

E 415

.9

.L4 H3

Copy 1

E 415
.9
.L4 H3
Copy 1

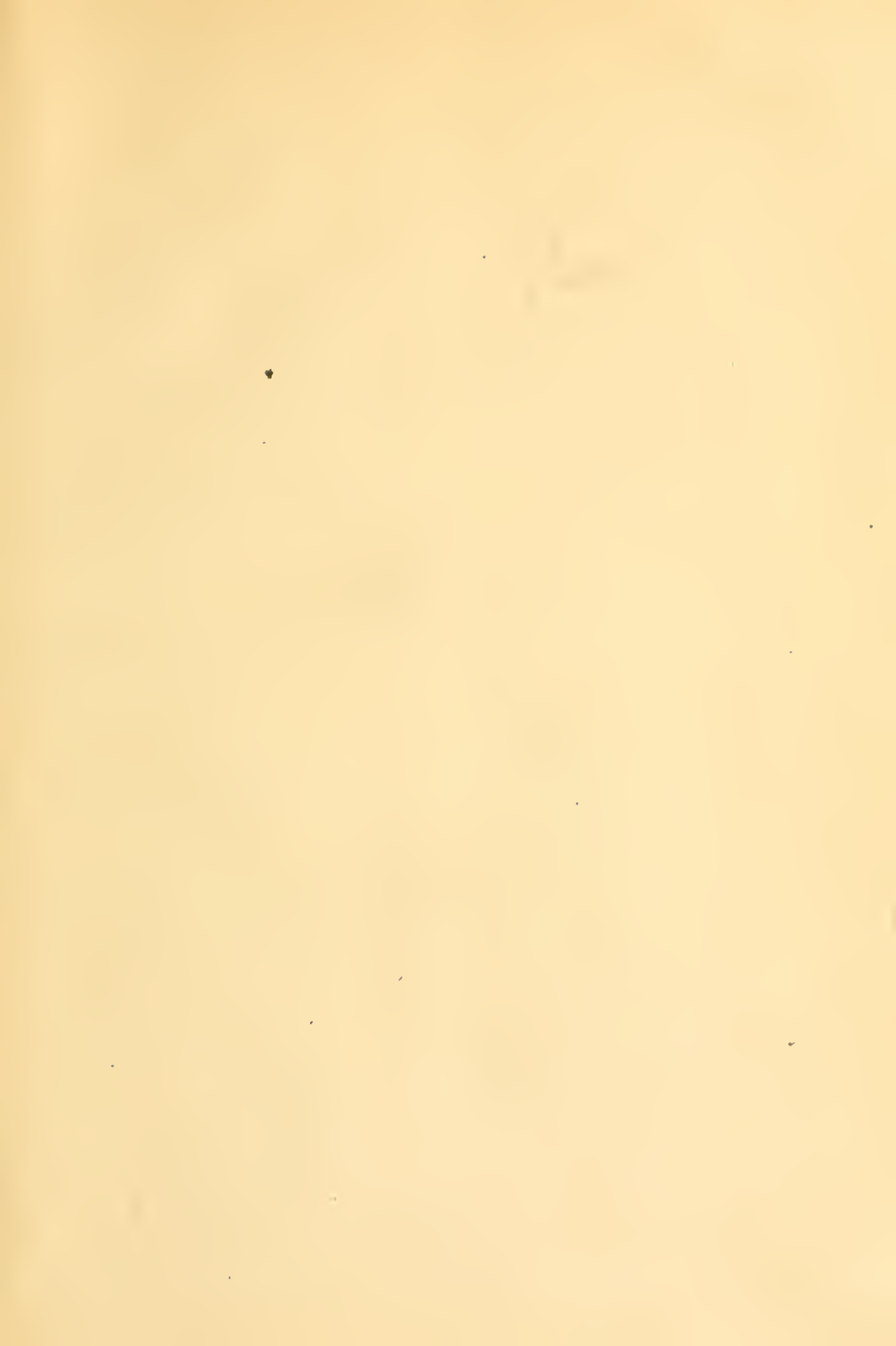
4132
R 22511

LIBRARY OF CONGRESS.

Chap E415
Shelf . 9 L4H3

PRESENTED BY

UNITED STATES OF AMERICA.





