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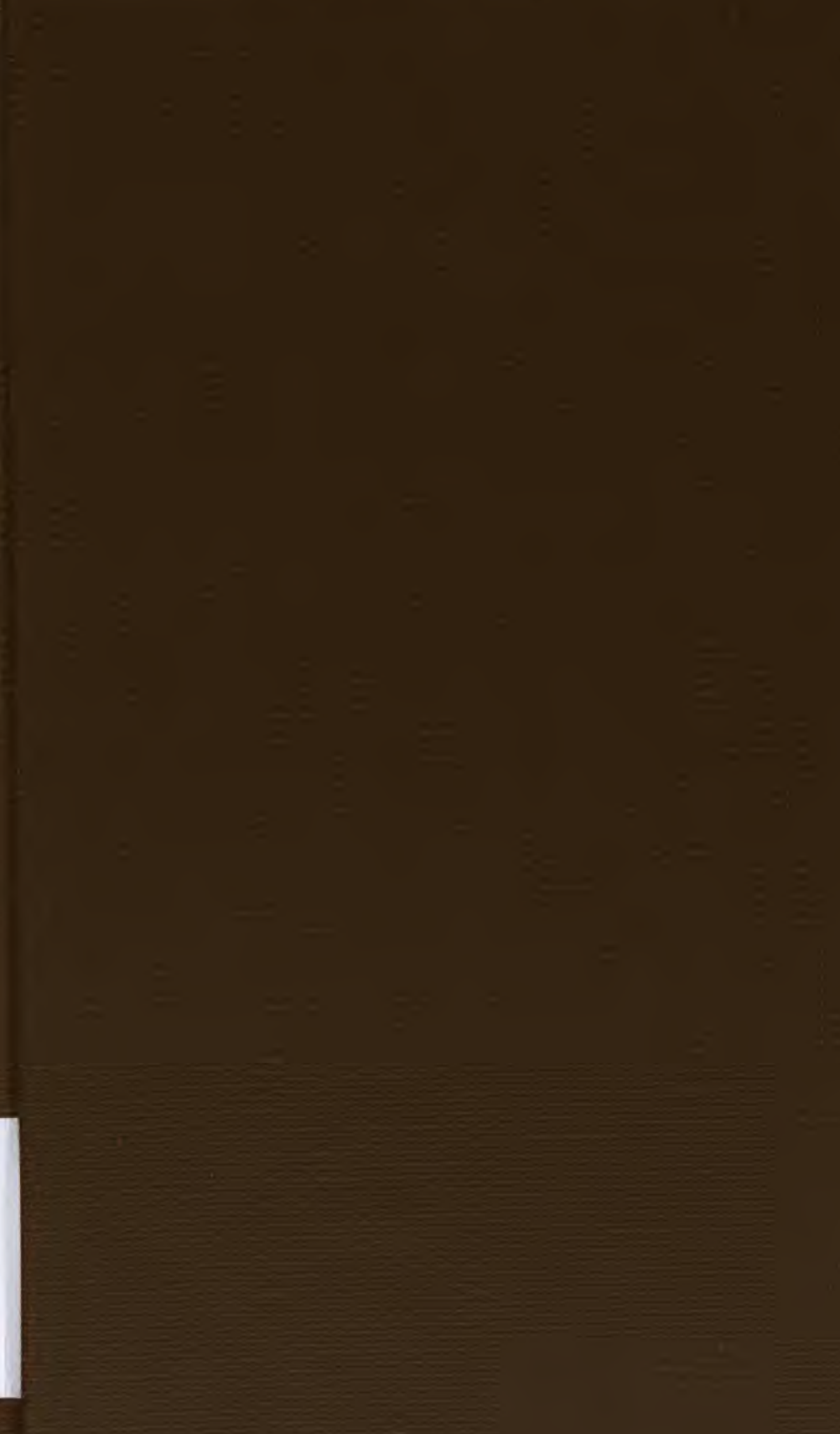
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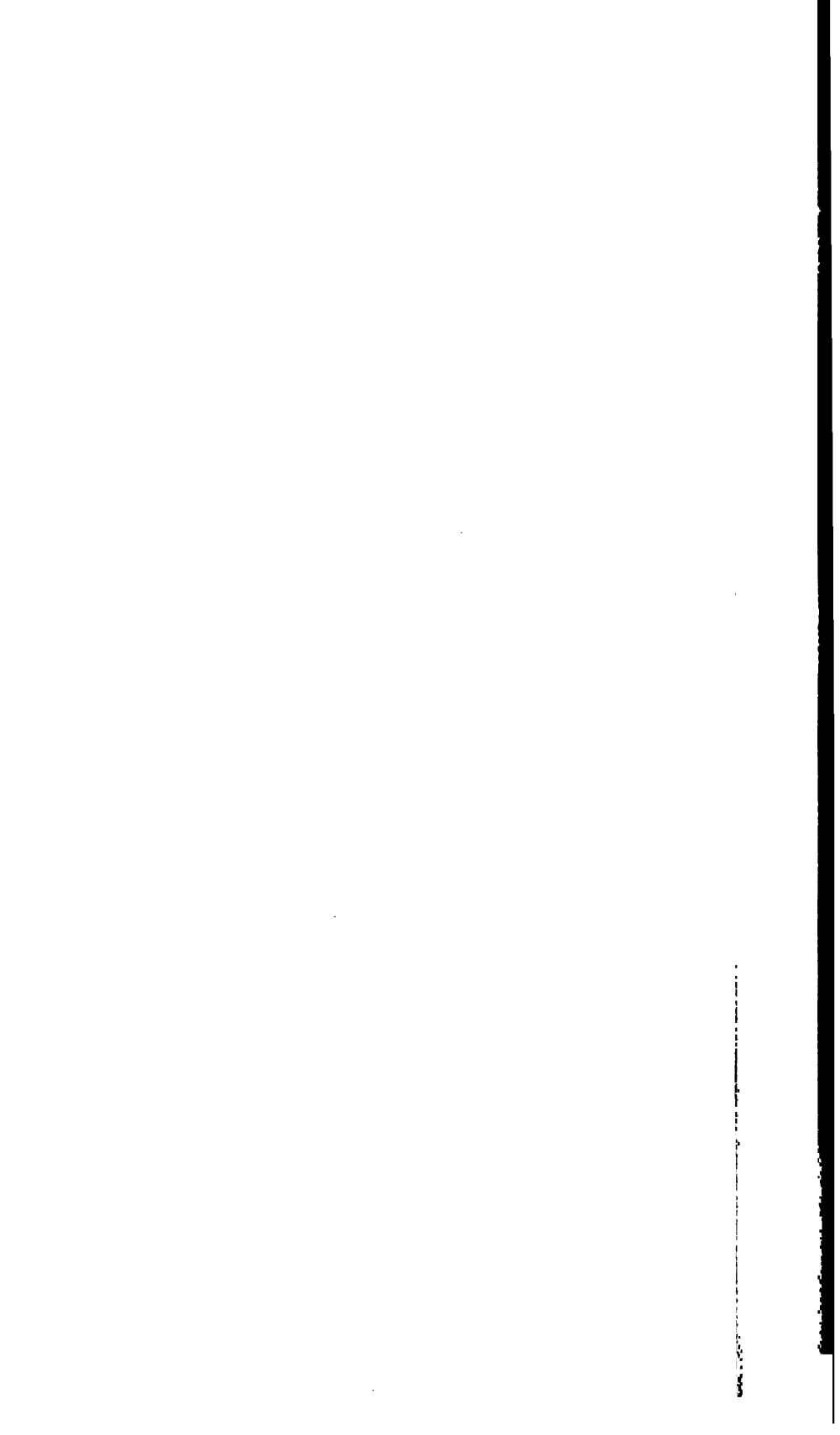
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DISCOURSE
DELIVERED BEFORE THE
FACULTY, STUDENTS, AND ALUMNI
OF
DARTMOUTH COLLEGE,
ON
THE DAY PRECEDING COMMENCEMENT, JULY 27, 1853,
COMMEMORATIVE OF
DANIEL WEBSTER.

BY
RUFUS CHOATE.

—
PUBLISHED BY REQUEST.
—

BOSTON AND CAMBRIDGE:
JAMES MUNROE AND COMPANY.
1853.



THE SCHOOL OF LAW



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DISCOURSE.

It would be a strange neglect of a beautiful and approved custom of the schools of learning, and of one of the most pious and appropriate of the offices of literature, if the college in which the intellectual life of Daniel Webster began, and to which his name imparts charm and illustration, should give no formal expression to her grief in the common sorrow; if she should not draw near, of the most sad, in the procession of the bereaved, to the tomb at the sea, nor find, in all her classic shades, one affectionate and grateful leaf to set in the garland with which they have bound the brow of her child, the mightiest departed. Others mourn and praise him by his more distant and more general titles to fame and remembrance; his supremacy of intellect, his statesmanship of so many years, his eloquence of reason and of the heart, his love of country incorruptible, conscientious, and ruling every hour and act; that greatness combined of genius, of character, of manner, of place, of achievement, which was just now among us, and is not, and yet lives still and evermore. You come, his cherishing mother, to own a closer tie, to indulge an emotion more personal

and more fond, — grief and exultation contending for mastery, as in the bosom of the desolated parent, whose tears could not hinder him from exclaiming, “I would not exchange my dead son for any living one of Christendom.”

Many places in our American world have spoken his eulogy. To all places the service was befitting, for “his renown, is it not of the treasures of the whole country?” To some it belonged, with a strong local propriety, to discharge it. In the halls of Congress, where the majestic form seems ever to stand and the deep tones to linger, the decorated scene of his larger labors and most diffusive glory ; in the courts of law, to whose gladsome light he loved to return, — putting on again the robes of that profession ancient as magistracy, noble as virtue, necessary as justice, — in which he found the beginning of his honors ; in Faneuil Hall, whose air breathes and burns of him ; in the commercial cities, to whose pursuits his diplomacy secured a peaceful sea ; in the cities of the inland, around whom his capacious public affections, and wise discernment, aimed ever to develop the uncounted resources of that other, and that larger, and that newer America ; in the pulpit, whose place among the higher influences which exalt a state, our guide in life, our consolation in death, he appreciated profoundly, and vindicated by weightiest argument and testimony, of whose offices, it is among the fittest, to mark and point the moral of the great things of the world, the excellency of dignity, and the excellency of power passing away as the pride of the wave, — passing from our

eye to take on immortality ; in these places, and such as these, there seemed a reason beyond, and other, than the universal calamity, for such honors of the grave. But if so, how fit a place is this for such a service ! We are among the scenes where the youth of Webster awoke first, and fully, to the life of the mind. We stand, as it were, at the sources, physical, social, moral, intellectual, of that exceeding greatness. Some now here saw that youth ; almost it was yours, Nilum *parvum* videre. Some, one of his instructors certainly, some possibly of his class mates, or nearest college friends, some of the books he read, some of the apartments in which he studied, are here. We can almost call up from their habitation in the past, or in the fancy, the whole spiritual circle which environed that time of his life ; the opinions he had embraced ; the theories of mind, of religion, of morals, of philosophy, to which he had surrendered himself ; the canons of taste and criticism which he had accepted ; the great authors whom he loved best ; the trophies which began to disturb his sleep ; the facts of history which he had learned, believed, and begun to interpret ; the shapes of hope and fear in which imagination began to bring before him the good and evil of the future. Still the same outward world is around you, and above you. The sweet and solemn flow of the river gleaming through intervales here and there ; margins and samples of the same old woods, but thinned and retiring ; the same range of green hills yonder, tolerant of culture to the top, but shaded then by primeval forests, on whose crest the last rays of sunset lingered ;

the summit of Ascutney; the great northern light that never sets; the constellations that walk around, and watch the pole; the same nature, undecayed, unchanging, is here. Almost, the idolatries of the old paganism grow intelligible. "*Magnorum fluminum capita veneramur,*" exclaims Seneca. "*Subita et ex abrupto vasti amnis eruptio aras habet!*" We stand at the fountain of a stream; we stand rather at the place where a stream, sudden, and from hidden springs, bursts to light; and whence we can follow it along and down, as we might our own Connecticut, and trace its resplendent pathway to the sea; and we venerate, and would almost build altars here. If I may adapt the lofty language of one of the admirers of William Pitt, we come naturally to this place, as if we could thus recall every circumstance of splendid preparation which contributed to fit the great man for the scene of his glory. We come, as if better here than elsewhere, "we could watch, fold by fold, the bracing on of his Vulcanian panoply, and observe with pleased anxiety, the leading forth of that chariot which, borne on irresistible wheels, and drawn by steeds of immortal race, is to crush the necks of the mighty, and sweep away the serried strength of armies."

And therefore it were fitter that I should ask of you, than speak to you, concerning him. Little indeed anywhere can be added now to that wealth of eulogy that has been heaped upon his tomb. Before he died even, renowned in two hemispheres, in ours he seemed to be known with a universal nearness of knowledge. He walked so long and so conspicuously before the general

eye; his actions, his opinions, on all things, which had been large enough to agitate the public mind for the last thirty years and more, had had importance and consequences so remarkable — anxiously waited for, passionately canvassed, not adopted always into the particular measure, or deciding the particular vote of government or the country, yet sinking deep into the reason of the people — a stream of influence whose fruits it is yet too soon for political philosophy to appreciate completely; an impression of his extraordinary intellectual endowments, and of their peculiar superiority in that most imposing and intelligible of all forms of manifestation, the moving of others' minds by speech — this impression had grown so universal and fixed, and it had kindled curiosity to hear him and read him, so wide and so largely indulged; his individuality altogether was so absolute and so pronounced, the force of will no less than the power of genius; the exact type and fashion of his mind, not less than its general magnitude, were so distinctly shown through his musical and transparent style; the exterior of the man, the grand mystery of brow and eye, the deep tones, the solemnity, the sovereignty, as of those who would build states, "where every power and every grace did seem to set its seal," had been made, by personal observation, by description, by the exaggeration even of those who had felt the spell, by art, the daguerreotype, and picture, and statue, so familiar to the American eye, graven on the memory like the Washington of Stuart; the narrative of the mere incidents of his life had been so often told — by some so authenti-

cally, and with such skill—and had been so literally committed to heart, that when he died there seemed to be little left but to say when and how his change came; with what dignity, with what possession of himself, with what loving thought for others, with what gratitude to God, uttered with unfaltering voice, that it was appointed to him there to die; to say how thus, leaning on the rod and staff of the promise, he took his way into the great darkness undismayed, till death should be swallowed up of life; and then to relate how they laid him in that simple grave, and turning and pausing and joining their voices to the voices of the sea, bade him hail and farewell.

And yet I hardly know what there is in public biography, what there is in literature, to be compared, in its kind, with the variety and beauty and adequacy of the series of discourses through which the love and grief, and deliberate and reasoning admiration of America for this great man, have been uttered. Little, indeed, there would be for me to say, if I were capable of the light ambition of proposing to omit all which others have said on this theme before,—little to add if I sought to say any thing wholly new.

I have thought, perhaps the place where I was to speak suggested the topic, that before we approach the ultimate and historical greatness of Mr. Webster, in its two chief departments, and attempt to appreciate by what qualities of genius and character, and what succession of action he attained it, there might be an interest in going back of all this, so to say, and pausing

a few moments upon his youth. I include in that designation the period from his birth, on the eighteenth day of January, 1782, until 1805, when, twenty-three years of age, he declined the clerkship of his father's court, and dedicated himself irrevocably to the profession of the law, and the chances of a summons to less or more of public life. These twenty-three years we shall call the youth of Webster. Its incidents are few and well known, and need not long detain us.

