HENRY CABOT LODGE

DANIEL WEBSTER

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Содержание

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[NOTE.—In preparing this volume I have carefully examined all the literature contemporary and posthumous relating to Mr. Webster. I have not gone beyond the printed material, of which there is a vast mass, much of it of no value, but which contains all and more than is needed to obtain a correct understanding of the man and of his public and private life. No one can pretend to write a life of Webster without following in large measure the narrative of events as given in the elaborate, careful, and scholarly biography which we owe to Mr. George T. Curtis. In many of my conclusions I have differed widely from those of Mr. Curtis, but I desire at the outset to acknowledge fully my obligations to him. I have sought information in all directions, and have obtained some fresh material, and, as I believe, have thrown a new light upon certain points, but this does not in the least diminish the debt which I owe to the ample biography of Mr. Curtis in regard to the details as well as the general outline of Mr. Webster's public and private life.]

CHAPTER I.
CHILDHOOD AND YOUTH

No sooner was the stout Puritan Commonwealth of Massachusetts firmly planted than it began rapidly to throw out branches in all directions. With every succeeding year the long, thin, sinuous line of settlements stretched farther and farther away to the northeast, fringing the wild shores of the Atlantic with houses and farms gathered together at the mouths or on the banks of the rivers, and with the homes of hardy fishermen which clustered in little groups beneath the shelter of the rocky headlands. The extension of these plantations was chiefly along the coast, but there was also a movement up the river courses toward the west and into the interior. The line of northeastern settlements began first to broaden in this way very slowly but still steadily from the plantations at Portsmouth and Dover, which were nearly coeval with the flourishing towns of the Bay. These settlements beyond the Massachusetts line all had one common and marked characteristic. They were all exposed to Indian attack from the earliest days down to the period of the Revolution. Long after the dangers of Indian raids had become little more than a tradition to the populous and flourishing communities of Massachusetts Bay, the towns and villages of Maine and New Hampshire continued to be the outposts of a dark and bloody border land. French and Indian warfare with all its attendant horrors was the normal condition during the latter part of the seventeenth and the first quarter of the eighteenth century. Even after the destruction of the Jesuit missions, every war in Europe was the signal for the appearance of Frenchmen and savages in northeastern New England, where their course was marked by rapine and slaughter, and lighted by the flames of burning villages. The people thus assailed were not slow in taking frequent and thorough vengeance, and so the conflict, with rare intermissions, went on until the power of France was destroyed, and the awful danger from the north, which had hung over the land for nearly a century, was finally extinguished.

The people who waged this fierce war and managed to make headway in despite of it were engaged at the same time in a conflict with nature which was hardly less desperate. The soil, even in the most favored places, was none of the best, and the predominant characteristic of New Hampshire was the great rock formation which has given it the name of the Granite State. Slowly and painfully the settlers made their way back into the country, seizing on every fertile spot, and wringing subsistence and even a certain prosperity from a niggardly soil and a harsh climate. Their little hamlets crept onward toward the base of those beautiful hills which have now become one of the favorite play-grounds of America, but which then frowned grimly even in summer, dark with trackless forests, and for the larger part of the year were sheeted with the glittering, untrampled snow from which they derive their name. Stern and strong with the force of an unbroken wilderness, they formed at all times a forbidding background to the sparse settlements in the valleys and on the seashore.

This life of constant battle with nature and with the savages, this work of wresting a subsistence from the unwilling earth while the hand was always armed against a subtle and cruel foe, had, of course, a marked effect upon the people who endured it. That, under such circumstances, men should have succeeded not only in gaining a livelihood, but should have attained also a certain measure of prosperity, established a free government, founded schools and churches, and built up a small but vigorous and thriving commonwealth, is little short of marvellous. A race which could do this had an enduring strength of character which was sure to make itself felt through many generations, not only on their ancestral soil, but in every region where they wandered in search of a fortune denied to them at home. The people of New Hampshire were of the English Puritan stock. They were the borderers of New England, and were among the hardiest and boldest of their race. Their fierce battle for existence during nearly a century and a half left a deep impress upon them. Although it did not add new traits to their character, it strengthened and developed many of the qualities which chiefly distinguished the Puritan Englishman. These borderers, from lack of opportunity, were ruder than

their more favored brethren to the south, but they were also more persistent, more tenacious, and more adventurous. They Were a vigorous, bold, unforgiving, fighting race, hard and stern even beyond the ordinary standard of Puritanism.