Library of Congress
from the Author

WILLIAM BEACH LAWRENCE

A DISCOURSE

BY CHARLES HENRY HART

A DISCOURSE

COMMEMORATIVE OF THE

LIFE AND SERVICES

OF THE LATE

WILLIAM BEACH LAWRENCE

PRONOUNCED BEFORE THE

Numismatic and Antiquarian Society of Philadelphia

ON THURSDAY EVENING MAY 5 1881

By CHARLES HENRY HART

HISTORIOGRAPHER OF THE SOCIETY

AND

CORRESPONDING MEMBER OF THE MASSACHUSETTS HISTORICAL SOCIETY

MARYLAND HISTORICAL SOCIETY MAINE HISTORICAL SOCIETY LONG ISLAND HISTORICAL SOCIETY

BUFFALO HISTORICAL SOCIETY NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY

NEW YORK GENEALOGICAL AND BIOGRAPHICAL SOCIETY ESSEX

INSTITUTE SALEM MASSACHUSETTS

AND

HONORARY MEMBER OF THE NEW JERSEY HISTORICAL SOCIETY

[Reprinted from THE PENN MONTHLY for June 1881]

PHILADELPHIA

1881



PRESS OF EDWARD STERN & CO.,
125 and 127 N. Seventh Street,
PHILADELPHIA.

WILLIAM BEACH LAWRENCE.

THE duty that I perform to-night is truly a sad pleasure. It is, indeed, a great privilege to be allowed to lay a tribute upon the grave of a departed friend, but, at the same time, it is a privilege that we would always be happier were we not called upon to embrace. William Beach Lawrence, the honorary Vice-President of this Society for the State of Rhode Island, died in New York, at the Albemarle Hotel, on Saturday, March 26, 1881, in the eighty-first year of his age. My acquaintance with Mr. Lawrence began in the summer of 1868, and, for the remaining thirteen years of his life, our relations were not only friendly, but intimate. This may seem strange, considering the disparity of our years,—he being nearly half a century my senior,—but the great theme that for so long occupied his mind and pen,—the Law of Nations,—was one that had early attracted my attention, and thus our similar tastes bridged over the gulf of years. Living far apart, in different States, our intercourse, except by letter, was necessarily limited; but I recall with great pleasure the occasions when I enjoyed the hospitality of his beautiful home at Ochre Point, and it is with equal satisfaction that I look back to when he was my guest here. Notwithstanding his engrossing labor upon his last great work, he was a no mean correspondent, and I find in my portfolio nearly fifty letters, closely written in his minute and characteristic hand. I need not say that I have felt flattered by his valued friendship; but in drawing up this memoir I have endeavored neither to paint the lily nor to gild refined gold, but merely to give a correct delineation of his life and labors.

William Beach Lawrence was born in the city of New York, on the twenty-third of October, 1800. The Lawrence lineage is one of the proudest in the land. They claim descent from Sir Robert Laurens of Ashton Hall, Lancaster, England, who accompanied Richard *Cœur de Lion* in his famous expedition to Palestine, and who signalized himself in the memorable siege of St. Jean d'Acre in 1191, by being the first to plant the banner of the cross on the battlements of that town, for which service he received, on the field from King Richard, the honors of knighthood. After this, the family became eminent in England, and a writer says:—"The Lawrences were allied to all that was great and illustrious; cousins to the ambitious Dudley, Duke of Northumberland; to the Earl of Warwick; to Lord Guilford Dudley, who expiated on the scaffold the short-lived royalty of Lady Jane Grey; to the brilliant Leicester, who set two queens at variance, and to Sir Philip Sidney, who refused a throne." Whether this descent is verified, has been disputed; but certain it is that the three brothers, John, William and Thomas, who emigrated from Great St. Albans, in Hertfordshire, to this country, in the first half of the seventeenth century, bore the same coat-of-arms as those granted to Sir Robert, of Ashton Hall. John and William Lawrence came over with John Winthrop, Jr., Governor of Connecticut, in the ship "Planter," which landed at Plymouth in 1635, while Thomas, the youngest brother, from whom the subject of our notice was descended, is supposed, from his name not appearing in the list of passengers of the "Planter," to have come out subsequently and joined his brothers. It is also claimed that these three brothers were own cousins to the famous Henry Lawrence, Lord President of the Protector's Council, who was associated with Lords Say and Sele, Lord Brooke, Sir Arthur Hasselrig, Sir Richard Saltonstall, George Fenwick and Henry Darley, in obtaining the large grant of land on the Connecticut River, and who sent John Winthrop, Jr., out to be Governor over the same, intending to follow him to this country, but, the prohibition to Cromwell and others from emigrating to America, defeated their intention. This relationship, although lacking documentary proof, is very probable, and would account for the emigration of John and William, by the same vessel as Governor Winthrop, at the early ages of seventeen and twelve respectively. From Massachusetts the brothers passed to

New York, and, in 1645, John and William appear among the patentees of Flushing, L. I. Thomas, the youngest brother, lived awhile at Flushing, but, in 1656, removed to Newtown, L. I., and became one of the patentees of that place. He subsequently purchased from the Dutch settlers a number of cultivated farms, extending along the East River, from Hell Gate Cove to Bowery Bay. He was quite active in the affairs of the Colony, and accepted the command of the troops raised in Queens County, to defend Albany against the French. His commission by Governor Leisler, with the rank of major, bears date December 30, 1689. He died at Newtown in July, 1703, leaving a widow and seven children to survive him.