Until May, 1796, beyond the close of his fourteenth year, he lived at home, attending the schools of masters Chase and Tappan, successively; at work sometimes and sometimes at play like any boy; but finding already, as few beside him did, the stimulations and the food of intellectual life in the social library; drinking in, unawares, from the moral and physical aspects about him, the lesson and the power of contention and self-trust; and learning how much grander than the forest bending to the long storm; or the silver and cherishing Merrimack swollen to inundation, and turning, as love become madness, to ravage the subject interval; or old woods sullenly retiring before axe and fire — learning to feel how much grander than these was the coming in of civilization as there he saw it, courage, labor, patience, plain living, heroical acting, high thinking, beautiful feeling, the fear of God, love of country, and neighborhood, and family, and all that form of human life of which his father, and mother, and sisters, and brother, were the endeared exemplification. In the arms of that circle, on parent knees, or later, in inter-

vals of work or play, the future American Statesman acquired the idea of country, and became conscious of a national tie and a national life. There and then, something, glimpses, a little of the romance, the sweet and bitter memories of a soldier and borderer of the old colonial time and war, opened to the large dark eyes of the child; memories of French and Indians stealing up to the very place where the story was telling; of men shot down at the plough, within sight of the old log house; of the massacre at Fort William and ^{Howe's} ~~Mary's~~ of Stark, of Howe, of Wolfe falling in the arms of victory; and then of the next age, its grander scenes and higher names; of the father's part at Bennington and White Plains; of Lafayette and Washington; and then of the Constitution, just adopted, and the first President, just inaugurated, with services of public thanksgiving to Almighty God, and the union just sprung into life, all radiant as morning, harbinger and promise of a brighter day. You have heard how in that season he bought and first read the Constitution on the cotton handkerchief. A small cannon, I think his biographers say, was the ominous plaything of Napoleon's childhood. But this incident reminds us rather of the youthful Luther, astonished and kindling over the first Latin Bible he ever saw — or the still younger Pascal, permitted to look into the Euclid, to whose sublimities an irresistible nature had secretly attracted him. Long before his fourteenth year, the mother first, and then the father, and the teachers and the schools and the little neighborhood, had discovered an extra-

ordinary hope in the boy; a purpose, a dream, not yet confessed, of giving him an education began to be cherished, and in May, 1796, at the age of a little more than fourteen, he was sent to Exeter. I have myself heard a gentleman, long a leader of the Essex bar, and eminent in public life, now no more, who was then a pupil at the school, describe his large frame, superb face, immature manners, and rustic dress, surmounted with a student's gown, when first he came; and say, too, how soon and universally his capacity was owned. Who does not wish that the glorious Buckminster could have foreseen and witnessed the whole greatness, but certainly the renown of eloquence, which were to come to the young stranger, whom, choking, speechless, the great fountain of feelings sealed as yet, he tried in vain to encourage to declaim before the unconscious, bright tribes of the school? The influences of Exeter on him were excellent, but his stay was brief. In the winter of 1796 he was at home again, and in February, 1797, he was placed under the private tuition, and in the family of, Rev. Mr. Wood, of Boscawen. It was on the way with his father, to the house of Mr. Wood, that he first heard with astonishment, that the parental love and good sense had resolved on the sacrifice of giving him an education at college. "I remember," he writes, "the very hill we were ascending, through deep snows, in a New England sleigh, when my father made his purpose known to me. I could not speak. How could he, I thought, with so large a family, and in such narrow circumstances, think of incurring so great an

expense for me? A warm glow ran all over me, and I lay my head on my father's shoulder and wept." That speechlessness, that glow, those tears reveal to us what his memory and consciousness could hardly do to him, that already, somewhere, at some hour of day or evening or night, as he read some page, or heard some narrative, or saw some happier schoolfellow set off from Exeter to begin his college life, the love of intellectual enjoyment, the ambition of intellectual supremacy had taken hold of him; that, when or how he knew not, but before he was aware of it, the hope of obtaining a liberal education and leading a professional life had come to be his last thought before he slept; his first when he awoke; and to shape his dreams. Behold in them, too, his whole future. That day, that hour, that very moment, from the deep snows of that slow hill he set out on the long ascent that bore him — "no step backward" — to the high places of the world! He remained under the tuition of Mr. Wood until August, 1796, and then entered this college, where he was, at the end of the full term of four years, graduated in 1801. Of that college life you can tell me more than I can tell you. It is the universal evidence that it was distinguished by exemplary demeanor, by reverence for religion, respect for instructors, and observance of law. We hear from all sources, too, that it was distinguished by assiduous and various studies. With the exception of one or two branches, for which his imperfect preparation had failed to excite a taste, he is reported to have addressed himself to the pre-

scribed tasks, and to have availed himself of the whole body of means of liberal culture appointed by the government, with decorum and conscientiousness and zeal. We hear more than this. The whole course of traditions concerning his college life is full to prove two facts. The first is, that his reading, general and various far beyond the requirements of the faculty, or the average capacity of that stage of the literary life, was not solid and useful merely, which is vague commendation, but it was such as predicted and educated the future statesman. In English literature, its finer parts, its poetry and tasteful reading, I mean, he had read much rather than many things, but he had read somewhat. That a young man of his emotional nature, full of eloquent feeling, the germs of a fine taste, the ear for the music of words, the eye for all beauty and all sublimity already in extraordinary measure his, already practising the art of composition, speech, and criticism, should have recreated himself, as we know he did, with Shakespeare, and Pope, and Addison; with the great romance of Defoe; with the more recent biographies of Johnson, and his grand imitations of Juvenal; with the sweet and refined simplicity and abstracted observation of Goldsmith, mingled with sketches of homefelt delight; with the elegy of Gray, whose solemn touches soothed the thoughts or tested the consciousness of the last hour; with the vigorous originality of the then recent Cowper, whom he quoted when he came home, as it proved, to die — this we should have expected. But I have heard, and believe, that it was to another

institution, more austere and characteristic, that his own mind was irresistibly and instinctively even then attracted. The conduct of what Locke calls the human understanding; the limits of human knowledge; the means of coming to the knowledge of the different classes of truth; the laws of thought; the science of proofs which is logic; the science of morals; the facts of history; the spirit of laws; the conduct and aims of reasonings in politics—these were the strong meat that announced and began to train the great political thinker and reasoner of a later day.

I have heard that he might oftener be found in some solitary seat or walk, with a volume of Gordon's or Ramsay's Revolution, or of the Federalist, or of Hume's History of England, or of his Essays, or of Grotius, or Puffendorf, or Cicero, or Montesquieu, or Locke, or Burke, than with Virgil, or Shakespeare, or the Spectator. Of the history of opinions, in the department of philosophy, he was already a curious student. The oration he delivered before the United Fraternity, when he was graduated, treated that topic of opinion, under some aspects, as I recollect from once reading the manuscript, with copiousness, judgment, and enthusiasm; and some of his ridicule of the Berkleian theory of the non-existence of matter, I well remember, anticipated the sarcasm of a later day on a currency all metallic, and on nullification as a strictly constitutional remedy.

The other fact, as well established, by all we can gather of his life in College, is, that the faculty, so transcendent afterwards, of moving the minds of men by

speech, was already developed and effective in a remarkable degree. Always there is a best writer and speaker or two in College; but this stereotyped designation seems wholly inadequate to convey the impression he made in his time. Many, now alive, have said that some of his performances, having regard to his youth, his objects, his topics, his audience — one on the celebration of Independence, one a eulogy on a student much beloved — produced an instant effect, and left a recollection, to which nothing else could be compared; which could be felt and admitted only, not explained; but which now they know were the first sweet tones of inexplicable but delightful influence, of that voice, unconfirmed as yet, and unassured, whose more consummate expression charmed and suspended the soul of a nation. To read these essays now disappoints you somewhat. As Quintillian says of Hortensius, *Apparet placuisse aliquid eo dicente quod legentes non invenimus*. Some spell there was in the spoken word which the reader misses. To find the secret of that spell, you must recall the youth of Webster. Beloved fondly, and appreciated by that circle, as much as by any audience, larger, more exacting, more various, and more fit, which afterwards he found anywhere; known to be manly, just, pure, generous, affectionate; known and felt by his strong will, his high aims, his commanding character, his uncommon and difficult studies; he had every heart's warmest good wish with him when he rose; and then, when — unchecked by any very severe theory of taste, unoppressed by any dread of saying something incompatible with his

place and fame, or unequal to himself—he just unlocked the deep spring of that eloquent feeling, which, in connection with his power of mere intellect, was such a stupendous psychological mystery, and gave heart and soul, not to the conduct of an argument, or the investigation and display of a truth of the reason, but to a fervid, beautiful, and prolonged emotion, to grief, to eulogy, to the patriotism of scholars—why need we doubt or wonder, as they looked on that presiding brow, the eye large, sad, unworldly, incapable to be fathomed, the lip and chin, whose firmness as of chiselled, perfect marble, profoundest sensibility alone caused ever to tremble, why wonder at the traditions of the charm which they owned; and the fame which they even then predicted?

His college life closed in 1801. For the statement that he had thought of selecting the profession of theology, the surviving members of his family, his son and his brother-in-law, assure me that there is no foundation. Certainly, he began at once the study of the law, and interrupted only by the necessity of teaching an academy a few months, with which he united the recreation of recording deeds, he prosecuted it at Salisbury in the office of Mr. Thompson, and at Boston in the office of Mr. Gore, until March, 1805, when, resisting the sharp temptation of a clerkship, and an annual salary of fifteen hundred dollars, he was admitted to the bar.

And so he has put on the robe of manhood, and has come to do the work of life. Of his youth there is no need to say more. It had been pure, happy, strenuous;

in many things privileged. The influence of home, of his father, and the excellent mother, and that noble brother, whom he loved so dearly, and mourned with such sorrow — these influences on his heart, principles, will, aims, were elevated and strong. At an early age, comparatively, the then great distinction of liberal education was his. His college life was brilliant and without a stain; and in moving his admission to the bar, Mr. Gore presented him as one of extraordinary promise.

With prospects bright, upon the world he came —
 Pure love of virtue, strong desire of fame;
 Men watched the way his lofty mind would take,
 And all foretold the progress he would make.

And yet, if on some day as that season was drawing to its close, it had been foretold to him, that before his life — prolonged to little more than threescore years and ten — should end, he should see that country, in which he was coming to act his part, expanded across a continent; the thirteen states of 1801 multiplied to thirty-one; the territory of the Northwest and the great valley below sown full of those stars of empire; the Mississippi forded, and the Sabine, and Rio Grande, and the Nueces; the ponderous gates of the Rocky Mountains opened to shut no more; the great tranquil sea become our sea; her area seven times larger, her people five times more in number; that through all experiences of trial, the madness of party, the injustice of foreign powers, the vast enlargement of her borders, the antagonisms of interior interest and feeling — the spirit of nationality

would grow stronger still and more plastic ; that the tide of American feeling would run ever fuller ; that her agriculture would grow more scientific ; her arts more various and instructed, and better rewarded ; her commerce winged to a wider and still wider flight ; that the part she would play in human affairs would grow nobler ever, and more recognized ; that in this vast growth of national greatness time would be found for the higher necessities of the soul ; that her popular and her higher education would go on advancing ; that her charities and all her enterprises of philanthropy would go on enlarging ; that her age of lettered glory should find its auspicious dawn — and then it had been also foretold him that even so, with her growth and strength, should his fame grow and be established and cherished, there where she should garner up her heart ; that by long gradations of service and labor he should rise to be, before he should taste of death, of the peerless among her great ones ; that he should win the double honor, and wear the double wreath of professional and public supremacy ; that he should become her wisest to counsel and her most eloquent to persuade ; that he should come to be called the Defender of the Constitution and the preserver of honorable peace ; that the “ austere glory of suffering ” to save the Union should be his ; that his death, at the summit of greatness, on the verge of a ripe and venerable age, should be distinguished, less by the flags at half-mast on ocean and lake, less by the minute-gun, less by the public procession, and the appointed eulogy, than by sudden paleness overspreading all faces, by gushing tears, by sorrow, thought-

ful, boding, silent, the sense of desolateness, as if renown and grace were dead — as if the hunter's path, and the sailor's in the great solitude of wilderness or sea, henceforward were more lonely and less safe than before — had this prediction been whispered, how calmly had that perfect sobriety of mind put it all aside as a pernicious or idle dream! Yet, in the fulfilment of that prediction is told the remaining story of his life.

It does not come within the plan which I have marked out for this discourse to repeat the incidents of that subsequent history. The more conspicuous are known to you and the whole American world. Minuter details the time does not permit, nor the occasion require. Some quite general views of what he became and achieved; some attempt to appreciate that intellectual power, and force of will, and elaborate culture, and that power of eloquence, so splendid and remarkable, by which he wrought his work; some tribute to the endearing and noble parts of his character; and some attempt to vindicate the political morality by which his public life was guided, even to its last great act, are all that I propose, and much more than I can hope worthily to accomplish.

In coming, then, to consider what he became and achieved, I have always thought it was not easy to lay too much stress, in the first place, on that realization of what might have been regarded incompatible forms of superiority, and that exemplification of what might have been regarded incompatible gifts or acquirements — “rare in their separate excellence, wonderful in their

special combination" — which meet us in him everywhere. Remark, first, that eminence, rare, if not unprecedented, of the first rate, in the two substantially distinct and unkindred professions — that of the law, and that of public life. In surveying that ultimate and finished greatness in which he stands before you in his full stature and at his best, this double and blended eminence is the first thing that fixes the eye, and the last. When he died he was first of American lawyers, and first of American statesmen. In both characters he continued — discharging the foremost part in each, down to the falling of the awful curtain. Both characters he kept distinct — the habits of mind, the forms of reasoning, the nature of the proofs, the style of eloquence. Neither hurt nor changed the other. How much his understanding was "quickenened and invigorated" by the law, I have often heard him acknowledge and explain. But how, in spite of the law, was that mind, by other felicity, and other culture, "opened and liberalized" also! How few of what are called the bad intellectual habits of the bar he carried into the duties of statesmanship! His interpretations of the constitution and of treaties; his expositions of public law — how little do you find in them, where, if anywhere, you would expect it, of the mere ingenuity, the moving of "vermiculate questions," the word-catching, the scholastic subtlety which, in the phrase of his memorable quotation,

"Can sever and divide
A hair 'twixt north and north-west side," —

ascribed by satire to the profession; and how much of its truer function, and nobler power, of calling, history, language, the moral sentiments, reason, common sense, the high spirit of magnanimous nationality, to the search of truth! How little do we find in his politics of another bad habit of the profession, the worst "idol of the cave," a morbid, unreasoning, and regretful passion for the past, that bends and weeps over the stream, running irreversibly, because it will not return, and will not pause, and gives back to vanity every hour a changed and less beautiful face! We ascribe to him certainly a sober and conservative habit of mind, and such he had. Such a habit the study and practice of the law doubtless does not impair. But his was my Lord Bacon's conservatism. He held with him, "that antiquity deserveth this reverence, that men should make a stand thereupon, and discover what is the best way; but when the discovery is well taken, then to make progression." He would keep the Union according to the Constitution, not as a relic, a memorial, a tradition — not for what it has done, though that kindled his gratitude and excited his admiration — but for what it is now and hereafter to do, when adapted by a wise practical philosophy to a wider and higher area, to larger numbers, to severer and more glorious probation. Who better than he has grasped and displayed the advancing tendencies and enlarging duties of America? Who has caught — whose eloquence, whose genius, whose counsels, have caught more adequately the genuine inspiration of our destiny? Who has better expounded by what moral and pruden-

tial policy, by what improved culture of heart and reason, by what true worship of God, by what good faith to all other nations, the dangers of that destiny may be disarmed, and its large promise laid hold on?