Among the Puritans who settled in New Hampshire about the year 1636, during the great emigration which preceded the Long Parliament, was one bearing the name of Thomas Webster. He was said to be of Scotch extraction, but was, if this be true, undoubtedly of the Lowland or Saxon Scotch as distinguished from the Gaels of the Highlands. He was, at all events, a Puritan of English race, and his name indicates that his progenitors were sturdy mechanics or handicraftsmen. This Thomas Webster had numerous descendants, who scattered through New Hampshire to earn a precarious living, found settlements, and fight Indians. In Kingston, in the year 1739, was born one of this family named Ebenezer Webster. The struggle for existence was so hard for this particular scion of the Webster stock, that he was obliged in boyhood to battle for a living and pick up learning as he best might by the sole aid of a naturally vigorous mind. He came of age during the great French war, and about 1760 enlisted in the then famous corps known as "Rogers's Rangers." In the dangers and the successes of desperate frontier fighting, the "Rangers" had no equal; and of their hard and perilous experience in the wilderness, in conflict with Indians and Frenchmen, Ebenezer Webster, strong in body and daring in temperament, had his full share.

When the war closed, the young soldier and Indian fighter had time to look about him for a home. As might have been expected, he clung to the frontier to which he was accustomed, and in the year 1763 settled in the northernmost part of the town of Salisbury. Here he built a log-house, to which, in the following year, he brought his first wife, and here he began his career as a farmer. At that time there was nothing civilized between him and the French settlements of Canada. The wilderness stretched away from his door an ocean of forest unbroken by any white man's habitation; and in these primeval woods, although the war was ended and the French power overthrown, there still lurked roving bands of savages, suggesting the constant possibilities of a midnight foray or a noonday ambush, with their accompaniments of murder and pillage. It was a fit home, however, for such a man as Ebenezer Webster. He was a borderer in the fullest sense in a commonwealth of borderers. He was, too, a splendid specimen of the New England race; a true descendant of ancestors who had been for generations yeomen and pioneers. Tall, large, dark of hair and eyes, in the rough world in which he found himself he had been thrown at once upon his own resources without a day's schooling, and compelled to depend on his own innate force of sense and character for success. He had had a full experience of desperate fighting with Frenchmen and Indians, and, the war over, he had returned to his native town with his hard-won rank of captain. Then he had married, and had established his home upon the frontier, where he remained battling against the grim desolation of the wilderness and of the winter, and against all the obstacles of soil and climate, with the same hardy bravery with which he had faced the Indians. After ten years of this life, in 1774, his wife died and within a twelvemonth he married again.

Soon after this second marriage the alarm of war with England sounded, and among the first to respond was the old ranger and Indian fighter, Ebenezer Webster. In the town which had grown up near his once solitary dwelling he raised a company of two hundred men, and marched at their head, a splendid looking leader, dark, massive, and tall, to join the forces at Boston. We get occasional glimpses of this vigorous figure during the war. At Dorchester, Washington consulted him about the state of feeling in New Hampshire. At Bennington, we catch sight of him among the first who scaled the breastworks, and again coming out of the battle, his swarthy skin so blackened with dust and gunpowder that he could scarcely be recognized. We hear of him once more at West Point, just after Arnold's treason, on guard before the general's tent, and Washington says to him, "Captain Webster, I believe I can trust you." That was what everybody seems to have felt about this strong, silent, uneducated man. His neighbors trusted him. They gave him every office in their gift, and finally he was made judge of the local court. In the intervals of his toilsome and adventurous life

he had picked up a little book-learning, but the lack of more barred the way to the higher honors which would otherwise have been easily his. There were splendid sources of strength in this man, the outcome of such a race, from which his children could draw. He was, to begin with, a magnificent animal, and had an imposing bodily presence and appearance. He had courage, energy, and tenacity, all in high degree. He was business-like, a man of few words, determined, and efficient. He had a great capacity for affection and self-sacrifice, noble aspirations, a vigorous mind, and, above all, a strong, pure character which invited trust. Force of will, force of mind, force of character; these were the three predominant qualities in Ebenezer Webster. His life forms the necessary introduction to that of his celebrated son, and it is well worth study, because we can learn from it how much that son got from a father so finely endowed, and how far he profited by such a rich inheritance.

