A History of the Old South (Clement Eaton, 1949)

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The objections of attorneys to the use of pretrial conferences are to be found "in tradition, in habit, in custom" (p. 196). Its use has quickly overcome this reluctance, since experience has shown the lawyer how time, expense, and effort may be saved through the pretrial conference. Courts, counsel, and litigants have all benefited by the use of pretrial because it permits a speedy disposition of the case, is a practical and workable procedure, and is easily understood by the litigants, so that they feel their case has not been disposed of by the technicalities and mysteries of the law. The promptness with which it permits the disposition of cases in which it has been used has done much to relieve criticism of the law's delays.

One of the chief values of this work, though of course not the only one, is the extent to which the author has set forth the many advantages obtained and the practices and methods used by the courts throughout the country in conducting pretrial conferences.

Rule 16 of the Florida Common Law Rules, which became effective January 1, 1950, makes ample provision for pretrial conference, and if resorted to by the bench and bar it will give to the litigant that which is necessary to keep the lawyer in business—an efficient and prompt dispatch of his lawsuit.

Harry N. Sandler
Circuit Judge
Thirteenth Judicial Circuit of Florida


Writing a history of the South is a difficult task. For generations historians have searched for a central theme which would adequately explain the vast area below the Mason-and-Dixon line. Some have found the answer in slavery, others in the gradual development of Southern Nationalism. The rural nature of Southern society, the dominance of the planter ideal, the homogeneous population, the climate and topography, the colonial economic status, and above all the never-ceasing struggle to keep the South a "white man's country" despite its large percentage of Negroes—all have been advanced as reasons or central themes to explain the Old South. Neither one nor all of these in combination completely account for the peculiar sec-
tionalism from which the Confederacy sprang.

Professor Eaton recognizes the impossibility of finding a central theme and makes no attempt to do so. In fact, he begins his history on February 18, 1861, with Davis delivering his inaugural address as provisional president of the Confederacy, for in the Confederate States of America a majority of Southerners found a temporary unity. The diversities of the South were overcome for a historical moment, but even war, the most potent breeder of nationalism, could not make a South of what in reality was "the souths."

The Southern area of the United States was never a homogeneous unit. Although settled mainly by Englishmen, there were important minorities of Scotch-Irish, Germans, French, Spanish, and Irish. Poor men and indentured servants as well as a few men of wealth came to the colonies. In later centuries the planter aristocracy was relatively small in number in comparison to the yeoman farmers. The South never became a region of wealthy planters, Negro slaves, and "po' white trash." Rather it was composed of a relatively small number of planters, many independent farmers, few poor whites, many slaves, and some free Negroes. There were merchants and traders, manufacturers and bankers in the cities and thousands of subsistence farmers in the mountain regions. In climate, topography, and agriculture, as in population, there was diversity rather than homogeneity.

Though Professor Eaton propounds no central theme of Southern history, he is a devotee of the economic interpretation of history. In tracing the South from its first beginnings to secession and the formation of the Confederacy he relies heavily upon the economic factors in the Southern states. Yet the South is not presented from a narrow economic point of view, for society, politics, literature, architecture, education, and religion are surveyed. Thus the author achieves his purpose and presents a well-rounded account of the South.

But the economy of the South colored its history. The sanctity of private property (and slavery was the most important form of property) became a fetish of Southerners. During the Revolutionary Era and for more than a generation following it, the South produced leaders who deserved world acclaim. Yet after that golden political age there was progressive deterioration. With few exceptions, Southern men after 1820 wasted their energy in defense of the status quo. Conservatism replaced liberalism, and property rights became more important than human welfare.

The social canker of slavery weakened the South. Newspaper editors were gagged, college presidents dismissed, the mails interfered with, and the right of petition denied, as the defenders of slavery
found reason for the peculiar Southern institutions in the Bible, in the writings of Aristotle, in the need for social discipline, and in the biological inferiority of the Negro. Southern writers antedated the Nazi ideology of race, and they denounced the liberalism and the equalitarianism of the Declaration of Independence.

This defense of property profoundly affected Southern culture. Although plantations made possible fine homes and the leisure for gentle conversation, the sanctity of wealth stifled literature and art and freedom of expression. The inviolability of property and the laissez-faire conception of the role of government kept the southland shrouded in a fog of illiteracy. In 1850 the Southern states had an illiteracy ratio among the native white population of 20.30 per cent, while the middle states had 3 per cent and New England only 0.42 per cent. The Southerner held that education was a private rather than a state function, and the planter refused to lessen the value of his property by taxing it to pay for the education of the children of the poor. There were public schools in the Southern states, and a literature too, but culturally the South was inferior to the other American states.

Professor Eaton's *History of the Old South* is skillfully done. It portrays the diversities and the oneness of the Southern states along with the political and economic, the artistic and the commonplace, the religious and the educational. Moreover it is written in a spirit of fairness which over-emphasizes neither the good nor the bad and ignores nothing of importance. Although written as a text for college students, it has appeal for the general reader who desires a readable summation of the best scholarly accounts of the Old South.

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*Florida Statutes Annotated, Volumes 30 and 31, Rules of Court.*


The publishers of *Florida Statutes Annotated* have prepared Volumes 30 and 31 of that work, which will entirely supersede the previously published Volume 30 as soon as cases commenced prior to January 31, 1950, have been finally adjudicated. For the present,