John Lawrence, the third son of Major Thomas Lawrence, married Deborah, daughter of Richard Woodhull, one of the patentees of Brookhaven. He was captain of a troop of horse, and also high sheriff of the county, and died December 17, 1729, leaving a widow and three sons. John Lawrence, second son of Captain John Lawrence, was born at Newtown, September 9, 1695, and married, December 8, 1720, Patience, daughter of Joseph Sackett. He was a wealthy farmer, and died May 7, 1765. His wife and ten children survived him. William Lawrence, the fifth child of Farmer John Lawrence, was born July 27, 1729, and married, May 14, 1752, Anna, daughter of Isaac and Diana Brinckerhoff, after whose death he married, April 14, 1771, Mary, daughter of Charles Palmer. By these two marriages he had twelve children, seven of whom were living when he died, January 13, 1794. His son Isaac, born February 8, 1768, was the father of William Beach Lawrence. He married Cornelia, daughter of the Reverend Abraham Beach, D. D., one of the ministers of Old Trinity, a woman of remarkable character and an exemplary wife and mother. Mr. Isaac Lawrence was a prominent and wealthy merchant of New York, and, from 1816, President of the branch Bank of the United States in that city, during its life of a score of years. He died July 12, 1841, leaving a large fortune to his seven children, of whom the subject of this notice was the only son. His eldest daughter married the distinguished James A. Hillhouse, of New Haven, while the youngest became the wife of the Right Reverend Bishop Kip, of California.

The early years of William Beach Lawrence were passed at the seat of his maternal grandfather, the Rev. Dr. Beach, on the Raritan

in New Jersey, and at *twelve* years of age he was sent to Queen's, now Rutgers, College, which must have had a very modest curriculum to admit so mere a child. He remained at this school for two years, when he was prepared to enter Columbia College, New York, where he was graduated with the highest honors in the class of 1818, having among his class-mates the late Professor Henry J. Anderson and Mr. James Lenox. On leaving college, he became a student in the office of William Slosson, then the most eminent commercial lawyer in New York, and subsequently attended the famous law-school of Judges Reeves and Gould, at Litchfield, Connecticut. His health becoming impaired by close and continuous application to study, he was obliged to make a voyage to the South, passing the winter in South Carolina and Georgia, where he was hospitably received by the historical families of Rutledge, Middleton, Huger, Lowndes and others, deriving much instruction from his intercourse with these cultivated people, many of whom had received their education at Oxford and Cambridge. Having married Hetty, daughter of Archibald Gracie, Esq., Mr. Lawrence, in 1821, visited Europe, spending two years in England, France and Italy, availing himself of a winter in Paris to attend a course of lectures on political economy by Jean Baptiste Say, as also to frequent the Sorbonne and the School of Law. In going abroad, Mr. Lawrence enjoyed every advantage an American could well possess to facilitate his objects of intellectual and social improvement. The position occupied by his father as President of the branch Bank, as also his having been a Presidential Elector at the late election which had placed James Monroe at the head of the nation, enabled him to obtain for his son private letters of introduction from the President, as also from his predecessors, Mr. Madison and Mr. Jefferson, to the different diplomatic representatives abroad and to many foreigners of consideration. At this time Richard Rush was our Minister at the Court of St. James and Albert Gallatin at the Court of France, and Mr. Lawrence's introduction to this last-named diplomat exercised a marked influence upon his subsequent career and, indeed, upon all the rest of his life. Voyages to Europe, now so common, were in those days very rare, and, during the winter which Mr. and Mrs. Lawrence passed in Rome, there were but four Americans in the city, and Mrs. Lawrence was the only American lady. It was at this time

that the friendship between Mr. Lawrence and Mr. Bancroft began, the latter, then a student at Göttingen, having come to pass Holy Week in Rome.