By his first wife, Ebenezer Webster had five children. By his second wife, Abigail Eastman, a woman of good sturdy New Hampshire stock, he had likewise five. Of these, the second son and fourth child was born on the eighteenth of January, 1782, and was christened Daniel. The infant was a delicate and rather sickly little being. Some cheerful neighbors predicted after inspection that it would not live long, and the poor mother, overhearing them, caught the child to her bosom and wept over it. She little dreamed of the iron constitution hidden somewhere in the small frail body, and still less of all the glory and sorrow to which her baby was destined.

For many years, although the boy disappointed the village Cassandras by living, he continued weak and delicate. Manual labor, which began very early with the children of New Hampshire farmers, was out of the question in his case, and so Daniel was allowed to devote much of his time to play, for which he showed a decided aptitude. It was play of the best sort, in the woods and fields, where he learned to love nature and natural objects, to wonder at floods, to watch the habits of fish and birds, and to acquire a keen taste for field sports. His companion was an old British sailor, who carried the child on his back, rowed with him on the river, taught him the angler's art, and, best of all, poured into his delighted ear endless stories of an adventurous life, of Admiral Byng and Lord George Germaine, of Minden and Gibraltar, of Prince Ferdinand and General Gage, of Bunker Hill, and finally of the American armies, to which the soldier-sailor had deserted. The boy repaid this devoted friend by reading the newspapers to him; and he tells us in his autobiography that he could not remember when he did not read, so early was he taught by his mother and sisters, in true New England fashion. At a very early age he began to go to school; sometimes in his native town, sometimes in another, as the district school moved from place to place. The masters who taught in these schools knew nothing but the barest rudiments, and even some of those imperfectly. One of them who lived to a great age, enlightened perhaps by subsequent events, said that Webster had great rapidity of acquisition and was the quickest boy in school. He certainly proved himself the possessor of a very retentive memory, for when this pedagogue offered a jack-knife as a reward to the boy who should be able to recite the greatest number of verses from the Bible, Webster, on the following day, when his turn came, arose and reeled off verses until the master cried "enough," and handed him the coveted prize. Another of his instructors kept a small store, and from him the boy bought a handkerchief on which was printed the Constitution just adopted, and, as he read everything and remembered much, he read that famous instrument to which he was destined to give so much of his time and thought. When Mr. Webster said that he read better than any of his masters, he was probably right. The power of expression and of speech and readiness in reply were his greatest natural gifts, and, however much improved by cultivation, were born in him. His talents were known in the neighborhood, and the passing teamsters, while they watered their horses, delighted to get "Webster's boy," with his delicate look and great dark eyes, to come out beneath the shade of the trees and read the Bible to them with all the force of his childish eloquence. He describes his own existence at that time with perfect accuracy. "I read what I could get to read, went to school when I could, and when not at school, was a farmer's youngest boy, not good for much for want of health and strength, but expected to do something." That something consisted generally in tending the saw-mill, but the reading went on

even there. He would set a log, and while it was going through would devour a book. There was a small circulating library in the village, and Webster read everything it contained, committing most of the contents of the precious volumes to memory, for books were so scarce that he believed this to be their chief purpose.

In the year 1791 the brave old soldier, Ebenezer Webster, was made a judge of the local court, and thus got a salary of three or four hundred dollars a year. This accession of wealth turned his thoughts at once toward that education which he had missed, and he determined that he would give to his children what he had irretrievably lost himself. Two years later he disclosed his purpose to his son, one hot day in the hay-field, with a manly regret for his own deficiencies and a touching pathos which the boy never forgot. The next spring his father took Daniel to Exeter Academy. This was the boy's first contact with the world, and there was the usual sting which invariably accompanies that meeting. His school-mates laughed at his rustic dress and manners, and the poor little farm lad felt it bitterly. The natural and unconscious power by which he had delighted the teamsters was stifled, and the greatest orator of modern times never could summon sufficient courage to stand up and recite verses before these Exeter school-boys. Intelligent masters, however, perceived something of what was in the lad, and gave him a kindly encouragement. He rose rapidly in the classes, and at the end of nine months his father took him away in order to place him as a pupil with a neighboring clergyman. As they drove over, about a month later, to Boscawen, where Dr. Wood, the future preceptor, lived, Ebenezer Webster imparted to his son the full extent of his plan, which was to end in a college education. The joy at the accomplishment of his dearest and most fervent wish, mingled with a full sense of the magnitude of the sacrifice and of the generosity of his father, overwhelmed the boy. Always affectionate and susceptible of strong emotion, these tidings overcame him. He laid his head upon his father's shoulder and wept.