And while the lawyer did not hurt the statesman, the statesman did not hurt the lawyer. More; the statesman did not modify, did not unrobe, did not tinge, the lawyer. It would not be to him that the epigram could have application, where the old Latin satirist makes the client complain that his lawsuit is concerning *tres capellæ* — three kids; and that his advocate with large disdain of them, is haranguing with loud voice and both hands, about the slaughters of Cannæ, the war of Mithridates, the perjuries of Hannibal. I could never detect that in his discussions of law he did not just as much recognize authority, just as anxiously seek for adjudications old and new in his favor, just as closely sift them and collate them, that he might bring them to his side if he could, or leave them ambiguous and harmless if he could not; that he did not just as rigorously observe the peculiar mode which that science employs in passing from the known to the unknown, the peculiar logic of the law, as if he had never investigated any other than legal truth by any other organon than legal logic in his life. Peculiarities of legal reasoning he certainly had, belonging to the peculiar structure and vast power of his mind; more original thought, more discourse of principles, less of that mere subtlety of analysis, which is not restrained by good sense, and the higher power of duly tempering and combining one truth in a practical sci-

ence with other truths, from absurdity or mischief, but still it was all strict and exact legal reasoning. The long habit of employing the more popular methods, the probable and plausible conjectures, the approximations, the compromises of deliberative discussion, did not seem to have left the least trace on his vocabulary, or his reasonings, or his demeanor. No doubt, as a part of his whole culture, it helped to give enlargement and general power and elevation of mind; but the sweet stream passed under the bitter sea, the bitter sea pressed on the sweet stream, and each flowed unmingled, unchanged in taste or color.

I have said that this double eminence is rare, if not unprecedented. We do no justice to Mr. Webster, if we do not keep this ever in mind. How many exemplifications of it do you find in British public life? The Earl of Chatham, Burke, Fox, Sheridan, Windham, Pitt, Grattan, Canning, Peel — were they also, or any one, the acknowledged leader in Westminster Hall or on the circuit? And, on the other hand, would you say that the mere parliamentary career of Mansfield, or Thurlow, or Dunning, or Erskine, or Camden, or Curran, would compare in duration, constancy, variety of effort, the range of topics discussed, the fulness, extent and affluence of the discussion, the influence exerted, the space filled, the senatorial character completely realized — with his? In our own public life it is easier to find a parallel. Great names crowd on us in each department; greater, or more loved, or more venerable, no annals can show.

But how few, even here, have gathered the double wreath, and the blended fame!

And now, having observed the fact of this combination of quality and excellence scarcely compatible, inspect for a moment each by itself.

The professional life of Mr. Webster began in the spring of 1805. It may not be said to have ended until he died; but I do not know that it happened to him to appear in court, for the trial of a cause, after his argument of the Goodyear patent for improvements in the preparation of India Rubber, in Trenton, in March, 1852.

There I saw, and last heard him. The thirty-four years which had elapsed since, a member of this College, at home for health, I first saw and heard him in the Supreme Court of Massachusetts, in the county of Essex, defending Jackman, accused of the robbery of Goodrich, had in almost all things changed him. The raven hair, the vigorous, full frame and firm tread, the eminent but severe beauty of the countenance, not yet sealed with the middle age of man, the exuberant demonstration of all sorts of power, which so marked him at first—for these, as once they were, I explored in vain. Yet how far higher was the interest that attended him now: his sixty-nine years robed, as it were, with honor and with love, with associations of great service done to the state, and of great fame gathered and safe; and then the perfect mastery of the cause in its legal and scientific principles, and in

all its facts; the admirable clearness and order in which his propositions were advanced successively; the power, the occasional high ethical tone, the appropriate eloquence, by which they were made probable and persuasive to the judicial reason, these announced the leader of the American bar, with every faculty and every accomplishment by which he had won that proud title, wholly unimpaired; the eye not dim nor the natural force abated.

I cannot here and now trace, with any minuteness, the course of Mr. Webster at the bar during these forty-eight years from the opening of his office in Boscawen; nor convey any impression whatever of the aggregate of labor which that course imposed; or of the intellectual power which it exacted; nor indicate the stages of his rise; nor define the time when his position at the summit of the profession may be said to have become completely vindicated. You know, in general, that he began the practice of the law in New Hampshire in the spring of 1805; that he prosecuted it, here, in its severest school, with great diligence, and brilliant success, among competitors of larger experience and of consummate ability, until 1816: that he then removed to Massachusetts, and that there, in the courts of that State, and of other States, and in those of the general government, and especially in the Supreme Court sitting at Washington, he pursued it as the calling by which he was to earn his daily bread, until he died. You know indeed that he did not pursue it exactly as one pursues it who confines himself

to an office ; and seeks to do the current and miscellaneous business of a single bar. His professional employment, as I have often heard him say, was very much the preparation of opinions on important questions, presented from every part of the country ; and the trial of causes. This kind of professional life allowed him seasonable vacations ; and it accommodated itself somewhat to the exactions of his other and public life. But it was all one long and continued practice of the law ; the professional character was never put off ; nor the professional robe long unworn to the last.

You know, too, his character as a jurist. This topic has been recently and separately treated, with great ability, by one in a high degree competent to the task ; the late learned Chief Justice of New Hampshire, now Professor of Law at Cambridge ; and it needs no additional illustration from me. Yet, let me say, that herein, also, the first thing which strikes you is the union of diverse, and, as I have said, what might have been regarded incompatible excellences. I shall submit it to the judgment of the universal American bar, if a carefully prepared opinion of Mr. Webster, on any question of law whatever in the whole range of our jurisprudence, would not be accepted everywhere as of the most commanding authority, and as the highest evidence of legal truth ? I submit it to that same judgment, if for many years before his death, they would not have rather chosen to intrust the maintenance and enforcement of any important proposition of law what-

ever, before any legal tribunal of character whatever, to his best exertion of his faculties, than to any other ability which the whole wealth of the profession could supply?

And this alone completes the description of a lawyer and a forensic orator of the first rate; but it does not complete the description of his professional character. By the side of all this, so to speak, there was that whole class of qualities which made him for any description of trial by jury whatever, criminal or civil, by even a more universal assent, foremost. For that form of trial no faculty was unused or needless; but you were most struck there to see the unrivalled legal reason put off, as it were, and reappear in the form of a robust common sense and eloquent feeling, applying itself to an exciting subject of business; to see the knowledge of men and life by which the falsehood and veracity of witnesses, the probabilities and improbabilities of transactions as sworn to, were discerned in a moment; the direct, plain, forcible speech; the consummate narrative, a department which he had particularly cultivated, and in which no man ever excelled him; the easy and perfect analysis by which he conveyed his side of the cause to the mind of the jury; the occasional gush of strong feeling, indignation, or pity; the masterly, yet natural way, in which all the moral emotions of which his cause was susceptible, were called to use, the occasional sovereignty of dictation to which his convictions seemed spontaneously to rise. His efforts in trials by jury compose a more traditional and evanescent part of his pro-

fessional reputation than his arguments on questions of law ; but I almost think they were his mightiest professional displays, or displays of any kind, after all.

One such I stood in a relation to witness with a comparatively easy curiosity, and yet with intimate and professional knowledge of all the embarrassments of the case. It was the trial of John Francis Knapp, charged with being present, aiding, and abetting in the murder of Joseph White, in which Mr. Webster conducted the prosecution for the Commonwealth ; in the same year with his reply to Mr. Hayne, in the Senate ; and a few months later ; and when I bring to mind the incidents of that trial : the necessity of proving that the prisoner was near enough to the chamber in which the murder was being committed by another hand to aid in the act ; and was there with the intention to do so, and thus in point of law did aid in it—because mere accessorial guilt was not enough to convict him ; the difficulty of proving this—because the nearest point to which the evidence could trace him was still so distant as to warrant a pretty formidable doubt whether mere curiosity had not carried him thither ; and whether he could in any useful, or even conceivable manner have coöperated with the actual murderer, if he had intended to do so ; and because the only mode of rendering it probable that he was there with a purpose of guilt was by showing that he was one of the parties to a conspiracy of murder, whose very existence, actors, and objects, had to be made out by the collation of the widest possible range of circumstances—some of them pretty loose—

and even if he was a conspirator it did not quite necessarily follow that any active participation was assigned to him for his part, any more than to his brother, who, confessedly took no such part—the great number of witnesses to be examined and cross-examined, a duty devolving wholly on him; the quick and sound judgment demanded and supplied to determine what to use and what to reject of a mass of rather unmanageable materials; the points in the law of evidence to be argued—in the course of which he made an appeal to the Bench on the complete impunity which the rejection of the prisoner's confession would give to the murder, in a style of dignity and energy, I should rather say, of grandeur which I never heard him equal before or after; the high ability and fidelity with which every part of the defence was conducted; and the great final summing up to which he brought, and in which he needed, the utmost exertion of every faculty he possessed to persuade the jury that the obligation of that duty the sense of which, he said, “pursued us ever: it is omnipresent like the Deity: if we take the wings of the morning and dwell in the uttermost parts of the sea, duty performed or duty violated is still with us for our happiness or misery”—to persuade them that this obligation demanded that on his proofs they should convict the prisoner: to which he brought first the profound belief of his guilt, without which he could not have prosecuted him; then skill consummate in inspiring them with a desire or a willingness to be instrumental in detecting that guilt; and to lean on him in the effort to

detect it; then every resource of professional ability to break the force of the propositions of the defence, and to establish the truth of his own: inferring a conspiracy to which the prisoner was a party, from circumstances acutely ridiculed by the able counsel opposing him as "Stuff" — but woven by him into strong and uniform tissue; and then bridging over from the conspiracy to the not very necessary inference that the particular conspirator on trial was at his post, in execution of it, to aid and abet — the picture of the murder with which he begun — not for rhetorical display, but to inspire solemnity, and horror, and a desire to detect and punish for justice and for security; the sublime exhortation to duty with which he closed — resting on the universality, and authoritativeness and eternity of its obligation — which left in every juror's mind the impression that it was the duty of convicting in this particular case the sense of which would be with him in the hour of death, and in the judgment, and forever — with these recollections of that trial I cannot help thinking it a more difficult and higher effort of mind than that more famous "Oration for the Crown."

It would be not unpleasing nor inappropriate to pause, and recall the names of some of that succession of competitors by whose rivalry the several stages of his professional life were honored and exercised; and of some of the eminent judicial persons who presided over that various and high contention. Time scarcely permits this; but in the briefest notice I must take occasion to say that perhaps the most important influence — cer-

tainly the most important early influence — on his professional traits and fortunes, was that exerted by the great general abilities, impressive character, and legal genius of Mr. Mason. Who he was you all know. How much the jurisprudence of New Hampshire owes to him; what deep traces he left on it; how much he did to promote the culture, and to preserve the integrity of the old common law; to adapt it to your wants, and your institutions; and to construct a system of practice by which it was administered with extraordinary energy and effectiveness for the discovery of truth, and the enforcement of right; you of the legal profession of this state will ever be proud to acknowledge. Another forum in a neighboring commonwealth, witnessed and profited by the last labors, and enlarged studies of the consummate lawyer and practiser; and at an earlier day the Senate, the country, had recognized his vast practical wisdom and sagacity, the fruit of the highest intellectual endowments, matured thought, and profound observation; his fidelity to the obligations of that party connection to which he was attached; his fidelity through all his life, still more conspicuous, and still more admirable, to the higher obligations of a considerate and enlarged patriotism. He had been more than fourteen years at the bar, when Mr. Webster came to it; he discerned instantly what manner of man his youthful competitor was; he admitted him to his intimate friendship; and paid him the unequivocal compliment, and did him the real kindness of compelling him to the utmost exertion of his diligence and capacity by calling out against

him all his own. "The proprieties of this occasion" — these are Mr. Webster's words in presenting the resolutions of the Suffolk Bar upon Mr. Mason's death — "compel me, with whatever reluctance, to refrain from the indulgence of the personal feelings which arise in my heart upon the death of one with whom I have cultivated a sincere, affectionate, and unbroken friendship from the day when I commenced my own professional career to the closing hour of his life. I will not say of the advantages which I have derived from his intercourse and conversation all that Mr. Fox said of Edmund Burke, but I am bound to say, that of my own professional discipline and attainments, whatever they may be, I owe much to that close attention to the discharge of my duties which I was compelled to pay for nine successive years, from day to day, by Mr. Mason's efforts and arguments at the same bar. I must have been unintelligent indeed, not to have learned something from the constant displays of that power which I had so much occasion to see and feel."

I reckon next to his, for the earlier time of his life, the influence of the learned and accomplished Smith; and next to these — some may believe greater — is that of Mr. Justice Story. That extraordinary person had been admitted to the bar in Essex in Massachusetts in 1801; and he was engaged in many trials in the county of Rockingham in this state before Mr. Webster had assumed his own established position. Their political opinions differed; but such was his affluence of knowledge already; such his stimulant enthusiasm; he was

burning with so incredible a passion for learning, and fame, that the influence on the still young Webster was instant ; and it was great and permanent. It was reciprocal too ; and an intimacy began that attended the whole course of honor through which each, in his several sphere, ascended. Parsons he saw, also, but rarely ; and Dexter oftener, and with more nearness of observation, while yet laying the foundation of his own mind and character ; and he shared largely in the universal admiration of that time, and of this, of their attainments, and genius, and diverse greatness.

As he came to the grander practice of the national bar, other competition was to be encountered. Other names begin to solicit us ; other contention ; higher prizes. It would be quite within the proprieties of this discourse to remember the parties, at least, to some of the higher causes, by which his ultimate professional fame was built up ; even if I could not hope to convey any impression of the novelty and difficulty of the questions which they involved, or of the positive addition which the argument, and judgment, made to the treasures of our constitutional and general jurisprudence. But there is only one of which I have time to say any thing, and that is the case which established the inviolability of the charter of Dartmouth College by the Legislature of the State of New Hampshire. Acts of the Legislature, passed in the year 1816, had invaded its charter. A suit was brought to test their validity. It was tried in the Supreme Court of the State ; a judgment was given against the College, and

this was appealed to the Supreme Federal Court by writ of error. Upon solemn argument the charter was decided to be a contract whose obligation a State may not impair; the acts were decided to be invalid as an attempt to impair it, and you hold your charter under that decision to-day. How much Mr. Webster contributed to that result, how much the effort advanced his own distinction at the bar, you all know. Well, as if of yesterday, I remember how it was written home from Washington, that "Mr. Webster closed a legal argument of great power by a peroration which charmed and melted his audience." Often since I have heard vague accounts, not much more satisfactory, of the speech and the scene. I was aware that the report of his argument, as it was published, did not contain the actual peroration, and I supposed it lost forever. By the great kindness of a learned and excellent person, Dr. Chauncy A. Goodrich, a professor in Yale College, with whom I had not the honor of acquaintance, although his virtues, accomplishments, and most useful life, were well known to me, I can read to you the words whose power, when those lips spoke them, so many owned, although they could not repeat them. As those lips spoke them, we shall hear them nevermore, but no utterance can extinguish their simple, sweet, and perfect beauty. Let me first, bring the general scene before you, and then you will hear the rest in Mr. Goodrich's description. It was in 1818, in the thirty-seventh year of Mr. Webster's age. It was addressed to a tribunal presided over by Marshall,

assisted by Washington, Livingston, Johnson, Story, Todd, and Duvall—a tribunal unsurpassed on earth in all that gives illustration to a bench of law, and sustained and venerated by a noble bar. He had called to his aid the ripe and beautiful culture of Hopkinson; and of his opponents was William Wirt, then and ever of the leaders of the bar, who, with faculties and accomplishments fitting him to adorn and guide public life, abounding in deep professional learning, and in the most various and elegant acquisitions—a ripe and splendid orator, made so by genius and the most assiduous culture—consecrated all to the service of the law. It was before that tribunal, and in presence of an audience select and critical, among whom, it is to be borne in mind, were some graduates of the college, who were attending to assist against her, that he opened the cause. I gladly proceed in the words of Mr. Goodrich.