On Mr. Lawrence's return from abroad in 1823, he was admitted to practice as a counsellor of the Supreme Court of New York. Chancellor Kent was at this time delivering a course of lectures, which formed the basis of his future *Commentaires*, and Mr. Lawrence, always anxious to learn, attended the entire course and took complete notes, which he carefully preserved, and which I have had the pleasure of seeing in his library at Newport. His attention was particularly directed to public law and the law of nations,—now comprehensively called international law,—to which he was particularly prompted by his intercourse with the subsequent great publicist, Henry Wheaton, with whom Mr. Lawrence on his return from Europe formed those intimate relations, which resulted in a life-long friendship. That his observations abroad had not been confined wholly to the science he specially pursued, is shown by the fact that, on the 10th of May, 1825, he delivered, by request, an address at the opening of the eleventh exhibition of the American Academy of Fine Arts, on the *Schools of Art, Ancient and Modern*, which went through two editions, and received high commendation from the *North American Review* (XXI., 459,) and other periodicals of the day. Mr. Lawrence possessed particular advantages for treating this subject. He had visited the famous galleries of France and Italy, and had been a pupil of the distinguished archæologist Vasi, under whose direction he examined the remains of Roman art; while Canova, himself, the most illustrious of modern sculptors, had explained to him his own great works. His career as a writer was now fully entered upon, and, from 1824 to 1826, he contributed several articles to the *Atlantic Magazine*, which later became the more widely known *New York Review*. At this time, his studies were principally directed towards questions of political economy, and his first articles have for their titles, *Restrictions on the Banking System*, and *Financial Policy of the United States*. Here he advocated the doctrines of free trade, with all its consequences, and of a paper money exchangeable at will into gold or silver,—principles to which he always remained faithful.

In the spring of 1826, President John Quincy Adams appointed the Hon. Albert Gallatin, on a special mission, to succeed Mr. King

as Minister to England, and, in recognition of the historical and legal learning by which Mr. Lawrence had fitted himself for the profession of diplomacy, Mr. Gallatin, who had known him in Paris, asked that he should be named as Secretary of Legation. This was a period when important questions were at issue and negotiations pending, between the two Governments. The commercial intercourse between the United States and the British American provinces, including the West India trade, was then suspended. The general commercial treaty was to be revised, and the boundaries between the United States and the British possessions on our extreme North-eastern and North-western frontiers, in Maine and Oregon, had to be settled. The disputed points which had been pretermitted in the Treaty of Ghent, including the assumed right of impressment of seamen, had yet to be adjusted. The brilliant Canning was at this time the head of the British Government, and at the height of his career, so soon to come to a sudden end. This is, of course, not the place or the occasion to go into a review of the relations of the two countries; but the epoch was a critical one and called forth the exercise of the highest diplomatic functions. In August, 1827, Mr. Canning died, and Lord Goodrich succeeded him as Premier. In October, Mr. Gallatin resigned and returned to this country, leaving Mr. Lawrence in charge of the mission, having previously, in his final dispatch, assured Mr. Clay of the entire competency of the Secretary to conduct alone its affairs. The President at once named Mr. Lawrence *Chargé d'Affaires*, in which capacity, being vested with plenipotentiary powers, he exchanged the several treaties concluded by Mr. Gallatin, and to him also was confided, on behalf of the United States, the selection of the arbiter to determine the vexed boundary questions. While thus acting, Mr. Lawrence conducted several delicate matters to a successful conclusion and carried on a protracted correspondence, first with Lord Dudley, and later with Lord Aberdeen of the Wellington Ministry, in such a skilful and able manner as to call forth the approval of the President, and to receive the warm commendation of Henry Clay, then Secretary of State. The character of Mr. Lawrence's dispatches, which are to be found inserted at length in the State papers of the United States and Great Britain, may be inferred from the fact that, more than thirty years afterwards, portions of them were transferred without altera-

tion to *Lawrence's Wheaton* (2d Annotated Ed., 1863, p. 37.) and to his French *Commentaire* (Vol. 1., p. 170). He has in those works, besides other matters, drawn largely from his dispatches in regard to the relations of the Western powers and of Russia, to the affairs of Turkey, and the establishment of the Kingdom of Greece, which took place during his time (*Commentaire*, Vol. 1., p. 412). During Mr. Lawrence's residence in London, he was a member of the Political Economy Club, to which McCulloch, Sir John Bowring, and the liberal-minded banker and historian of Greece, George Grote, belonged. With Jeremy Bentham and Joseph Hume he was on terms of familiar intercourse. Questions of currency and finance were then uppermost in the Parliamentary debates, and Mr. Lawrence took an active interest in the friendly discussion of these subjects with the distinguished men just mentioned. He, moreover, during this period, carefully followed the proceedings of the British courts of law. Charles Abbot, Lord Tenterden, was then Chief Justice of the King's Bench, and the two illustrious brothers Scott, Lord Eldon and Lord Stowell, presided respectively over the Courts of Chancery and of Civil Law. He had likewise the good fortune to be present and hear Brougham deliver his memorable speech calling for legal reform. It is needless to say that Mr. Lawrence was more than a casual observer of the events passing before him. He was an intelligent student and critic as well, and garnered from the ripe field around him rich stores, to be used at a subsequent season.

