it was not a constant flow. The obstacle in the path of immigration into the South and Southwest was slavery. After 1835 the inpour of Europeans rapidly increased, and in less than twenty years gave the balance of political power to the people of the United States. The United States could not deliberately exclude foreigners, and it did not.

VI.
Two radical changes affecting the State legislatures were in progress during the first half of the century, one limiting their powers, the other extending them. The limitation of powers embraces the mass of constitutional provisions forbidding special legislation; the definition of duties makes certain legislation obligatory. The special legislation prohibited related chiefly to slaves, lotteries, banks, fiscal operations, monopolies, the sale of public property, the state of interest, sinking funds, change of county or town boundaries, internal improvements, private bills, and the loan of public credit. Such prohibitions began in Ohio in 1803, and were multiplied by every succeeding State and constitution throughout the Union. Executive obligations were less numerous. They related chiefly to steps in legislative procedure, the establishment and maintenance of schools and sinking funds, the exclusion of free negroes from the State, the codification of laws, the

Before marking some of the conclusions touching the morality of the Mesopotamian codes, which will be found summed up in the appendix at the close of this volume, we should glance at a historical sketch which covers the long interval between the time of the earliest and the latest of the codes.

tered by a people coming from more northern parts of Elam, who were known as the Casatids. The Casatids were a Semitic people whose language and little has yet been learned, ruled over Babylonia for a period of about 100 years. The Casatids turned themselves to the customs and religion of the country they were in, and did not interfere with the religious and political life of the Casatid Valley. It follows that the period of the Casatid rule was a period of peace and the rule of the Casatid Kings may be traced under one head. It was a period marked by itself in the erection of temples, in the construction of canals and in the expansion of the Casatid Empire. The Casatid Empire included Babylonia and distant Egypt. About 1000 B.C. the first traces of relationship between Babylonia and Assyria began to appear. The relations were friendly at first, but as the power of Assyria became before the growing strength of Assyria became a serious menace to Babylonia. In the reign of the Casatid King, the Casatids were driven advanced upon the city of Babylon. For more than a century Babylonia remained in subjection to the Casatids, and the Casatid Kings gradually her independence, and even a fair share of her territory. The Casatid rule over the Casatid was weakened. Internal dis-

testimony to the prevalence of a sense of justice among the Assyrians. It is also anal-
gous upon the fact that he established obli-
gations to the end that the strong might
reform the weak. The same feeling was
of slavery flourished in Babylonia and As-
siria. The various grades of their slaves
were various grades of their people. The
more grades differed but little from ser-
vants of the household. They were to be
married and expected to render certain
defined services. The temple attend-
ants also have been known to be slaves.
A benign treatment of slaves was
ordained and was the rule. Slaves were
to be considered as property, but they were
not to be sold into the hands of foreigners,
and to the business affairs of the inter-
ior. Contracts entered into by them were
binding. Injuries inflicted upon them by their
masters were punishable. They were not
to be sold against losses and mishaps encountered
while in service. We observe, finally, that
the law was to exist to give the slaves of
Assyria were on a lower ethical plane than
those of Babylonia. The law of the latter
country was more humane than that of
it; as the Assyrians were the pupils and sons
of the Babylonians in almost everything
that concerned civilization. The law of
itone of life in Assyria was scarcely as high
as in the south. The warlike spirit of the
people of Babylonia, but not of the