“Before going to Washington, which I did chiefly for the sake of hearing Mr. Webster, I was told that, in arguing the case at Exeter, New Hampshire, he had left the whole court-room in tears at the conclusion of his speech. This, I confess, struck me unpleasantly—any attempt at pathos on a purely legal question like this, seemed hardly in good taste. On my way to Washington, I made the acquaintance of Mr. Webster. We were together for several days in Philadelphia, at the house of a common friend; and as the College question was one of deep interest to literary men, we conversed often

and largely on the subject. As he dwelt upon the leading points of the case, in terms so calm, simple, and precise, I said to myself more than once, in reference to the story I had heard, 'Whatever may have seemed appropriate in defending the College at *home*, and on her own ground, there will be no appeal to the feelings of Judge Marshall and his associates at Washington.' The Supreme Court of the United States held its session, that winter, in a mean apartment of moderate size — the Capitol not having been built after its destruction in 1814. The audience, when the case came on, was therefore small, consisting chiefly of legal men, the *élite* of the profession throughout the country. Mr. Webster entered upon his argument in the calm tone of easy and dignified conversation. His matter was so completely at his command that he scarcely looked at his brief, but went on for more than four hours with a statement so luminous, and a chain of reasoning so easy to be understood, and yet approaching so nearly to absolute demonstration, that he seemed to carry with him every man of his audience without the slightest effort or weariness on either side. It was hardly *eloquence*, in the strict sense of the term; it was pure reason. Now and then, for a sentence or two, his eye flashed and his voice swelled into a bolder note, as he uttered some emphatic thought; but he instantly fell back into the tone of earnest conversation, which ran throughout the great body of his speech. A single circumstance will show you the clearness and absorbing power of his argument.

"I observed that Judge Story, at the opening of the

case, had prepared himself, pen in hand, as if to take copious minutes. Hour after hour I saw him fixed in the same attitude, but, so far as I could perceive, with not a note on his paper. The argument closed, and *I could not discover that he had taken a single note.* Others around me remarked the same thing, and it was among the *on dits* of Washington, that a friend spoke to him of the fact with surprise, when the Judge remarked, ‘every thing was so clear, and so easy to remember, that not a note seemed necessary, and, in fact, I thought little or nothing about my notes.’

“The argument ended. Mr. Webster stood for some moments silent before the Court, while every eye was fixed intently upon him. At length, addressing the Chief Justice, Marshall, he proceeded thus:—

“‘*This, Sir, is my case!* It is the case, not merely of that humble institution, it is the case of every College in our land. It is more. It is the case of every Eleemosynary Institution throughout our country—of all those great charities founded by the piety of our ancestors to alleviate human misery, and scatter blessings along the pathway of life. It is more! It is, in some sense, the case of every man among us who has property of which he may be stripped, for the question is simply this: Shall our State Legislatures be allowed to take *that* which is not their own, to turn it from its original use, and apply it to such ends or purposes as they, in their discretion, shall see fit!

“‘Sir, you may destroy this little Institution; it is weak; it is in your hands! I know it is one of the

lesser lights in the literary horizon of our country. You may put it out. But if you do so, you must carry through your work! You must extinguish, one after another, all those great lights of science which, for more than a century, have thrown their radiance over our land!

“It is, Sir, as I have said, a small College. And yet, *there are those who love it* —.”

“Here the feelings which he had thus far succeeded in keeping down, broke forth. His lips quivered; his firm cheeks trembled with emotion; his eyes were filled with tears, his voice choked, and he seemed struggling to the utmost simply to gain that mastery over himself which might save him from an unmanly burst of feeling. I will not attempt to give you the few broken words of tenderness in which he went on to speak of his attachment to the College. The whole seemed to be mingled throughout with the recollections of father, mother, brother, and all the trials and privations through which he had made his way into life. Every one saw that it was wholly unpremeditated, a pressure on his heart, which sought relief in words and tears.

“The court room during these two or three minutes presented an extraordinary spectacle. Chief Justice Marshall, with his tall and gaunt figure bent over as if to catch the slightest whisper, the deep furrows of his cheek expanded with emotion, and eyes suffused with tears; Mr. Justice Washington at his side, with his small and emaciated frame and countenance more like marble than I ever saw on any other human being — leaning

forward with an eager, troubled look ; and the remainder of the Court, at the two extremities, pressing, as it were, toward a single point, while the audience below were wrapping themselves round in closer folds beneath the bench to catch each look, and every movement of the speaker's face. If a painter could give us the scene on canvas—those forms and countenances, and Daniel Webster as he then stood in the midst, it would be one of the most touching-pictures in the history of eloquence. One thing it taught me, that the *pathetic* depends not merely on the words uttered, but still more on the estimate we put upon him who utters them. There was not one among the strong-minded men of that assembly who could think it unmanly to weep, when he saw standing before him the man who had made such an argument, melted into the tenderness of a child.

“Mr. Webster had now recovered his composure, and fixing his keen eye on the Chief Justice, said, in that deep tone with which he sometimes thrilled the heart of an audience:—

“‘Sir, I know not how others may feel,’ (glancing at the opponents of the College before him,) ‘but, for myself, when I see my alma mater surrounded, like Cæsar in the senate house, by those who are reiterating stab upon stab, I would not, for this right hand, have her turn to me, and say, *Et tu quoque mi fili!* And thou too, my son!’

“He sat down. There was a deathlike stillness throughout the room for some moments; every one seemed to be slowly recovering himself, and coming

gradually back to his ordinary range of thought and feeling."

It was while Mr. Webster was ascending through the long gradations of the legal profession to its highest rank, that by a parallel series of display on a stage, and in parts totally distinct, by other studies, thoughts, and actions he rose also to be at his death the first of American Statesmen. The last of the mighty rivals was dead before, and he stood alone. Give this aspect also of his greatness a passing glance. His public life began in May 1813, in the House of Representatives in Congress, to which this State had elected him. It ended when he died. If you except the interval between his removal from New Hampshire and his election in Massachusetts, it was a public life of forty years. By what political morality, and by what enlarged patriotism, embracing the whole country, that life was guided, I shall consider hereafter. Let me now fix your attention rather on the magnitude and variety and actual value of the service. Consider that from the day he went upon the Committee of Foreign Relations, in 1813, in time of war, and more and more, the longer he lived and the higher he rose, he was a man whose great talents and devotion to public duty placed and kept him in a position of associated or sole command; command in the political connection to which he belonged, command in opposition, command in power; and appreciate the responsibilities which that implies, what care, what prudence, what mastery of the whole ground —

exacting for the conduct of a party, as Gibbon says of Fox, abilities and civil discretion equal to the conduct of an empire. Consider the work he did in that life of forty years — the range of subjects investigated and discussed: composing the whole theory and practice of our organic and administrative politics, foreign and domestic: the vast body of instructive thought he produced and put in possession of the country; how much he achieved in congress as well as at the bar, to fix the true interpretation, as well as to impress the transcendent value of the constitution itself, as much altogether as any jurist or statesman since its adoption; how much to establish in the general mind the great doctrine that the government of the United States is a government proper, established by the people of the States, not a compact between sovereign communities, — that within its limits it is supreme, and that whether it is within its limits or not, in any given exertion of itself, is to be determined by the Supreme Court of the United States — the ultimate arbiter in the last resort — from which there is no appeal but to revolution; how much he did in the course of the discussions which grew out of the proposed mission to Panama, and, at a later day, out of the removal of the deposits, to place the executive department of the government on its true basis, and under its true limitations; to secure to that department all its just powers on the one hand, and on the other hand to vindicate to the legislative department, and especially to the senate, all that belong to them; to arrest the tendencies which he thought at one time

threatened to substitute the government of a single will, of a single person of great force of character and boundless popularity, and of a numerical majority of the people, told by the head, without intermediate institutions of any kind, judicial or senatorial, in place of the elaborate system of checks and balances, by which the constitution aimed at a government of laws, and not of men; how much, attracting less popular attention, but scarcely less important, to complete the great work which experience had shown to be left unfinished by the judiciary act of 1789, by providing for the punishment of all crimes against the United States; how much for securing a safe currency and a true financial system, not only by the promulgation of sound opinions, but by good specific measures adopted, or bad ones defeated; how much to develop the vast material resources of the country, and to push forward the planting of the West—not troubled by any fear of exhausting old States—by a liberal policy of public lands, by vindicating the constitutional power of Congress to make or aid in making large classes of internal improvements, and by acting on that doctrine uniformly from 1813, whenever a road was to be built, or a rapid suppressed, or a canal to be opened, or a breakwater or a lighthouse set up above or below the flow of the tide, if so far beyond the ability of a single state, or of so wide utility to commerce and labor as to rise to the rank of a work general in its influences—another tie of union because another proof of the beneficence of union; how much to protect the vast mechanical and

manufacturing interests of the country, a value of many hundreds of millions—after having been lured into existence against his counsels, against his science of political economy, by a policy of artificial encouragement—from being sacrificed, and the pursuits and plans of large regions and communities broken up, and the acquired skill of the country squandered by a sudden and capricious withdrawal of the promise of the government; how much for the right performance of the most delicate and difficult of all tasks, the ordering of the foreign affairs of a nation, free, sensitive, self-conscious, recognizing, it is true, public law and a morality of the State, binding on the conscience of the State, yet aspiring to power, eminence, and command, its whole frame filled full and all on fire with American feeling, sympathetic with liberty everywhere—how much for the right ordering of the foreign affairs of such a State—aiming in all his policy, from his speech on the Greek question in 1823, to his letters to M. Hulsemann in 1850, to occupy the high, plain, yet dizzy ground which separates influence from intervention, to avow and promulgate warm good will to humanity, wherever striving to be free, to inquire authentically into the history of its struggles, to take official and avowed pains to ascertain the moment when its success may be recognized, consistently, ever, with the great code that keeps the peace of the world, abstaining from every thing which shall give any nation a right under the law of nations to utter one word of complaint, still less to retaliate by war—the sympathy, but also the neutrality, of Wash-

ington—how much to compose with honor a concurrence of difficulties with the first power in the world, which any thing less than the highest degree of discretion, firmness, ability, and means of commanding respect and confidence at home and abroad would inevitably have conducted to the last calamity—a disputed boundary line of many hundred miles, from the St. Croix to the Rocky Mountains, which divided an exasperated and impracticable border population, enlisted the pride and affected the interests and controlled the politics of particular States, as well as pressed on the peace and honor of the nation, which the most popular administrations of the era of the quietest and best public feelings, the times of Monroe and of Jackson, could not adjust; which had grown so complicated with other topics of excitement that one false step, right or left, would have been a step down a precipice—this line settled forever—the claim of England to search our ships for the suppression of the slave-trade silenced forever, and a new engagement entered into by treaty, binding the national faith to contribute a specific naval force for putting an end to the great crime of man—the long practice of England to enter an American ship and impress from its crew, terminated forever; the deck henceforth guarded sacredly and completely by the flag—how much by profound discernment, by eloquent speech, by devoted life to strengthen the ties of Union, and breathe the fine and strong spirit of nationality through all our numbers—how much, most of all, last of all, after the war with Mexico, needless if his counsels had governed,

had ended in so vast an acquisition of territory, in presenting to the two great antagonist sections of our country so vast an area to enter on, so imperial a prize to contend for, and the accursed fraternal strife had begun — how much then, when rising to the measure of a true, and difficult, and rare greatness, remembering that he had a country to save as well as a local constituency to gratify, laying all the wealth, all the hopes, of an illustrious life on the altar of a hazardous patriotism, he sought and won the more exceeding glory which now attends — which in the next age shall more conspicuously attend — his name who composes an agitated and saves a sinking land — recall this series of conduct and influences, study them carefully in their facts and results — the reading of years — and you attain to a true appreciation of this aspect of his greatness — his public character and life.

For such a review the eulogy of an hour has no room. Such a task demands research ; details ; proofs ; illustrations ; a long labor — a volume of history composed according to her severest laws — setting down nothing, depreciating nothing, in malignity to the dead ; suppressing nothing and falsifying nothing in adulation of the dead ; professing fidelity incorrupt — unswerved by hatred or by love, yet able to measure, able to glow in the contemplation of a true greatness and a vast and varied and useful public life ; such a history as the genius and judgment and delicate private and public morality of Everett — assisted by his perfect knowledge of the facts — not disqualified by

his long friendship unchilled to the last hour — such a history as he might construct.

Two or three suggestions, occurring on the most general observation of this aspect of his eminence, you will tolerate as I leave the topic.

Remark how very large a proportion of all this class of his acts, are wholly beyond, and outside, of the profession of the law; demanding studies, experience, a turn of mind, a cast of qualities and character, such as that profession neither gives, nor exacts. Some single speeches in Congress of consummate ability, have been made by great lawyers, drawing for the purpose, only on the learning, accomplishments, logic, and eloquence of the forum. Such was Chief Justice, then Mr. Marshall's argument in the case of Jonathan Robbins — turning on the interpretation of a treaty, and the constitutional power of the executive; a demonstration if there is any in Euclid — anticipating the masterly judgments in the cause of Dartmouth College, or of Gibbons and Ogden, or of Maculloch and the State of Maryland; but such an one as a lawyer like him — if another there was — could have made in his professional capacity at the bar of the House, although he had never reflected on practical politics an hour in his life. Such somewhat was William Pinkney's speech in the House of Representatives on the treaty-making power, in 1815, and his two more splendid displays, in the Senate, on the Missouri question, in 1820, the last of which I heard Mr. Clay pronounce the greatest he ever heard. They were pieces of legal reasoning, on

questions of constitutional law; decorated of course by a rhetoric which Hortensius might have envied, and Cicero would not have despised; but they were professional at last. To some extent this is true of some of Mr. Webster's ablest speeches in Congress; or, more accurately, of some of the more important portions of some of his ablest. I should say so of a part of that on the Panama Mission; of the reply to Mr. Hayne even; and of almost the whole of that reply to Mr. Calhoun on the thesis, "the Constitution not a compact between sovereign States;" the whole series of discussion of the constitutional power of the Executive, and the constitutional power of the Senate, growing out of the removal of the deposits and the supposed tendencies of our system towards a centralization of government in a President, and a majority of the people — marked, all of them, by amazing ability. To these the lawyer who could demonstrate that the Charter of this College is a contract within the Constitution, or that the Steamboat Monopoly usurped upon the executed power of Congress to regulate commerce, was already equal — but to have been the leader, or of the leaders of his political connection for thirty years; to have been able to instruct and guide on every question of policy as well as law, which interested the nation in all that time; every question of finance; of currency; of the lands; of the development and care of our resources and labor; to have been of strength to help to lead his country by the hand, up to a position of influence and attraction on the highest places of earth, yet to keep

her peace, and to keep her honor; to have been able to emulate the prescriptive and awful renown of the founders of States by doing something which will be admitted, when some generations have passed, even more than now, to have contributed to preserve the State — for all this another man was needed — and he stands forth another and the same.

I am hereafter to speak separately of the political morality which guided him ever, but I would say a word now on two portions of his public life, one of which has been the subject of accusatory, the other of disparaging criticism, unsound — unkind — in both instances.

The first comprises his course in regard to a protective policy. He opposed a tariff of protection it is said, in 1816, and 1820, and 1824; and he opposed, in 1828, a sudden and fatal repeal of such a tariff; and thereupon I have seen it written that “this proved him a man with no great comprehensive ideas of political economy; who took the fleeting interests, and transient opinions of the hour for his norms of conduct;” “who had no sober and serious convictions of his own.” I have seen it more decorously written, “that his opinions on this subject were not determined by general principles, but by a consideration of immediate sectional interests.”

I will not answer this by what Scaliger says of Lipsius, the arrogant pedant who dogmatized on the deeper politics as he did on the text of Tacitus and Seneca. *Neque est politicus; nec potest quicquam in politia; nihil possunt pe-*

dantes in ipsis rebus: nec ego, nec alius doctus possumus scribere in politicis. I say only that the case totally fails to give color to the charge. The reasonings of Mr. Webster in 1816, 1820, and 1824, express, that on mature reflection, and due and appropriate study he had embraced the opinion that it was needless and unwise to force American manufactures, by regulation, prematurely to life. Bred in a commercial community; taught from his earliest hours of thought to regard the care of commerce as, in point of fact, a leading object and cause of the Union: to observe around him no other forms of material industry than those of commerce; navigation; fisheries; agriculture, and a few plain and robust mechanical arts, he would come to the study of the political economy of the subject with a certain preoccupation of mind perhaps; so coming he did study it at its well heads, and he adopted his conclusions sincerely, and announced them strongly.