Relieved from his duties at London, by the change of Administration consequent upon the election of Mr. Jackson, which also deprived him of the Mission to Berlin, which Mr. Adams and Mr. Clay assured him would be at his disposal, Mr. Lawrence passed several months in Paris, occupying his leisure, while there, by translating into English the *History of Louisiana and its Cession by France to the United States*, by Barbé Marbois, who had been the Minister from France to conclude the negotiations at the close of our Revolutionary War. This translation was published at Philadelphia in 1830, without the translator's name. During this period, also, he wrote a review of Fenimore Cooper's *Notions of the Americans*, which appeared in the *Westminster Review* for June, 1829. On his return home, he resumed the practice of law, becoming associated in business with Mr. Hamilton Fish, and in

the summer of 1830 made a tour in the Western country, visiting Mr. Clay at his Kentucky home. Soon after, a subject especially cognate to his diplomatic studies engaged his attention. This was the prosecution of certain claims in which his family were largely interested, under the treaties of indemnity concluded, March 28th, 1830, by Mr. Wheaton, with Denmark, and, July 4th, 1831, by Mr. Rives, with France. These claims for spoliation, principally under the imperial decrees of Napoleon, in violation of the law of nations, led to a minute investigation of the rights of belligerents and of neutrals, and his arguments, printed for the Commission, supplied valuable material for his annotations on the *Elements of International Law*. These spoliation claims must not be confounded with those which have so long figured in our Congressional annals. At this time he delivered a course of lectures on Political Economy to the Senior Class of Columbia College, which, after having been repeated before the Mercantile Library Association, were published in 1832. These lectures were intended to demonstrate the Ricardian theory and to sustain those doctrines of free trade of which he was ever a consistent advocate. He also pronounced the anniversary discourse, in 1832, before the New York Historical Society, which was published under the expressive title of *The Origin and Nature of the Representative and Federative Institutions of the United States*; the object of which was the defence of our system of government as it existed before the late civil war:—the complete autonomy of the States for the regulation of their internal affairs, and the national Government for the management of foreign affairs. Several articles from his pen appeared in the various prominent periodicals, many of which were subsequently reprinted. To the volumes of the *American Annual Register*, from 1829 to 1834, he contributed important papers on the different countries of Europe. For the *North American Review* (1831), he wrote an article on the *Bank of the United States*, sustaining its Constitutionality and necessity as the financial agent of the Government, and, for the *American Quarterly Review* (1834), *An Inquiry into the Causes of the Public Distress*, due to the failure to recharter the bank by the Government. For the *New York Review* (1841), he prepared a *History of the Negotiations in Reference to the Eastern and North-eastern Boundaries of the United States*, a subject with which he was perfectly familiar from his

diplomatic experience in London. In 1843, the *Democratic Review* published his memoir of his old chief, Albert Gallatin, and the same year he delivered, by request, before the young men of New Brunswick, a discourse on the *Colonization and History of New Jersey*. At Mr. Wheaton's solicitation, he prepared for the *North American Review* (1845,) a notice of the *History of the Law of Nations*, while to an earlier volume (1843,) he contributed one on *Folsom's Translations of Cortez's Dispatches*. To this era belongs one of his few great forensic efforts, made before the Court for the Correction of Errors of the State of New York, in the case of the German Reformed Church, (*Miller vs. Gable* 4, Denio, 570,) when his argument, (1845, 8vo, pp. 80,) exhaustively examining the doctrine of charitable uses in its relation to religious societies, was successful in reversing, by a vote of fourteen to three, the decision of the Chancellor, which had given to a small minority of a congregation the church property, on the ground of a deviation of the majority from the doctrines of the founders. For fear of misapprehension, it may be as well to state, in this connection, that, while the law of New York on this important question is as here decided by the Court of Appeals, the law of Pennsylvania, following the English doctrine on the same subject, is as decreed by the Chancellor, whose decision the Court of Appeals reversed.