With Dr. Wood Webster remained only six months. He went home on one occasion, but haying was not to his tastes. He found it "dull and lonesome," and preferred rambling in the woods with his sister in search of berries, so that his indulgent father sent him back to his studies. With the help of Dr. Wood in Latin, and another tutor in Greek, he contrived to enter Dartmouth College in August, 1797. He was, of course, hastily and poorly prepared. He knew something of Latin, very little of Greek, and next to nothing of mathematics, geography, or history. He had devoured everything in the little libraries of Salisbury and Boscawen, and thus had acquired a desultory knowledge of a limited amount of English literature, including Addison, Pope, Watts, and "Don Quixote." But however little he knew, the gates of learning were open, and he had entered the precincts of her temple, feeling dimly but surely the first pulsations of the mighty intellect with which he was endowed.

"In those boyish days," he wrote many years afterwards, "there were two things which I did dearly love, reading and playing,—passions which did not cease to struggle when boyhood was over, (have they yet altogether?) and in regard to which neither *cita mors* nor the *victoria laeta* could be said of either." In truth they did not cease, these two strong passions. One was of the head, the other of the heart; one typified the intellectual, the other the animal strength of the boy's nature; and the two contending forces went with him to the end. The childhood of Webster has a deep interest which is by no means usual. Great men in their earliest years are generally much like other boys, despite the efforts of their biographers to the contrary. If they are not, they are very apt to be little prigs like the second Pitt, full of "wise saws and modern instances." Webster was neither the one nor the other. He was simple, natural, affectionate, and free from pertness or precocity. At the same time there was an innate power which impressed all those who approached him without their knowing exactly why, and there was abundant evidence of uncommon talents. Webster's boyish days are pleasant to look upon, but they gain a peculiar lustre from the noble character of his father, the deep solicitude of his mother, and the generous devotion and self-sacrifice of both parents. There was in this something prophetic. Every one about the boy was laboring and sacrificing for him from the beginning, and this was not without its effect upon his character. A little anecdote which was current in Boston many years ago

condenses the whole situation. The story may be true or false,—it is very probably unfounded,—but it contains an essential truth and illustrates the character of the boy and the atmosphere in which he grew up. Ezekiel, the oldest son, and Daniel were allowed on one occasion to go to a fair in a neighboring town, and each was furnished with a little money from the slender store at home. When they returned in the evening, Daniel was radiant with enjoyment; Ezekiel rather silent. Their mother inquired as to their adventures, and finally asked Daniel what he did with his money. "Spent it," was the reply. "And what did you do with yours, Ezekiel?" "Lent it to Daniel." That answer well sums up the story of Webster's home life in childhood. All were giving or lending to Daniel of their money, their time, their activity, their love and affection. This petting was partly due to Webster's delicate health, but it was also in great measure owing to his nature. He was one of those rare and fortunate beings who without exertion draw to themselves the devotion of other people, and are always surrounded by men and women eager to do and to suffer for them. The boy accepted all that was showered upon him, not without an obvious sense that it was his due. He took it in the royal spirit which is characteristic of such natures; but in those childish days when laughter and tears came readily, he repaid the generous and sacrificing love with the warm and affectionate gratitude of an earnest nature and a naturally loving heart. He was never cold, or selfish, or designing. Others loved him, and sacrificed to him, but he loved them in return and appreciated their sacrifices. These conditions of his early days must, however, have had an effect upon his disposition and increased his belief in the fitness of having the devotion of other people as one of his regal rights and privileges, while, at the same time, it must have helped to expand his affections and give warmth to every generous feeling.