His opinions were overruled by Congress; and a national policy was adopted, holding out all conceivable promise of permanence, under which vast and sensitive investments of capital were made; the expectations, the employments, the habits, of whole ranges of States were recast; an industry, new to us, springing, immature, had been advanced just so far, that if deserted, at that moment, there must follow a squandering of skill; a squandering of property; an aggregate of destruction, senseless, needless, and unconscientious — such as marks the worst form of revolution. On these facts, at a later day, he thought that that industry, the child of Govern-

ment, should not thus capriciously be deserted. "The duty of the government," he said, "at the present moment would seem to be to preserve, not to destroy; to maintain the position which it has assumed; and for one I shall feel it an indispensable obligation to hold it steady, as far as in my power, to that degree of protection which it has undertaken to bestow."

And does this prove that these original opinions were hasty; shallow; insincere; unstudied? Consistently with every one of them; consistently with the true spirit, and all the aims, of the science of political economy itself; consistently with every duty of sober, high, earnest, and moral statesmanship, might not he who resisted the making of a tariff in 1816, deprecate its abandonment in 1828? Does not Adam Smith himself admit that it is "*matter fit for deliberation* how far or in what manner, it may be proper to restore that free importation after it has been for some time interrupted?" implying that a general principle of national wealth may be displaced or modified by special circumstances—but would these censors therefore cry out that he had no "great and comprehensive ideas of political economy," and was willing to be "determined not by general principles, but by immediate interests?" Because a father advises his son against an early and injudicious marriage; does it logically follow, or is it ethically right, that after his advice has been disregarded, he is to recommend desertion of the young wife, and the young child? I do not appreciate the beauty and "comprehensiveness" of those scientific ideas which forget that

the actual and vast "interests" of the community are exactly what the legislator has to protect ; that the concrete of things must limit the foolish wantonness of *a priori* theory ; that that department of politics, which has for its object the promotion and distribution of the wealth of nations, may very consistently, and very scientifically preserve what it would not have created. He who accuses Mr. Webster in this behalf of "having no sober and serious convictions of his own," must afford some other proof than his opposition to the introduction of a policy ; and then his willingness to protect it after it had been introduced, and five hundred millions of property, or, however, a countless sum had been invested under it, or become dependent on its continuance.

I should not think that I consulted his true fame if I did not add that as he came to observe the practical workings of the protective policy more closely than at first he had done ; as he came to observe the working and influences of a various manufacturing and mechanical labor ; to see how it employs and develops every faculty ; finds occupation for every hour ; creates or diffuses and disciplines ingenuity, gathering up every fragment of mind and time so that nothing be lost ; how a steady and ample home market assists agriculture ; how all the great employments of man are connected by a kindred tie, so that the tilling of the land, navigation, foreign, coastwise and interior commerce, all grow with the growth, and strengthen with the strength of the industry of the arts — he came to appreciate, more adequately than at first, how this form of labor contributes to wealth ;

power; enjoyment; a great civilization; he came more justly to grasp the conception of how consummate a destruction it would cause — how senseless, how unphilosophical, how immoral — to arrest it suddenly and capriciously — after it had been lured into life; how wiser — how far truer to the principles of the science which seeks to augment the wealth of the State, to refuse to destroy so immense an accumulation of that wealth. In this sense, and in this way, I believe his opinions were matured and modified; but it does not quite follow that they were not, in every period, conscientiously formed and held, or that they were not in the actual circumstances of each period philosophically just, and practically wise.

The other act of his public life to which I alluded is his negotiation of the Treaty of Washington, in 1842, with Great Britain. This act, the country, the world, has judged, and has applauded. Of his administrative ability; his discretion; temper; civil courage; his power of exacting respect and confidence from those with whom he communicated; and of influencing their reason; his knowledge of the true interests and true grandeur of the two great parties to the negotiation; of the States of the Union more immediately concerned, and of the world whose chief concern is peace; and of the intrepidity with which he encountered the disappointed feelings, and disparaging criticisms of the hour, in the consciousness that he had done a good and large deed, and earned a permanent and honest renown — of these it is the truest and most fortunate single exemplification

which remains of him. Concerning its difficulty, importance and merits of all sorts, there were at the time, few dissenting opinions among those most conversant with the subject, although there were some; to-day there are fewer still. They are so few — a single sneer by the side of his grave, expressing that “a man who makes such a bargain is not entitled to any great glory among diplomatists,” is all that I can call to mind — that I will not arrest the course of your feelings here and now by attempting to refute that “sneer” out of the history of the hour and scene. “Standing here,” he said in April, 1846, in the Senate of the United States to which he had returned — “standing here to-day, in this Senate, and speaking in behalf of the administration of which I formed a part, and in behalf of the two houses of Congress who sustained that administration, cordially and effectively, in every thing relating to this treaty, I am willing to appeal to the public men of the age, whether in 1842, and in the city of Washington, something was not done for the suppression of crime; for the true exposition of the principles of public law; for the freedom and security of commerce on the ocean, and for the peace of the world!” In that forum the appeal has been heard, and the praise of a diplomatic achievement of true and permanent glory, has been irreversibly awarded to him. Beyond that forum of the mere “public men of the age,” by the larger jurisdiction, the general public, the same praise has been awarded. *Sunt hic etiam sua præmia laudi.* That which I had the honor to say in the Senate, in the session of 1843, in a discussion concerning this treaty,

is true, and applicable, now as then. "Why should I, or why should any one, assume the defence of a treaty here in this body, which but just now, on the amplest consideration, in the confidence and calmness of executive session, was approved by a vote so decisive? Sir, the country by a vote far more decisive, in a proportion very far beyond thirty-nine to nine, has approved your approval. Some there are, some few—I speak not now of any member of this senate—restless, selfish, reckless, "the cankers of a calm world and a long peace," pining with thirst of notoriety, slaves to their hatred of England, to whom the treaty is distasteful; to whom any treaty, and all things but the glare and clamor, the vain pomp and hollow circumstance of war—all but these would be distasteful and dreary. But the country is with you in this act of wisdom and glory; its intelligence; its morality; its labor; its good men; the thoughtful; the philanthropic; the discreet; the masses, are with you." "It confirms the purpose of the wise and good of both nations to be forever at peace with one another, and to put away forever all war from the kindred races: war the most ridiculous of blunders; the most tremendous of crimes; the most comprehensive of evils."

And now to him who in the solitude of his library depreciates this act, first, because there was no danger of a war with England, I answer that according to the overwhelming weight of that kind of evidence by which that kind of question must be tried, that is by the judgment of the great body of well-informed public

men at that moment in Congress; in the Government; in diplomatic situation — our relations to that power had become so delicate, and so urgent, that unless soon adjusted by negotiation there was real danger of war. Against such evidence what is the value of the speculation of a private person, ten years afterwards, in the shade of his general studies, whatever his sagacity? The temper of the border population; the tendencies to disorder in Canada, stimulated by sympathizers on our side of the line; the entrance on our territory of a British armed force in 1837; cutting the *Caroline* out of her harbor, and sending her down the falls; the arrest of McLeod in 1841, a British subject, composing part of that force, by the government of New York, and the threat to hang him, which a person high in office in England, declared, in a letter which was shown to me, would raise a cry for war from “whig, radical, and tory” which no ministry could resist; growing irritation caused by the search of our vessels under color of suppressing the slave-trade; the long controversy, almost as old as the government, about the boundary line — so conducted as to have at last convinced each disputant that the other was fraudulent and insincere; as to have enlisted the pride of States; as to have exasperated and agitated a large line of border; as to have entered finally into the tactics of political parties, and the schemes of ambitious men, out-bidding, out-racing one another in a competition of clamor and vehemence; a controversy on which England, a European monarchy, a first class power, near to the great sources of the opinion of the world,

by her press, her diplomacy, and her universal intercourse had taken great pains to persuade Europe that our claim was groundless and unconscientious — all these things announced to near observers in public life a crisis at hand which demanded something more than “any sensible and honest man” to encounter; assuring some glory to him who should triumph over it. One such observer said: “Men stood facing each other with guns on their shoulders, upon opposite sides of fordable rivers, thirty yards wide. The discharge of a single musket would have brought on a war whose fires would have encircled the globe.”

Is this act disparaged next because what each party had for sixty years claimed as the true line of the old treaty was waived, a line of agreement substituted, and equivalents given and taken, for gain or loss? But herein you will see only, what the nation has seen, the boldness as well as sagacity of Mr. Webster. When the award of the king of the Netherlands, proposing a line of agreement, was offered to President Jackson, that strong will dared not accept it in face of the party politics of Maine — although he advised to offer her the value of a million of dollars to procure her assent to an adjustment which his own mind approved. What he dared not do, inferred some peril I suppose. Yet the experience of twenty years; of sixty years; should have taught all men; had taught many who shrank from acting on it, that the Gordian knot must be cut, not unloosed — that all further attempt to find the true line must be abandoned as an idle and a perilous diplomacy;

and that a boundary must be made by a bargain worthy of nations, or must be traced by the point of the bayonet. The merit of Mr. Webster is first that he dared to open the negotiation on this basis. I say the boldness. For appreciate the domestic difficulties which attended it. In its nature it proposed to give up something which we had thought our own for half a century; to cede of the territory of more than one State; it demanded therefore the assent of those states by formal act, committing the State parties in power unequivocally; it was to be undertaken not in the administration of Munroe — elected by the whole people — not in the administration of Jackson whose vast popularity could carry any thing, and withstand any thing; but just when the death of President Harrison had scattered his party; had alienated hearts; had severed ties and dissolved connections indispensable to the strength of administration; creating a loud call on Mr. Webster to leave the Cabinet — creating almost the appearance of an unwillingness that he should contribute to its glory even by largest service to the State.

Yet consider finally how he surmounted every difficulty. I will not say with Lord Palmerston, in parliament, that there was “nobody in England who did not admit it a very bad treaty for England.” But I may repeat what I said on it in the Senate in 1843. “And now what does the world see? An adjustment concluded by a special minister at Washington, by which four fifths of the value of the whole subject in controversy, is left to you as your own; and by which, for that

his long friendship unchilled to the last hour — such a history as he might construct.

Two or three suggestions, occurring on the most general observation of this aspect of his eminence, you will tolerate as I leave the topic.

Remark how very large a proportion of all this class of his acts, are wholly beyond, and outside, of the profession of the law; demanding studies, experience, a turn of mind, a cast of qualities and character, such as that profession neither gives, nor exacts. Some single speeches in Congress of consummate ability, have been made by great lawyers, drawing for the purpose, only on the learning, accomplishments, logic, and eloquence of the forum. Such was Chief Justice, then Mr. Marshall's argument in the case of Jonathan Robbins — turning on the interpretation of a treaty, and the constitutional power of the executive; a demonstration if there is any in Euclid — anticipating the masterly judgments in the cause of Dartmouth College, or of Gibbons and Ogden, or of Maculloch and the State of Maryland; but such an one as a lawyer like him — if another there was — could have made in his professional capacity at the bar of the House, although he had never reflected on practical politics an hour in his life. Such somewhat was William Pinkney's speech in the House of Representatives on the treaty-making power, in 1815, and his two more splendid displays, in the Senate, on the Missouri question, in 1820, the last of which I heard Mr. Clay pronounce the greatest he ever heard. They were pieces of legal reasoning, on

questions of constitutional law; decorated of course by a rhetoric which Hortensius might have envied, and Cicero would not have despised; but they were professional at last. To some extent this is true of some of Mr. Webster's ablest speeches in Congress; or, more accurately, of some of the more important portions of some of his ablest. I should say so of a part of that on the Panama Mission; of the reply to Mr. Hayne even; and of almost the whole of that reply to Mr. Calhoun on the thesis, "the Constitution not a compact between sovereign States;" the whole series of discussion of the constitutional power of the Executive, and the constitutional power of the Senate, growing out of the removal of the deposits and the supposed tendencies of our system towards a centralization of government in a President, and a majority of the people — marked, all of them, by amazing ability. To these the lawyer who could demonstrate that the Charter of this College is a contract within the Constitution, or that the Steamboat Monopoly usurped upon the executed power of Congress to regulate commerce, was already equal — but to have been the leader, or of the leaders of his political connection for thirty years; to have been able to instruct and guide on every question of policy as well as law, which interested the nation in all that time; every question of finance; of currency; of the lands; of the development and care of our resources and labor; to have been of strength to help to lead his country by the hand, up to a position of influence and attraction on the highest places of earth, yet to keep

But I linger too long upon his public life, and upon this one of its great acts. With what profound conviction of all the difficulties which beset it ; with what anxieties for the issue, hope and fear alternately preponderating, he entered on that extreme trial of capacity, and good fortune, and carried it through, I shall not soon forget. As if it were last night, I recall the time when, after the Senate had ratified it in an evening executive session, by a vote of thirty-nine to nine, I personally carried to him the result, at his own house, and in presence of his wife. Then, indeed, the measure of his glory and happiness seemed full. In the exuberant language of Burke, "I stood near him, and his face, to use the expression of the Scripture of the first martyr, was as if it had been the face of an angel. 'Hope elevated, and joy-brightened his crest.' I do not know how others feel, but if I had stood in that situation, I would not have exchanged it for all that kings or people could bestow."

Such eminence and such hold on the public mind as he attained demands extraordinary general intellectual power, adequate mental culture, an impressive, attractive, energetic and great character, and extraordinary specific power also of influencing the convictions and actions of others by speech. These all he had.

That in the quality of pure and sheer power of intellect he was of the first class of men, is, I think, the universal judgment of all who have personally witnessed many of his higher displays, and of all who without that opportunity have studied his life in its actions and

influences, and studied his mind in its recorded thoughts. Sometimes it has seemed to me that to enable one to appreciate with accuracy, as a psychological speculation, the intrinsic and absolute volume and texture of that brain ; the real rate and measure of those abilities ; it was better not to see or hear him, unless you could see or hear him frequently, and in various modes of exhibition ; for undoubtedly there was something in his countenance and bearing so expressive of command ; something even in his conversational language when saying *parva summisse et modica temperate*, so exquisitely plausible, embodying the likeness at least of a rich truth, the forms at least of a large generalization, in an epithet ; an antithesis ; a pointed phrase ; a broad and peremptory thesis — and something in his grander forth-putting when roused by a great subject or occasion exciting his reason and touching his moral sentiments and his heart, so difficult to be resisted, approaching so near, going so far beyond, the higher style of man, that although it left you a very good witness of his power of influencing others, you were not in the best condition, immediately, to pronounce on the quality, or the source of the influence. You saw the flash and heard the peal ; and felt the admiration and fear ; but from what region it was launched, and by what divinity, and from what Olympian seat, you could not certainly yet tell. To do that, you must, if you saw him at all, see him many times ; compare him with himself, and with others ; follow his dazzling career from his father's house ; observe from what competitors he won those laurels ; study his discourses,

study them by the side of those of other great men of this country and time, and of other countries and times, conspicuous in the same fields of mental achievement ; look through the crystal water of the style down to the golden sands of the thought ; analyze and contrast intellectual power somewhat ; consider what kind, and what quantity of it has been held by students of mind needful in order to great eminence in the higher mathematics, or metaphysics, or reason of the law : what capacity to analyze, through and through, to the primordial elements of the truths of that science ; yet what wisdom and sobriety, in order to control the wantonness and shun the absurdities of a mere scholastic logic, by systematizing ideas, and combining them, and repressing one by another, thus producing, not a collection of intense and conflicting paradoxes, but a *code* — scientifically coherent, and practically useful, — consider what description and what quantity of mind have been held needful by students of mind in order to conspicuous eminence, long maintained, in statesmanship ; that great practical science, that great philosophical art — whose ends are the existence, happiness and honor of a nation : whose truths are to be drawn from the widest survey of man ; of social man : of the particular race, and particular community for which a government is to be made, or kept, or a policy to be provided ; “ philosophy in action,” demanding at once, or affording place for, the highest speculative genius, and the most skilful conduct of men, and of affairs ; and, finally, consider what degree and kind of mental power has been found to be required

in order to influence the reason of an audience and a nation by speech — not magnetizing the mere nervous or emotional nature by an effort of that nature — but operating on reason by reason — a great reputation in forensic and deliberative eloquence, maintained and advancing for a lifetime — it is thus that we come to be sure that his intellectual power was as real and as uniform, as its very happiest particular display had been imposing and remarkable.