Mr. Lawrence ever took an active interest in the public improvements of his native city. He had a prominent part in the projection of the Erie Railroad, and was one of its first directors. To his efforts, with other far-sighted New Yorkers, is due the construction of High Bridge and the consequent preservation of the navigability of the Harlem River. In 1850, Mr. Lawrence removed from New York to his estate known as Ochre Point, on the shore of the Atlantic Ocean, near Newport, R. I., where he already had had for several years his summer residence, and which was now destined to become his home for the remainder of his days. As an evidence of his far-sightedness, I may state that for this site, the most beautiful on the island, he paid the sum of \$12,000, which, a third of a century later, was appraised for purposes of taxation at three-quarters of a million of dollars. Soon after his settlement in Rhode Island, Mr. Lawrence was elected, on the Democratic ticket, Lieutenant-Governor of the State, and subsequently became, under a provision of the State Constitution, Governor. In

the exercise of his office, he pointed out the abuses to which imprisonment for debt, which Rhode Island was the last State to abolish, had given rise, and was instrumental in having an act for its abolition enacted by one House; but it was not until 1870 that this relic of barbarism was wiped from the statute book. During the period he held office, the Maine Liquor Law excitement was at its height, and he was strenuous in his opposition to the measure on Constitutional grounds, a speech of his to the Senate of Rhode Island, on the subject, being preserved in print.

Mr. Wheaton, the early friend and mentor of Governor Lawrence, having died in March, 1848, leaving his family in impoverished circumstances, he undertook, at their request, a preparation of an edition of the *Elements of International Law*, which was published in 1855. This work was preceded by an appreciative notice of the life of Mr. Wheaton, and more than two-thirds of the matter consisted of the emendations of the editor, bringing it down to the period of its publication. This was wholly a labor of love on the part of the editor, and the entire proceeds of this and the subsequent edition of 1863, as well as of the French *Commentaire*, were voluntarily given to the family of the deceased publicist. In 1858 appeared his treatise on *Visitation and Search in Time of Peace*, occasioned by the revival, in the Gulf of Mexico, of the British pretensions to visit merchant vessels of other nations, under the pretext of suppressing the African slave trade. This same year, Governor Lawrence visited Europe again, after an absence of some thirty years, remaining until 1860, travelling on the Continent and making the acquaintance of all the prominent writers on the law of nations there and in England. At Rome he was presented to the Holy Father, at a special audience given to him and Mr. William B. Reed, then just returned from his mission to China. Before his return to this country, he published in Paris a pamphlet in French, entitled *L'Industrie Française et l'Esclavage des Nègres aux États Unis*, which attracted considerable attention and was translated and published in the *London Morning Chronicle*, from which it was reprinted, with the English title, *French Commerce and Manufactures and Negro Slavery in the United States*. It explained the connection which existed between the manufactures of Europe and the system of labor then prevalent in the Southern States.

Upon becoming settled at home, he applied himself to the preparation of a revised and enlarged edition of the *Elements of International Law*, which was published in 1863 as *Lawrence's Wheaton*. The appearance of this publication induced Brockhaus, the well-known publisher of Leipsic, who had brought out the French edition of Mr. Wheaton's two works, to request Governor Lawrence to prepare an original commentary in that language. The order of Wheaton's *Elements* was followed, and the first volume of the *Commentaire sur les Elements de Droit International* was issued in 1868; the second in 1869, the third in 1873, and the fourth only recently appeared, leaving the work unfortunately unfinished, as it was planned to extend to at least six, and probably eight, volumes. The publication of *Lawrence's Wheaton* occurred, as it will be seen, when the people of this land were in the midst of the bitter throes of the fratricidal contest between the North and the South, and the pronounced views of Governor Lawrence upon the questions of State rights and allied subjects, were unacceptable to the narrow-mindedness which could look at such inquiries only from one stand-point, unable to view them from the broad platform of statesmanship. Such being the case, *Lawrence's Wheaton* was called *disloyal*, and Mr. Richard Henry Dana, Jr., a gentleman of high literary attainments, apparently, especially qualified for the task by his position in Harvard University, as lecturer on International Law, was engaged to edit a new or *loyal* edition of *Wheaton's Elements*, which was issued, in 1866, by the same house as had published, three years before, *Lawrence's Wheaton*. This led to a sharp litigation for infringement of copyright between Mr. Lawrence and Mr. Dana, in the Circuit Court of the United States for Massachusetts, which, I believe, although the bill was filed October 24, 1866, has not yet been finally settled.