The passions for reading and play went with him to Dartmouth, the little New Hampshire college of which he was always so proud and so fond. The instruction there was of good quality enough, but it was meagre in quantity and of limited range, compared to what is offered by most good high schools of the present day. In the reminiscences of his fellow-students there is abundant material for a picture of Webster at that time. He was recognized by all as the foremost man in the college, as easily first, with no second. Yet at the same time Mr. Webster was neither a student nor a scholar in the truest sense of the words. He read voraciously all the English literature he could lay his hands on, and remembered everything he read. He achieved familiarity with Latin and with Latin authors, and absorbed a great deal of history. He was the best general scholar in the college. He was not only not deficient but he showed excellence at recitation in every branch of study. He could learn anything if he tried. But with all this he never gained more than a smattering of Greek and still less of mathematics, because those studies require, for anything more than a fair proficiency, a love of knowledge for its own sake, a zeal for learning incompatible with indolence, and a close, steady, and disinterested attention. These were not the characteristics of Mr. Webster's mind. He had a marvellous power of rapid acquisition, but he learned nothing unless he liked the subject and took pleasure in it or else was compelled to the task. This is not the stuff from which the real student, with an original or inquiring mind, is made. It is only fair to say that this estimate, drawn from the opinions of his fellow-students, coincided with his own, for he was too large-minded and too clear-headed to have any small vanity or conceit in judging himself. He said soon after he left college, and with perfect truth, that his scholarship was not remarkable, nor equal to what he was credited with. He explained his reputation after making this confession by saying that he read carefully, meditated on what he had read, and retained it so that on any subject he was able to tell all he knew to the best advantage, and was careful never to go beyond his depth. There is no better analysis of Mr. Webster's strongest qualities of mind than this made by himself in reference to his college standing. Rapid acquisition, quick assimilation of ideas, an iron memory, and a wonderful power of stating and displaying all he knew characterized him then as in later life. The extent of his knowledge and the range of his mind, not the depth or soundness of his scholarship, were the traits which his companions remembered. One of them says that they often felt that he had a more extended understanding than the tutors to whom he recited, and this was probably true. The Faculty of the college recognized in Webster the

most remarkable man who had ever come among them, but they could not find good grounds to award him the prizes, which, by his standing among his fellows, ought by every rule to have been at his feet. He had all the promise of a great man, but he was not a fine scholar.

He was studious, punctual, and regular in all his habits. He was so dignified that his friends would as soon have thought of seeing President Wheelock indulge in boyish disorders as of seeing him. But with all his dignity and seriousness of talk and manner, he was a thoroughly genial companion, full of humor and fun and agreeable conversation. He had few intimates, but many friends. He was generally liked as well as universally admired, was a leader in the college societies, active and successful in sports, simple, hearty, unaffected, without a touch of priggishness and with a wealth of wholesome animal spirits.

But in these college days, besides the vague feeling of students and professors that they had among them a very remarkable man, there is a clear indication that the qualities which afterwards raised him to fame and power were already apparent, and affected the little world about him. All his contemporaries of that time speak of his eloquence. The gift of speech, the unequalled power of statement, which were born in him, just like the musical tones of his voice, could not be repressed. There was no recurrence of the diffidence of Exeter. His native genius led him irresistibly along the inevitable path. He loved to speak, to hold the attention of a listening audience. He practised off-hand speaking, but he more commonly prepared himself by meditating on his subject and making notes, which, however, he never used. He would enter the class-room or debating society and begin in a low voice and almost sleepy manner, and would then gradually rouse himself like a lion, and pour forth his words until he had his hearers completely under his control, and glowing with enthusiasm.

We see too, at this time, the first evidence of that other great gift of bountiful nature in his commanding presence. He was then tall and thin, with high cheek bones and dark skin, but he was still impressive. The boys about him never forgot the look of his deep-set eyes, or the sound of the solemn tones of his voice, his dignity of mien, and his absorption in his subject. Above all they were conscious of something indefinable which conveyed a sense of greatness. It is not usual to dwell so much upon mere physical attributes and appearance, but we must recur to them again and again, for Mr. Webster's personal presence was one of the great elements of his success; it was the fit companion and even a part of his genius, and was the cause of his influence, and of the wonder and admiration which followed him, as much almost as anything he ever said or did.

To Mr. Webster's college career belong the first fruits of his intellect. He edited, during one year, a small weekly journal, and thus eked out his slender means. Besides his strictly editorial labors, he printed some short pieces of his own, which have vanished, and he also indulged in poetical effusions, which he was fond of sending to absent friends. His rhymes are without any especial character, neither much better nor much worse than most college verses, and they have no intrinsic value beyond showing that their author, whatever else he might be, was no poet. But in his own field something of this time, having a real importance, has come down to us. The fame of his youthful eloquence, so far beyond anything ever known in the college, was noised abroad, and in the year 1800 the citizens of Hanover, the college town, asked him to deliver the Fourth of July oration. In this production, which was thought of sufficient merit to deserve printing, Mr. Webster sketched rapidly and exultingly the course of the Revolution, threw in a little Federal politics, and eulogized the happy system of the new Constitution. Of this and his other early orations he always spoke with a good deal of contempt, as examples of bad taste, which he wished to have buried and forgotten. Accordingly his wholesale admirers and supporters who have done most of the writing about him, and who always sneezed when Mr. Webster took snuff, have echoed his opinions about these youthful productions, and beyond allowing to them the value which everything Websterian has for the ardent worshipper, have been disposed to hurry them over as of no moment. Compared to the reply to Hayne or the Plymouth oration, the Hanover speech is, of course, a poor and trivial thing. Considered, as it ought to be, by itself and in itself, it is not only of great interest as Mr. Webster's first utterance on public