It was not quite so easy to analyze that power, to compare or contrast it with that of other mental celebrities, and show how it differed or resembled, as it was to discern its existence.

Whether, for example, he would have excelled as much in other fields of exertion — in speculative philosophy, for example, in any of its departments — is a problem impossible to determine and needless to move. To me it seems quite clear that the whole wealth of his powers, his whole emotional nature; his eloquent feeling, his matchless capacity to affect others' conduct by affecting their practical judgments, could not have been known, could not have been poured forth in a stream so rich and strong and full, could not have so reacted on, and aided and winged the mighty intelligence, in any other walk of mind, or life, than that he chose — that in any other there must have been some disjoining of qualities which God had united — some divorce of pure intellect from the helps or hindrances or companionship of common sense and beautiful genius; and that in any field of speculative ideas but half of him, or part

of him, could have found its sphere. What that part might have been or done, it is vain to inquire.

I have been told that the assertion has been hazarded that he "was great in understanding; deficient in the large reason;" and to prove this distinction he is compared disadvantageously, with "Socrates; Aristotle; Plato; Leibnitz; Newton; and Descartes." If this means that he did not devote his mind, such as it was, to their speculations, it is true; but that would not prove that he had not as much "higher reason." Where was Bacon's *higher reason* when he was composing his reading on the Statute of Uses? Had he lost it? or was he only not employing it? or was he employing it on an investigation of law? If it means that he had not as much absolute intellectual power as they, or could not, in their departments, have done what they did, it may be dismissed as a dogma incapable of proof, and incapable of refutation; ineffectual as a disparagement; unphilosophical as a comparison.

It is too common with those who come from the reveries of a cloistered speculation, to judge a practical life; to say of him, and such as he, that they "do not enlarge universal law, and first principles; and philosophical ideas;" that "they add no new maxim formed by induction out of human history and old thought." In this there is some truth; and yet it totally fails to prove that they do not possess all the intellectual power, and all the specific form of intellectual power required for such a description of achievement; and it totally fails, too, to prove that they do not use it quite as truly to

“the glory of God, and the bettering of man’s estate.” Whether they possess such power or not, the evidence does not disprove; and it is a pedantic dogmatism, if it is not a malignant dogmatism, which, *from such evidence*, pronounces that they do not; but it is doubtless so, that by an original bias; by accidental circumstances or deliberate choice, he determined early to devote himself to a practical and great duty, and that was to uphold a recent, delicate, and complex political system, which his studies, his sagacity, taught him, as Solon learned, was the best the people could bear; to uphold it; to adapt its essential principles and its actual organism to the great changes of his time; the enlarging territory; enlarging numbers; sharper antagonisms; mightier passions; a new nationality; and under it, and by means of it, and by a steady government, a wise policy of business, a temperate conduct of foreign relations, to enable a people to develop their resources, and fulfil their mission.’ This he selected as his work on earth; this his task; this, if well done, his consolation, his joy, his triumph! To this, call it, in comparison with the meditations of philosophy, humble or high, he brought all the vast gifts of intellect, whatever they were, wherewith God had enriched him. And now, do they infer that, because he selected such a work to do he could not have possessed the higher form of intellectual power; or do they say that, because having selected it, he performed it with a masterly and uniform sagacity, and prudence, and good sense; using ever the appropriate means to the selected end; that therefore he could not have possessed

the higher form of intellectual power? Because all his life long, he recognized that his vocation was that of a statesman and a jurist, not that of a thinker and dreamer in the shade, still less of a general agitator; that his duties connected themselves mainly with an existing stupendous political order of things, to be kept—to be adapted with all possible civil discretion and temper to the growth of the nation—but by no means to be exchanged for any quantity of amorphous matter in the form of “universal law” or new maxims and great ideas born since the last change of the moon—because he quite habitually spoke the language of the Constitution and the law, not the phraseology of a new philosophy; confining himself very much to inculcating historical, traditional, and indispensable maxims—neutrality; justice; good faith; observance of fundamental compacts of Union and the like—because it was America—our America—he sought to preserve, and to set forward to her glory—not so much an abstract conception of humanity; because he could combine many ideas; many elements; many antagonisms; in a harmonious, and noble practical politics, instead of fastening on one only, and—that sure sign of small or perverted ability—aggravating it to disease and falsehood—is it therefore inferred that he had not the larger form of intellectual power?

And this power was not oppressed, but aided and accomplished by exercise the most constant, the most severe, the most stimulant, and by a force of will as remarkable as his genius, and by adequate mental and tasteful culture. How much the eminent greatness it reached is due to the various and lofty competition

to which he brought, if he could, the most careful preparation — competition with adversaries *cum quibus certare erat gloriosius, quam omnino adversarios non habere, cum præsertim non modo, nunquam sit aut illorum ab ipso cursus impeditus, aut ab ipsis suus, sed contra semper alter ab altero adjutus, et communicando, et monendo, et favendo,* you may well appreciate.

I claim much, too, under the name of mere mental culture. Remark his style. I allow its full weight to the Horatian maxim, *scribendi rectè sapere est et principium et fons*, and I admit that he had deep and exquisite judgment, largely of the gift of God. But such a style as his is due also to art, to practice — in the matter of style, incessant, to great examples of fine writing turned by the nightly and the daily hand; to Cicero, through whose pellucid deep seas the pearl shows distinct, and large and near, as if within the arm's reach; to Virgil, whose magic of words, whose exquisite structure and "rich economy of expression," no other writer ever equalled; to our English Bible, and especially to the prophetic writings, and of these especially to Ezekiel — of some of whose peculiarities, and among them that of the repetition of single words, or phrases for emphasis and impression, a friend has called my attention to some very striking illustrations; to Shakespeare, of the style of whose comic dialogue we may, in the language of the great critic, assert "that it is that which in the English nation is never to become obsolete, a certain mode of phraseology so consonant and congenial to analogy, to principles of

the language, as to remain settled and unaltered—a style above grossness, below modish and pedantic forms of speech, where propriety resides;” to Addison, whom Johnson, Mackintosh, and Macaulay, concur to put at the head of all fine writers, for the amenity, delicacy, and unostentatious elegance of his English; to Pope, polished, condensed, sententious; to Johnson and Burke, in whom all the affluence and all the energy of our tongue in both its great elements of Saxon and Latin might be exemplified; to the study and comparison, but not the copying of authors such as these; to habits of writing, and speaking, and conversing, on the capital theory of always doing his best—thus somewhat, I think, was acquired that remarkable production, “the last work of combined study and genius,” his rich, clear, correct, harmonious, and weighty style of prose.

Beyond these studies and exercises of taste, he had read variously and judiciously. If any public man, or any man, had more thoroughly mastered British constitutional and general history; or the history of British legislation, or could deduce the progress, eras, causes, and hindrances of British liberty in more prompt, exact, and copious detail, or had in his memory, at any given moment, a more ample political biography, or political literature, I do not know him. His library of English history, and of all history, was always rich, select, and catholic, and I well recollect hearing him, in 1819, while attending a commencement of this College, at an evening party sketch, with great emphasis and

interest of manner, the merits of George Buchanan, the historian of Scotland — his latinity and eloquence almost equal to Livy's, his love of liberty and his genius greater, and his title to credit not much worse. American history and American political literature he had by heart. The long series of influences that trained us for representative and free government; that other series of influences which moulded us into a united government — the colonial era — the age of controversy before the revolution; every scene and every person in that great tragic action — the age of controversy following the revolution, and preceding the Constitution, unlike the earlier, in which we divided among ourselves on the greatest questions which can engage the mind of America — the questions of the existence of a national government, of the continued existence of the State governments, on the partition of powers, on the umpirage of disputes between them — a controversy on which the destiny of the New World was staked; every problem, which has successively engaged our politics, and every name which has figured in them, the whole stream of our time was open, clear, and present ever to his eye.

I think, too, that, though not a frequent and ambitious citer of authorities, he had read, in the course of the study of his profession or politics, and had meditated all the great writers and thinkers by whom the principles of republican government, and all free governments, are most authoritatively expounded. Aristotle, Cicero, Machiavel, one of whose discourses on Livy, maintains in so masterly an argument, how much wiser

and more constant are the people than the prince — a doctrine of liberty consolatory and full of joy, Harrington, Milton, Sidney, Locke, I know he had read and weighed.

Other classes of information there were, partly obtained from books, partly from observation — to some extent referable to his two main employments of politics and law — by which he was distinguished remarkably. Thus, nobody but was struck with his knowledge of civil and physical geography, and to a less extent of geology and races; of all the great routes and marts of our foreign, coastwise, and interior commerce; the subjects which it exchanges, the whole circle of industry it comprehends and passes around; the kinds of our mechanical and manufacturing productions, and their relations to all labor, and life; the history, theories, and practice of agriculture, our own and that of other countries, and its relations to government, liberty, happiness and the character of nations. This kind of information enriched and assisted all his public efforts; but to appreciate the variety and accuracy of his knowledge, and even the true compass of his mind, you must have had some familiarity with his friendly written correspondence, and you must have conversed with him, with some degree of freedom. There, more than in senatorial or forensic debate, gleamed the true riches of his genius, as well as the goodness of his large heart, and the kindness of his noble nature. There, with no longer a great part to discharge, no longer compelled to weigh and measure propositions, to tread the dizzy

heights which part the antagonisms of the Constitution, to put aside allusions and illustrations, which crowded on his mind in action, but which the dignity of a public appearance had to reject—in the confidence of hospitality, which ever he dispensed as a prince who also was a friend—his memory, one of his most extraordinary faculties, quite in proportion to all the rest, swept free over the readings and labors of more than half a century; and then allusions, direct and ready quotations, a passing, mature criticism, sometimes only a recollection of the mere emotions which a glorious passage or interesting event had once excited, darkening for a moment the face, and filling the eye—often an instructive exposition of a current maxim of philosophy or politics, the history of an invention, the recital of some incident casting a new light on some transaction or some institution—this flow of unstudied conversation, quite as remarkable as any other exhibition of his mind, better than any other, perhaps, at once opened an unexpected glimpse of his various acquirements, and gave you to experience delightedly that the “mild sentiments have their eloquence as well as the stormy passions.”

There must be added next the element of an impressive character, inspiring regard, trust, and admiration, not unmingled with love. It had, I think, intrinsically a charm such as belongs only to a good, noble, and beautiful nature. In its combination with so much fame, so much force of will, and so much intellect, it filled and fascinated the imagination and heart. It was

affectionate in childhood and youth, and it was more than ever so in the few last months of his long life. It is the universal testimony that he gave to his parents, in largest measure, honor, love, obedience ; that he eagerly appropriated the first means which he could command to relieve the father from the debts contracted to educate his brother and himself—that he selected his first place of professional practice that he might soothe the coming on of his old age—that all through life he neglected no occasion, sometimes when leaning on the arm of a friend, alone, with faltering voice, sometimes in the presence of great assemblies, where the tide of general emotion made it graceful, to express his “affectionate veneration of him who reared and defended the log cabin in which his elder brothers and sisters were born, against savage violence and destruction ; cherished all the domestic virtues beneath its roof, and through the fire and blood of some years of revolutionary war, shrank from no danger, no toil, no sacrifice, to serve his country, and to raise his children to a condition better than his own.”

Equally beautiful was his love of all his kindred, and of all his friends. When I hear him accused of selfishness, and a cold, bad nature, I recall him lying sleepless all night, not without tears of boyhood, conferring with Ezekiel how the darling desire of both hearts should be compassed, and he too admitted to the precious privileges of education ; courageously pleading the cause of both brothers in the morning ; prevailing by the wise and discerning affection of the mother ; suspending his

studies of the law, and registering deeds and teaching school to earn the means, for both, of availing themselves of the opportunity which the parental self-sacrifice had placed within their reach—loving him through life, mourning him when dead, with a love and a sorrow very wonderful—passing the sorrow of woman; I recall the husband, the father of the living and of the early departed, the friend, the counsellor of many years, and my heart grows too full and liquid for the refutation of words.

His affectionate nature, craving ever friendship, as well as the presence of kindred blood, diffused itself through all his private life, gave sincerity to all his hospitalities, kindness to his eye, warmth to the pressure of his hand; made his greatness and genius unbend themselves to the playfulness of childhood, flowed out in graceful memories indulged of the past or the dead, of incidents when life was young and promised to be happy—gave generous sketches of his rivals—the high contention now hidden by the handful of earth—hours passed fifty years ago with great authors, recalled for the vernal emotions which then they made to live and revel in the soul. And from these conversations of friendship, no man—no man, old or young—went away to remember one word of profaneness, one allusion of indelicacy, one impure thought, one unbelieving suggestion, one doubt cast on the reality of virtue, of patriotism, of enthusiasm, of the progress of man—one doubt cast on righteousness, or temperance, or judgment to come.

Every one of his tastes and recreations announced the same type of character. His love of agriculture, of sports in the open air, of the outward world in starlight and storms, and sea and boundless wilderness — partly a result of the influences of the first fourteen years of his life, perpetuated like its other affections and its other lessons of a mother's love, the psalms, the Bible, the stories of the wars — partly the return of an unsophisticated and healthful nature, tiring, for a space, of the idle business of political life, its distinctions, its artificialities, to employments, to sensations which interest without agitating the universal race alike, as God has framed it; in which one feels himself only a man, fashioned from the earth, set to till it, appointed to return to it, yet made in the image of his Maker, and with a spirit that shall not die — all displayed a man whom the most various intercourse with the world, the longest career of strife and honors, the consciousness of intellectual supremacy, the coming in of a wide fame, constantly enlarging, left as he was at first, natural, simple, manly, genial, kind.

You will all concur, I think, with a learned friend who thus calls my attention to the resemblance of his character, in some of these particulars, to that of Walter Scott.

“Nature endowed both with athletic frames, and a noble presence; both passionately loved rural life, its labors, and sports; possessed a manly simplicity free from all affectation, genial and social tastes, full minds, and happy elocution; both stamped themselves with

indelible marks upon the age in which they lived; both were laborious and always with high and virtuous aims, ardent in patriotism, overflowing with love of 'kindred blood,' and, above all, frank and unostentatious Christians."

I have learned by evidence the most direct and satisfactory, that in the last months of his life, the whole affectionateness of his nature; his consideration of others; his gentleness; his desire to make them happy and to see them happy, seemed to come out in more and more beautiful and habitual expression than ever before. The long day's public tasks were felt to be done; the cares, the uncertainties, the mental conflicts of high place, were ended; and he came home to recover himself for the few years which he might still expect would be his before he should go hence to be here no more. And there, I am assured and fully believe, no unbecoming regrets pursued him; no discontent, as for injustice suffered or expectations unfulfilled; no self-reproach for any thing done or any thing omitted by himself; no irritation, no peevishness unworthy of his noble nature; but instead, love and hope for his country, when she became the subject of conversation; and for all around him, the dearest and the most indifferent, for all breathing things about him, the overflow of the kindest heart growing in gentleness and benevolence; paternal, patriarchal affections, seeming to become more natural, warm, and communicative every hour. Softer and yet brighter grew the tints on the sky of parting day; and the

last lingering rays, more even than the glories of noon, announced how divine was the source from which they proceeded; how incapable to be quenched; how certain to rise on a morning which no night should follow.

Such a character was made to be loved. It was loved. Those who knew and saw it in its hour of calm — those who could repose on that soft green, loved him. His plain neighbors loved him; and one said, when he was laid in his grave, "How lonesome the world seems!" Educated young men loved him. The ministers of the gospel, the general intelligence of the country, the masses afar off, loved him. True, they had not found in his speeches, read by millions, so much adulation of the people; so much of the music which robs the public reason of itself; so many phrases of humanity and philanthropy; and some had told them he was lofty and cold — solitary in his greatness; but every year they came nearer and nearer to him, and as they came nearer they loved him better; they heard how tender the son had been, the husband, the brother, the father, the friend, and neighbor; that he was plain, simple, natural, generous, hospitable — the heart larger than the brain; that he loved little children and revered God, the Scriptures, the sabbath day, the Constitution, and the law — and their hearts clave unto him. More truly of him than even of the great naval darling of England might it be said, that "his presence would set the church bells ringing, and give school-boys a holiday — would bring

children from school and old men from the chimney corner, to gaze on him ere he died." The great and unavailing lamentation first revealed the deep place he had in the hearts of his countrymen.