I do not propose to go into an investigation of this highly important case, the printed papers in which cover upwards of sixteen hundred octavo pages; but it is only proper to say that the judicial investigation resulted in an opinion by Judges Clifford and Lowell, delivered September 20, 1869, finding that all the defences raised to Governor Lawrence's claim were bad, and deciding that "the complainant [Lawrence], in the view of a court of equity, is the equitable owner of the notes, including the arrangement of the same, and the mode in which they are therein combined and con-

ned with the text, and of the copyrights taken out by the proprietor of the books for the protection of the property ;” and decreeing “ that many of the notes presented in the edition edited by the respondent [Dana,] do infringe the corresponding notes in the two editions edited and annotated by the complainant, and that the respondent borrowed very largely the arrangement of the antecedent edition, as well as the mode in which the notes in that edition are combined and connected with the text.” Then, owing to the extensive and complex character of the matter infringed, the cause was referred to a Master to report the details to the Court. In the course of the opinion, which is very elaborate, and occupies forty-seven printed pages, the Court says:—“ Evidence to show that the notes in the two annotated editions of *Whcaton's Elements of International Law*, as prepared by the complainant, involved great research and labor beyond what appears in those two works, is unnecessary, especially as the allegations in the brief of complainant to that effect are not directly denied in the answer ; and it is equally obvious and clear that the results of the research and labor there exhibited could not well have been accomplished by any person other than one of great learning, reading and experience in such studies and investigations. Such a comprehensive collection of authorities, explanations and well-considered suggestions, is nowhere, in the judgment of the Court, to be found in our language, unless it be in the text and notes of the author of the original work.” This certainly is as high commendation as any author could hope to receive.

This copyright controversy became of national importance on the occasion of President Grant's sending to the Senate, in March, 1876, the name of Mr. Dana, as Minister to England, to succeed General Schenck, as it caused his rejection by a very decisive vote. I could not entirely approve of Mr. Lawrence's course in bringing forward this private matter to defeat great public ends ; for certainly, after the way the country had been *mis*represented by General Schenck, a gentleman of Mr. Dana's social position and cultivation would have done much to redeem our credit. Especially did I deprecate the association of so notorious a person as “ the Essex statesman ” in presenting the case to the Senate. After the rejection, Governor Lawrence wrote to me from Washington, under date of April 19, 1876: —“ I am sorry that my course in reference to Dana does not meet your approbation. You can scarcely imagine the provocation ;

for his hostility antedates long the piratical edition. I can't, however, take to myself the result of the Senate's action; and, as it was entirely on the record that the decision was made, I can hardly imagine that that eminent body decided wrongfully." Further on, referring to a biographical notice which he had desired me to prepare for M. Rolin Jacquemyns, Secretary-General of *L'Institut de Droit International*, he writes:—"I hope that, unless my Dana affair has lost me your good opinion, you will take care of me after I am gone." It is in fulfilment of this request, often repeated, that the present memoir has been prepared. Before leaving this subject, it is a curious coincidence to note that the first important copyright case in this country was in 1831, by Mr. Wheaton against Richard Peters, Jr., of this city, for reprinting his reports of the Supreme Court decisions, and that the next should arise, also, out of one of Mr. Wheaton's works.

Another cause in which Governor Lawrence was personally interested, has become of public note, and must be mentioned here on account of an important and erudite treatise it called forth from his pen. He filed a bill against one Staigg for the rescision of a contract for the sale of a small portion of the Ochre Point property, owing to the mutual mistake of the contracting parties. This litigation began in September, 1863, and is also unfinished, owing to the remarkable and anomalous action of the Supreme Court of Rhode Island, in making a decree and then refusing to enforce it. This called forth a *caveat* from Governor Lawrence, which was filed in February, 1874, and entitled *The Administration of Equity Jurisprudence*. It contains one hundred and seventy-six printed pages, and gives a complete history of the relations of equity to common law in England and in the United States.

Governor Lawrence made a fourth visit to Europe in the fall of 1868, remaining until the spring of 1870. While abroad, he attended the Social Science Congress held at Bristol, England, in October, 1869, when he had the gratification of renewing his former acquaintance with Sir John Bowring. The British Social Science Association had, three years before, named him as a member of the commission to prepare a code of international law. The winter of 1869-70 he passed in Paris, at work upon the third volume of the *Commentaire*, and immediately upon his return home he addressed himself to the preparation of an elaborate brochure on the *Disabilities of American*

Women Married Abroad. Subsequently his attention was engaged by the meeting of the Joint High Commission at Washington, which resulted in the Treaty of May 8, 1871. Within a fortnight of its adjournment, he published an exhaustive examination of the Treaty of Washington, in which its different articles were taken up and explained. Later, when the presentation of what were known as the *Indirect Claims* was pressed by our Government upon the arbitrators at Geneva, and which threatened for a time to imperil the successful issue of their deliberations, he came forward with an elaborate argument to show the impropriety of their presentation. Immediately upon the selection of the Mixed Commission on British and American Claims under the XIIth Article of the Treaty, for the consideration of all those other than the Alabama Claims, Governor Lawrence was solicited by many claimants to act as counsel, and in the most important cause that came before the Commission, the case of the *Circassian*, he succeeded in reversing a decision of the Supreme Court of the United States, and obtained an award for his clients of \$225,264 in gold. His brief in this case was printed with the title *Belligerent and Sovereign Rights as Regards Neutrals during the War of Secession*, 1873, and the fee he received for arguing the cause was \$40,000 in gold.