You are now to add to this his extraordinary power of influencing the convictions of others by speech, and you have completed the survey of the means of his greatness. And here again I begin by admiring an aggregate, made up of excellences and triumphs, ordinarily deemed incompatible. He spoke with consummate ability to the bench, and yet exactly as, according to every sound canon of taste and ethics, the bench ought to be addressed. He spoke with consummate ability to the jury, and yet exactly as, according to every sound canon, that totally different tribunal ought to be addressed. In the halls of Congress, before the people assembled for political discussion in masses, before audiences smaller and more select, assembled for some solemn commemoration of the past, or of the dead; in each of these, again, his speech, of the first form of ability, was exactly adapted also to the critical proprieties of the place; each achieved, when delivered, the most instant and specific success of eloquence, some of them in a splendid and remarkable degree, and yet stranger still, when reduced to writing as they fell from his lips, they compose a body of reading, in many volumes, solid, clear, rich, and full of harmony, a classical and permanent political literature.

And yet all these modes of his eloquence, exactly

adapted each to its stage and its end, were stamped with his image and superscription; identified by characteristics incapable to be counterfeited, and impossible to be mistaken. The same high power of reason, intent in every one to explore and display some truth; some truth of judicial, or historical, or biographical fact; some truth of law, deduced by construction, perhaps, or by illation; some truth of policy, for want whereof a nation, generations, may be the worse; reason seeking and unfolding truth: the same tone in all of deep earnestness, expressive of strong desire that that which he felt to be important should be accepted as true, and spring up to action; the same transparent, plain, forcible and direct speech, conveying his exact thought to the mind, not something less or more; the same sovereignty of form, of brow, and eye, and tone, and manner—everywhere the intellectual king of men, standing before you—that same marvellousness of qualities and results, residing, I know not where, in words, in pictures, in the ordering of ideas, in felicities indescribable, by means whereof, coming from his tongue, all things seemed mended; truth seemed more true; probability more plausible; greatness more grand; goodness more awful; every affection more tender than when coming from other tongues,—these are in all his eloquence. But sometimes it became individualized, and discriminated even from itself; sometimes place and circumstances, great interests at stake, a stage, an audience fitted for the highest historic action, a crisis, personal or national, upon him, stirred

the depths of that emotional nature as the anger of the goddess stirs the sea on which the great epic is beginning; strong passions, themselves kindled to intensity, quickened every faculty to a new life; the stimulated associations of ideas brought all treasures of thought and knowledge within command, the spell, which often held his imagination fast, dissolved, and she arose and gave him to choose of her urn of gold; earnestness became vehemence, the simple, perspicuous, measured and direct language became a headlong, full and burning tide of speech; the discourse of reason, wisdom, gravity, and beauty, changed to that *Λειρότης*, that rarest consummate eloquence, grand, rapid, pathetic, terrible; the *aliquid immensum infinitumque* that Cicero might have recognized; the master triumph of man in the rarest opportunity of his noblest power.

Such elevation above himself, in congressional debate, was most uncommon. Some such there were in the great discussions of executive power following the removal of the deposits, which they who heard them will never forget, and some which rest in the tradition of hearers only. But there were other fields of oratory on which, under the influence of more uncommon springs of inspiration, he exemplified, in still other forms, an eloquence in which I do not know that he has had a superior among men. Addressing masses by tens of thousands in the open air, on the urgent political questions of the day; or designated to lead the meditations of an hour devoted to the remembrance of some national era, or of some incident marking the progress of

the nation, and lifting him up to a view of what is and what is past, and some indistinct revelation of the glory that lies in the future, or of some great historical name, just borne by the nation to his tomb — we have learned that then and there, at the base of Bunker Hill, before the corner-stone was laid, and again when from the finished column the centuries looked on him; in Fanueil Hall, mourning for those with whose spoken or written eloquence of freedom its arches had so often resounded; on the rock of Plymouth; before the capitol, of which there shall not be one stone left on another, before his memory shall have ceased to live — in such scenes, unfettered by the laws of forensic or parliamentary debate, multitudes uncounted lifting up their eyes to him; some great historical scenes of America around — all symbols of her glory, and art, and power, and fortune, there — voices of the past, not unheard — shapes beckoning from the future, not unseen — sometimes that mighty intellect, borne upwards to a height and kindled to an illumination which we shall see no more, wrought out, as it were, in an instant, a picture of vision, warning, prediction; the progress of the nation; the contrasts of its eras; the heroic deaths; the motives to patriotism; the maxims and arts imperial by which the glory has been gathered and may be heightened — wrought out, in an instant, a picture to fade only when all record of our mind shall die.

In looking over the public remains of his oratory, it is striking to remark how, even in that most sober, and massive understanding and nature, you see gathered and

expressed the characteristic sentiments and the passing time of our America. It is the strong old oak, which ascends before you; yet our soil, our heaven, are attested in it, as perfectly as if it were a flower that could grow in no other climate, and in no other hour of the year or day. Let me instance in one thing only. It is a peculiarity of some schools of eloquence, that they embody and utter, not merely the individual genius and character of the speaker, but a national consciousness; a national era; a mood; a hope; a dread; a despair, in which you listen to the spoken history of the time. There is an eloquence of an expiring nation; such as seems to sadden the glorious speech of Demosthenes; such as breathes grand and gloomy from the visions of the prophets of the last days of Israel and Judah; such as gave a spell to the expression of Grattan, and of Kossuth — the sweetest, most mournful, most awful of the words which man may utter, or which man may hear, the eloquence of a perishing nation. There is another eloquence, in which the national consciousness of a young, or renewed and vast strength; of trust in a dazzling, certain, and limitless future; an inward glorying in victories yet to be won, sounds out, as by voice of clarion, challenging to contest for the highest prize of earth — such as that in which the leader of Israel in its first days holds up to the new nation the land of Promise; such as that which in the well imagined speeches scattered by Livy, over the history of the “majestic series of victories,” speaks the Roman consciousness of growing aggrandizement which should sub-

ject the world ; such as that, through which, at the tribunes of her revolution, in the bulletins of her rising Soldier, France told to the world her dream of glory. And of this kind, somewhat, is ours ; cheerful ; hopeful ; trusting, as befits youth and spring ; the eloquence of a State beginning to ascend to the first class of power, eminence, and consideration ; and conscious of itself. It is to no purpose that they tell you it is in bad taste ; that it partakes of arrogance, and vanity ; that a true national goodbreeding would not know, or seem to know, whether the nation is old or young ; whether the tides of being are in their flow or ebb ; whether these coursers of the sun are sinking, slowly to rest, wearied with a journey of a thousand years, or just bounding from the Orient unbreathed. Higher laws than those of taste determine the consciousness of nations. Higher laws than those of taste determine the general forms of the expression of that consciousness. Let the downward age of America find its orators, and poets, and artists, to erect its spirit ; or grace, and soothe its dying ; be it ours to go up with Webster to the rock ; the monument ; the capitol ; and bid “ the distant generations hail ! ”

In this connection remark, somewhat more generally, to how extraordinary an extent he had, by his acts, words, thoughts, or the events of his life, associated himself forever, in the memory of all of us, with every historical incident, or at least with every historical epoch ; with every policy, with every glory, with every great name and fundamental institution, and grand or beautiful image, which are peculiarly and properly American.

Look backwards to the planting of Plymouth, and Jamestown ; to the various scenes of colonial life in peace and war ; to the opening and march, and close of the revolutionary drama — to the age of the Constitution — to Washington, and Franklin, and Adams, and Jefferson — to the whole train of causes from the Reformation downwards, which prepared us to be Republicans — to that other train of causes which led us to be Unionists ; look round on field, workshop, and deck, and hear the music of labor rewarded, fed and protected — look on the bright sisterhood of the States, each singing as a seraph in her motion, yet blending in a common beam and swelling a common harmony — and there is nothing which does not bring him by some tie to the memory of America.

We seem to see his form and hear his deep grave speech everywhere. By some felicity of his personal life ; by some wise, deep, or beautiful word spoken or written ; by some service of his own, or some commemoration of the services of others, it has come to pass that “our granite hills, our inland seas and prairies, and fresh, unbounded, magnificent wilderness ;” our encircling ocean ; the resting-place of the Pilgrims ; our new-born sister of the Pacific ; our popular assemblies ; our free schools, all our cherished doctrines of education, and of the influence of religion, and material policy and law, and the Constitution, give us back his name. What American landscape will you look on — what subject of American interest will you study — what source of hope

or of anxiety, as an American, will you acknowledge, that it does not recall him ?

I have reserved, until I could treat it as a separate and final topic, the consideration of the morality of Mr. Webster's public character and life. To his true fame, to the kind and degree of influence which that large series of great actions, and those embodied thoughts of great intellect are to exert on the future — this is the all-important consideration. In the last speech which he made in the Senate — the last of those which he made, as he said, for the Constitution and the Union, and which he might have commended, as Bacon his name and memory, "to men's charitable speeches, to foreign nations, and the next ages," yet with a better hope, he asserted — "The ends I aim at shall be those of my country, my God, and truth." Is that praise his ?

Until the seventh day of March, 1850, I think it would have been accorded to him by an almost universal acclaim, as general, and as expressive of profound and intelligent conviction, and of enthusiasm, love, and trust, as ever saluted conspicuous statesmanship, tried by many crises of affairs in a great nation, agitated ever by parties, and wholly free.

That he had admitted into his heart a desire to win, by deserving them, the highest forms of public honor, many would have said ; and they who loved him most fondly, and felt the truest solicitude that he should carry a good conscience and pure fame brightening to the end, would not have feared to concede. For he was not

ignorant of himself, and he therefore knew that there was nothing within the Union, Constitution and law, too high, or too large, or too difficult for him. He believed that his natural or his acquired abilities, and his policy of administration, would contribute to the true glory of America; and he held no theory of ethics which required him to disparage, to suppress, to ignore vast capacities of public service merely because they were his own. If the fleets of Greece were assembling, and her tribes buckling on their arms from Laconia to Mount Olympus, from the promontory of Sunium to the isle farthest to the west, and the great epic action was opening, it was not for him to fain insanity or idiocy, to escape the perils and the honor of command. But that all this in him had been ever in subordination to a principled and beautiful public virtue; that every sectional bias, every party tie, as well as every personal aspiring, had been uniformly held by him for nothing against the claims of country; that nothing lower than country seemed worthy enough — nothing smaller than country large enough — for that great heart, would not have been questioned by a whisper. Ah! if at any hour before that day he had died, how would then the great procession of the people of America — the great triumphal procession of the dead — have moved onward to his grave — the sublimity of national sorrow, not contrasted, not outraged by one feeble voice of calumny!

In that antecedent public life, embracing from 1812 to 1850 — a period of thirty-eight years — I find grandest proofs of the genuineness and comprehen-

siveness of his patriotism, and the boldness and manliness of his public virtue. He began his career of politics as a federalist. Such was his father—so beloved and revered; such his literary and professional companions; such, although by no very decisive or certain preponderance, the community in which he was bred and was to live. Under that name of party he entered Congress, personally, and by connection, opposed to the war, which was thought to bear with such extreme sectional severity upon the North and East. And yet, one might almost say that the only thing he imbibed from federalists or federalism, was love and admiration for the Constitution as the means of union. That passion he did inherit from them; that he cherished.

He came into Congress, opposed, as I have said, to the war; and behold him, if you would judge of the quality of his political ethics, in opposition. Did those eloquent lips, at a time of life when vehemence and imprudence are expected, if ever, and not ungraceful, let fall ever one word of faction? Did he ever deny one power to the general government, which the soundest expositors of all creeds have allowed it? Did he ever breathe a syllable which could excite a region, a State, a family of States, against the Union—which could hold out hope or aid to the enemy?—which sought or tended to turn back or to chill the fiery tide of a new and intense nationality, then bursting up, to flow and burn till all things appointed to America to do shall be fulfilled? These questions in their sub-

stance, he put to Mr. Calhoun, in 1838, in the Senate, and that great man — one of the authors of the war — just then, only then, in relations unfriendly to Mr. Webster, and who had just insinuated a reproach on his conduct in the war, was silent. Did Mr. Webster content himself even with objecting to the details of the mode in which the administration waged the war? No, indeed. Taught by his constitutional studies that the Union was made in part for commerce, familiar with the habits of our long line of coast, knowing well how many sailors and fishermen, driven from every sea by embargo and war, burned to go to the gun-deck and avenge the long wrongs of England on the element where she had inflicted them, his opposition to the war manifested itself by teaching the nation that the deck was her field of fame. *Non illi imperium pelagi saevum que tridentum, sed nobis, sorte datum.*

But I might recall other evidence of the sterling and unusual qualities of his public virtue. Look in how manly a sort he, not merely conducted a particular argument or a particular speech, but in how manly a sort, in how high a moral tone, he uniformly dealt with the mind of his country. Politicians got an advantage of him for this while he lived; let the dead have just praise to-day. Our public life is one long electioneering, and even Burke tells you that at popular elections the most rigorous casuists will remit something of their severity. But where do you find him flattering his countrymen, indirectly or directly, for a vote? On what did he ever place himself but good counsels and

useful service? His arts were manly arts, and he never saw a day of temptation when he would not rather fall than stand on any other. Who ever heard that voice cheering the people on to rapacity, to injustice, to a vain and guilty glory? Who ever saw that pencil of light hold up a picture of manifest destiny to dazzle the fancy? How anxiously rather, in season and out, by the energetic eloquence of his youth, by his counsels bequeathed on the verge of a timely grave, he preferred to teach that by all possible acquired sobriety of mind, by asking reverently of the past, by obedience to the law, by habits of patient and legitimate labor, by the cultivation of the mind, by the fear and worship of God, we educate ourselves for the future that is revealing. Men said he did not sympathize with the masses, because his phraseology was rather of an old and simple school, rejecting the nauseous and vain repetitions of humanity and philanthropy, and progress and brotherhood, in which may lurk heresies so dreadful, of socialism or disunion; in which a selfish, hollow, and shallow ambition may mask itself—the syren song which would lure the pilot from his course. But I say that he did sympathize with them; and, because he did, he came to them not with adulation, but with truth; not with words to please, but with measures to serve them; not that his popular sympathies were less, but that his personal and intellectual dignity and his public morality were greater.

And on the seventh day of March, and down to the final scene, might he not still say as ever before, that

“all the ends he aimed at were his country’s, his God’s, and truth’s.” He declared, “I speak to-day for the preservation of the Union. Hear me for my cause. I speak to-day out of a solicitous and anxious heart for the restoration to the country of that quiet and harmony, which make the blessings of this Union so rich and so dear to us all. These are the motives and the sole motives that influence me.” If in that declaration he was sincere, was he not bound in conscience to give the counsels of that day? What were they? What was the single one for which his political morality was called in question? Only that a provision of the Federal Constitution, ordaining the restitution of fugitive slaves, should be executed according to its true meaning. This only. And might he not in good conscience keep the Constitution in this part, and in all, for the preservation of the Union?

Under his oath to support it, and to support it all, and with his opinions of that duty so long held, proclaimed uniformly, in whose vindication on some great days, he had found the chief opportunity of his personal glory, might he not, in good conscience support it, and all of it, even if he could not, and no human intelligence could, certainly, know, that the extreme evil would follow, in immediate consequence, its violation? Was it so recent a doctrine of his that the Constitution was obligatory upon the national and individual conscience, that you should ascribe it to sudden and irresistible temptation? Why, what had he, quite down to the seventh of March, that more truly indi-

vidualized him — what had he more characteristically his own — wherewithal had he to glory more or other than all beside, than this very doctrine of the sacred and permanent obligation to support each and all parts of that great compact of union and justice? Had not this been his distinction, his *speciality* — almost the foible of his greatness — the darling and master passion ever? Consider that that was a sentiment which had been part of his conscious nature for more than sixty years; that from the time he bought his first copy of the Constitution on the handkerchief, and revered parental lips had commended it to him, with all other holy and beautiful things, along with lessons of reverence to God, and the belief and love of His Scriptures, along with the doctrine of the catechism, the unequalled music of Watts, the name of Washington — there had never been an hour that he had not held it the master work of man — just in its ethics, consummate in its practical wisdom, paramount in its injunctions; that every year of life had deepened the original impression: that as his mind opened, and his associations widened, he found that every one for whom he felt respect, instructors, theological and moral teachers, his entire party connection, the opposite party, and the whole country, so held it, too; that its fruits of more than half a century of union, of happiness, of renown, bore constant and clear witness to it in his mind, and that it chanced that certain emergent and rare occasions had devolved on him to stand forth to maintain it, to vindicate its interpretation, to vindi-

cate its authority, to unfold its workings and uses; that he had so acquitted himself of that opportunity as to have won the title of its Expounder and Defender, so that his proudest memories, his most prized renown, referred to it, and were entwined with it—and say whether with such antecedents, readiness to execute, or disposition to evade, would have been the hardest to explain; likeliest to suggest the surmise of a new temptation! He who knows any thing of man, knows that his vote for beginning the restoration of harmony by keeping the whole Constitution, was determined, was necessitated by the great law of sequences—a great law of cause and effect, running back to his mother's arms, as resistless as the law which moves the system about the sun—and that he must have given it, although it had been opened to him in vision, that within the next natural day his “eyes should be turned to behold for the last time the sun in heaven.”

To accuse him in that act of “sinning against his own conscience,” is to charge, one of these things; either that no well instructed conscience can approve and maintain the Constitution, and each of its parts; and therefore that his, by inference, did not approve it; or that he had never employed the proper means of instructing his conscience; and therefore its approval, if it were given, was itself an immorality. The accuser must assert one of these propositions. He will not deny, I take it for granted, that the conscience requires to be instructed by political teaching, in order to guide the citizen, or the public man aright, in the matter of political

duties. Will he say that the moral sentiments alone, whatever their origin; whether factitious and derivative, or parcel of the spirit of the child and born with it; that they alone, by force of strict and mere ethical training, become qualified to pronounce authoritatively whether the Constitution, or any other vast, and complex civil policy, as a whole, whereby a nation is created, and preserved, ought to have been made, or ought to be executed? Will he venture to tell you that if your conscience approves the Union, the Constitution in all its parts, and the law which administers it, that you are bound to obey and uphold them; and if it disapproves, you must, according to your measure, and in your circles of agitation, disobey and subvert them, and leave the matter there — forgetting or designedly omitting to tell you also that you are bound, in all good faith and diligence to resort to studies and to teachers *ab extra* — in order to determine whether the conscience *ought* to approve or disapprove the Union, the Constitution and the law, *in view of the whole aggregate of their nature and fruits?* Does he not perfectly know that this moral faculty, however trained, by mere moral institution, specifically directed to that end, to be tender, sensitive, and peremptory, is totally unequal to decide on any action, or any thing, but the very simplest; that which produces the most palpable and immediate result of unmixed good, or unmixed evil; and that when it comes to judge on the great mixed cases of the world, where the consequences are numerous, their development slow and successive, the light and shadow

of a blended and multiform good and evil spread out on the lifetime of a nation, that then morality must borrow from history; from politics; from reason operating on history and politics; her elements of determination? I think he must agree to this. He must agree, I think, that to single out one provision in a political system of many parts and of elaborate interdependence, to take it all alone, exactly as it stands, and without attention to its origin and history; the necessities, morally resistless, which prescribed its introduction into the system, the unmeasured good in other forms which its allowance buys, the unmeasured evil in other forms which its allowance hinders — without attention to these, to present it in all “the nakedness of a metaphysical abstraction” to the mere sensibilities; and ask if it is not inhuman, and if they answer according to their kind, that it is, then to say that the problem is solved, and the right of disobedience is made clear — he must agree that this is not to exalt reason and conscience, but to outrage both. He must agree that although the supremacy of conscience is absolute whether the decision be right or wrong, that is, *according to the real qualities of things or not*, that there lies back of the actual conscience, and its actual decisions, the great anterior duty of having a conscience that *shall decide according to the real qualities of things*; that to this vast attainment some adequate knowledge of the real qualities of the things which are to be subjected to its inspection is indispensable; that if the matter to be judged of is any thing so large, complex, and conventional as the duty of the citizen, or the

public man, to the State ; the duty of preserving or destroying the order of things in which we are born ; the duty of executing or violating one of the provisions of organic law which the country, having a wide and clear view before and after, had deemed a needful instrumental means for the preservation of that order ; that then it is not enough to relegate the citizen, or the public man, to a higher law, and an interior illumination, and leave him there. Such discourse is "as the stars, which give so little light because they are so high." He must agree that in such case, morality itself should go to school. There must be science as well as conscience, as old Fuller has said. She must herself learn of history ; she must learn of politics ; she must consult the builders of the State, the living and the dead, to know its value, its aspects in the long run, on happiness and morals ; its dangers ; the means of its preservation ; the maxims and arts imperial of its glory. To fit her to be the mistress of civil life, he will agree, that she must come out for a space from the interior round of emotions, and subjective states and contemplations, and introspection, "cloistered ; unexercised, unbreathed" — and, carrying with her nothing but her tenderness, her scrupulosity, and her love of truth, survey the objective realities of the State ; ponder thoughtfully on the complications, and impediments, and antagonisms which make the noblest politics but an aspiring, an approximation, a compromise, a type, a shadow of good to come, "the buying of great blessings at great prices" — and

there learn civil duty *secundum subjectam materiam*. "Add to your virtue knowledge" — or it is no virtue.

And now, is he who accuses Mr. Webster of "sinning against his own conscience," quite sure that he *knows*, that that conscience, — well instructed by profoundest political studies, and thoughts of the reason; well instructed by an appropriate moral institution sedulously applied, did not commend and approve his conduct to himself? Does he know, that he had not anxiously, and maturely studied the ethics of the Constitution; and *as a question of ethics*, but of ethics applied to a stupendous problem of practical life, and had not become satisfied that they were right? Does he know that he had not done this, when his faculties were all at their best; and his motives under no suspicion? May not such an inquirer, for aught you can know; may not that great mind have verily and conscientiously thought that he had learned in that investigation many things? May he not have thought that he learned, that the duty of the inhabitants of the free States, in that day's extremity, to the republic, the duty at all events of statesmen, to the republic, is a little too large, and delicate, and difficult, to be all comprehended in the single emotion of compassion for one class of persons in the commonwealth, or in carrying out the single principle of abstract, and natural, and violent justice to one class? May he not have thought that he found there some stupendous exemplifications of what we read of, in books of casuistry, the "dialectics of conscience," as conflicts of duties; such things as the

conflicts of the greater with the less; conflicts of the attainable with the visionary; conflicts of the real with the seeming; and may he not have been soothed to learn that the evil which he found in this part of the Constitution was the least of two; was unavoidable; was compensated; was justified; was commanded, as by a voice from the mount, by a more exceeding and enduring good? May he not have thought that he had learned, that the grandest, most difficult, most pleasing to God, of the achievements of secular wisdom and philanthropy, is the building of a state; that of the first class of grandeur and difficulty, and acceptableness to Him, in this kind, was the building of our own: that unless everybody of consequence enough to be heard of in the age and generation of Washington — unless that whole age and generation were in a conspiracy to cheat themselves, and history, and posterity, a certain policy of concession and forbearance of region to region, was indispensable to rear that master work of man; and that that same policy of concession and forbearance is as indispensable, more so, now, to afford a rational ground of hope for its preservation? May he not have thought that he had learned that the obligation, if such in any sense you may call it, of one State to allow itself to become an asylum for those flying from slavery in another State, was an obligation of benevolence, of humanity only, not of justice; that it must, therefore, on ethical principles, be exercised under all the limitations which regulate and condition the benevolence of States; that therefore each is to exer-

cise it in strict subordination to its own interests, estimated by a wise statesmanship, and a well instructed public conscience ; that benevolence itself, even its ministrations of mere good-will, is an affair of measure and of proportions ; and must choose sometimes between the greater good, and the less ; that if, to the highest degree, and widest diffusion of human happiness, a Union of States such as ours, some free, some not so, was necessary ; and to such Union the Constitution was necessary ; and to such a Constitution this clause was necessary, humanity itself prescribes it, and presides in it? May he not have thought that he learned that there are proposed to humanity in this world many fields of beneficent exertion ; some larger, some smaller, some more, some less expensive and profitable to till ; that among these it is always lawful, and often indispensable to make a choice ; that sometimes, to acquire the right, or the ability to labor in one, it is needful to covenant, not to invade another ; and that such covenant, in partial restraint, rather in reasonable direction of philanthropy, is good in the forum of conscience ; and setting out with these very elementary maxims of practical morals, may he not have thought that he learned from the careful study of the facts of our history, and opinions, that to acquire the power of advancing the dearest interests of man, through generations countless, by that unequalled security of peace and progress, the Union ; the power of advancing the interest of each State, each region, each relation—the slave and the master ; the power of subjecting a whole continent all

astir, and on fire with the emulation of young republics; of subjecting it, through ages of household calm, to the sweet influences of Christianity, of culture, of the great, gentle, and sure reformer, time, that to enable us to do this, to enable us to grasp this boundless and ever-renewing harvest of philanthropy, it would have been a good bargain—that humanity herself would have approved it—to have bound ourselves never so much as to look across the line into the inclosure of Southern municipal slavery; certainly never to enter it; still less, still less to

“Pluck its berries harsh and crude,
And with forced fingers rude
Shatter its leaves before the mellowing year.”

Until the accuser who charges him, now that he is in his grave, with “having sinned against his conscience,” will assert that the conscience of a public man may not, must not, be instructed by profound knowledge of the vast subject-matter with which public life is conversant—even as the conscience of the mariner may be and must be instructed by the knowledge of navigation; and that of the pilot by the knowledge of the depths and shallows of the coast; and that of the engineer of the boat and the train, by the knowledge of the capacities of his mechanism, to achieve a proposed velocity; and will assert that he is certain that the consummate science of our great statesman, *was felt by himself to prescribe to his morality* another conduct than that which he adopted, and that he thus consciously outraged that “sense of

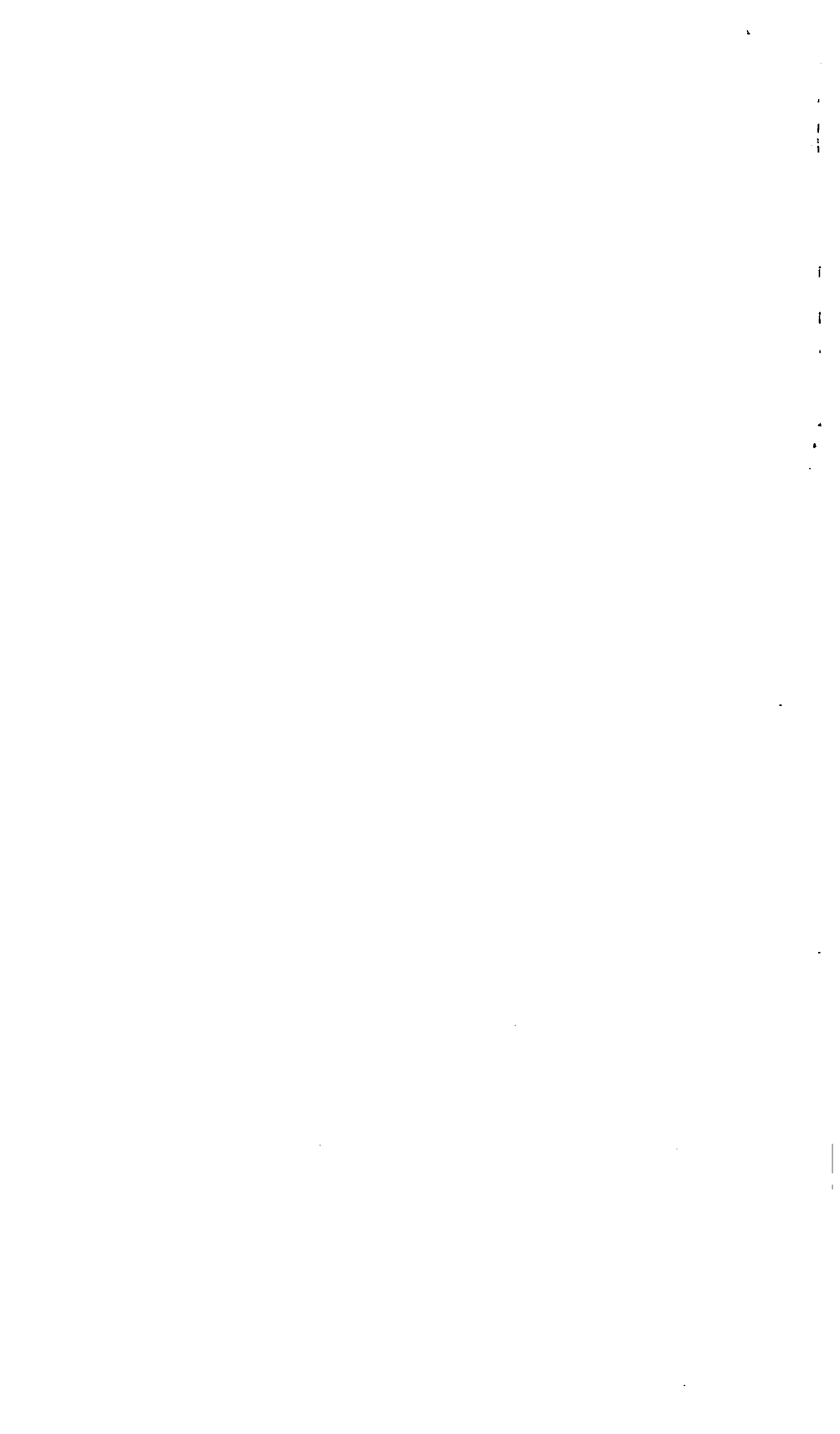
duty which pursues us ever" — is he not inexcusable, whoever he is, that so judges another?

But it is time that this eulogy was spoken. My heart goes back into the coffin there with him, and I would pause. I went — it is a day or two since — alone, to see again the home which he so dearly loved, the chamber where he died, the grave in which they laid him — all habited as when

"His look drew audience still as night,
Or summer's noontide air,"

till the heavens be no more. Throughout that spacious and calm scene all things to the eye showed at first unchanged. The books in the library, the portraits, the table at which he wrote, the scientific culture of the land, the course of agricultural occupation, the coming in of harvests, fruit of the seed his own hand had scattered, the animals and implements of husbandry, the trees planted by him in lines, in copses, in orchards, by thousands, the seat under the noble elm on which he used to sit to feel the southwest wind at evening, or hear the breathings of the sea, or the not less audible music of the starry heavens, all seemed at first unchanged. The sun of a bright day, from which, however, something of the fervors of mid-summer were wanting, fell temperately on them all, filled the air on all sides with the utterances of life, and gleamed on the long line of ocean. Some of those whom on earth he loved best, still were there. The great mind still seemed to preside; the great presence

to be with you; you might expect to hear again the rich and playful tones of the voice of the old hospitality. Yet a moment more, and all the scene took on the aspect of one great monument, inscribed with his name, and sacred to his memory. And such it shall be in all the future of America! The sensation of desolateness, and loneliness, and darkness, with which you see it now, will pass away; the sharp grief of love and friendship will become soothed; men will repair thither as they are wont to commemorate the great days of history; the same glance shall take in, and the same emotions shall greet and bless the Harbor of the Pilgrims, and the Tomb of Webster.



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