For several years, Mr. Lawrence passed his winters in Washington, enjoying the society of the foreign diplomats gathered there, and during the season of 1872-73 gave, at Columbian University, a series of lectures upon his favorite theme. He wrote me, January 8, 1873, "I delivered, on Monday evening, the first of my course of lectures, before the Law School of the college here. I was honored by the presence of the Chief Justice and other Judges of the Supreme Court." Upon the formation at Ghent, in September, 1873, of *L'Institut de Droit International*, he was selected as one of the thirty-seven members to compose it. His minor contributions to the law of nations will be found distributed through the *London Law Magazine*, *La Revue de Droit International*, *Transactions of the British Social Science Association*, and the *Albany Law Journal*. His last article appeared in the *North American Review* for November, 1880, on *The Monarchical Principle in our Constitution*, which is a presentation of the subject, of remarkable vigor, coming from a man of four-score years.

Governor Lawrence held many positions of a *quasi* public character. He was in his early days a Counsellor of the Literary and Philosophical Society of New York, over which De Witt Clinton presided. He was Vice-President of the New York Historical Society, 1836-1845; Trustee of the College of Physicians and Surgeons, 1837-1855; and the last surviving founder of the Union Club, formed in 1836 by Philip Hone, Charles King, Ogden Hoffman, Mr. Lawrence, and a few others. He was elected a corresponding member of the Numismatic and Antiquarian Society of Philadelphia, November 5, 1868, and chosen Honorary Vice-President for the State of Rhode Island, 1869,—an honor he fully appreciated. He was much interested in our pursuits, and on two occasions was present at our meetings, and I have every reason to believe that, had he recovered from the illness which proved his last, he would have presented to our library his copy of Lord Kingsborough's superb work on Mexican Antiquities. In 1826, Yale College conferred upon him the honorary degree of A. M.; in 1869 Brown University the degree of LL. D.; and, in 1873, the Regents of the University of the State of New York, the first degree of D. C. L. ever granted in the United States.

Last July, I was in Newport for a day, and saw Governor Lawrence for the last time, when I congratulated him upon his robust appearance;—it struck me that I had not seen him appearing so well for years. But the dread conqueror must even then have been at work. He left Ochre Point for his native city in November, and gradually failed until he died, as has been stated, on Saturday, March 26th, from a general breaking up of the system. His funeral took place at St. Mark's Church, and the body was taken to the family ground, on Long Island, for interment.

Governor Lawrence will always be remembered for his frank and cordial manners, his princely hospitality, and that courtly bearing which so pre-eminently distinguished him. His reputation abroad as a writer on public law is unquestionably higher than any other American, only excepting Mr. Wheaton, and he is looked upon as the peer of any of his European contemporaries. In a country where diplomacy is a profession, as it should be under all enlightened Governments, Mr. Lawrence would ever have been employed in the public service. As a writer, his style was rather diffuse, and some of his later essays seem to suffer from an overcrowding of

ideas, as if his thoughts out-ran his pen, as they most probably did. He was always a voracious reader, and, when first journeying abroad, carried with him a travelling library of books for study. He then began, also, the collection of that library which to-day stands unequalled, in this country, for works in English, French, Italian, Spanish and German, bearing upon the subjects he so loved to study. He leaves five children to survive him, Mrs. Lawrence having died in 1858, shortly previous to his third visit to Europe. I cannot bring this memorial of his life and labors to a more fitting end than by transcribing the closing item of his will,—a warning valuable enough to be universally employed by all testators,—“ Aware of the ruinous consequences of litigation to all concerned in the case of wills, I do hereby declare it to be my will that, in case any child or descendant of a child, who may claim any share in my estate, shall oppose the probate of this, my last will and testament, or take any legal proceedings to impeach the validity of any of its provisions, the said child or other descendant shall be debarred from all participation in my property, real and personal, and the share of such child or descendant shall descend to and be possessed by the person or persons who would have been entitled thereto had said child or descendant of child died in my lifetime.”

LIBRARY OF CONGRESS



0 011 897 718 A



LIBRARY OF CONGRESS



0 011 897 718 A