questions, but it is something of which he had no cause to feel ashamed. The sentiments are honest, elevated, and manly, and the political doctrine is sound. Mr. Webster was then a boy of eighteen, and he therefore took his politics from his father and his father's friends. For the same reason he was imitative in style and mode of thought. All boys of that age, whether geniuses or not, are imitative, and Mr. Webster, who was never profoundly original in thought, was no exception to the rule. He used the style of the eighteenth century, then in its decadence, and very florid, inflated, and heavy it was. Yet his work was far better and his style simpler and more direct than that which was in fashion. He indulged in a good deal of patriotic glorification. We smile at his boyish Federalism describing Napoleon as "the gasconading pilgrim of Egypt," and Columbia as "seated in the forum of nations, and the empires of the world amazed at the bright effulgence of her glory." These sentences are the acme of fine writing, very boyish and very poor; but they are not fair examples of the whole, which is much simpler and more direct than might have been expected. Moreover, the thought is the really important thing. We see plainly that the speaker belongs to the new era and the new generation of national measures and nationally-minded men. There is no colonialism about him. He is in full sympathy with the Washingtonian policy of independence in our foreign relations and of complete separation from the affairs of Europe. But the main theme and the moving spirit of this oration are most important of all. The boy Webster preached love of country, the grandeur of American nationality, fidelity to the Constitution as the bulwark of nationality, and the necessity and the nobility of the union of the States; and that was the message which the man Webster delivered to his fellow-men. The enduring work which Mr. Webster did in the world, and his meaning and influence in American history, are all summed up in the principles enunciated in that boyish speech at Hanover. The statement of the great principles was improved and developed until it towered above this first expression as Mont Blanc does above the village nestled at its foot, but the essential substance never altered in the least.

Two other college orations have been preserved. One is a eulogy on a classmate who died before finishing his course, the other is a discourse on "Opinion," delivered before the society of the "United Fraternity." There is nothing of especial moment in the thought of either, and the improvement in style over the Hanover speech, though noticeable, is not very marked. In the letters of that period, however, amid the jokes and fun, we see that Mr. Webster was already following his natural bent, and turning his attention to politics. He manifests the same spirit as in his oration, and shows occasionally an unusual maturity of judgment. His criticism of Hamilton's famous letter to Adams, to take the most striking instance, is both keen and sound.

After taking his degree in due course in 1801, Mr. Webster returned to his native village, and entered the office of a lawyer next door to his father's house, where he began the study of the law in compliance with his father's wish, but without any very strong inclination of his own. Here he read some law and more English literature, and passed a good deal of time in fishing and shooting. Before the year was out, however, he was obliged to drop his legal studies and accept the post of schoolmaster in the little town of Fryeburg, Maine.

This change was due to an important event in the Webster family which had occurred some time before. The affection existing between Daniel and his elder brother Ezekiel was peculiarly strong and deep. The younger and more fortunate son, once started in his education, and knowing the desire of his elder brother for the same advantages, longed to obtain them for him. One night in vacation, after Daniel had been two years at Dartmouth, the two brothers discussed at length the all-important question. The next day, Daniel broached the matter to his father. The judge was taken by surprise. He was laboring already under heavy pecuniary burdens caused by the expenses of Daniel's education. The farm was heavily mortgaged, and Ebenezer Webster knew that he was old before his time and not destined to many more years of life. With the perfect and self-sacrificing courage which he always showed, he did not shrink from this new demand, although Ezekiel was the prop and mainstay of the house. He did not think for a moment of himself, yet, while he gave his consent, he made it conditional on that of the mother and daughters whom he felt he was soon to leave. But Mrs. Webster

had the same spirit as her husband. She was ready to sell the farm, to give up everything for the boys, provided they would promise to care in the future for her and their sisters. More utter self-abnegation and more cheerful and devoted self-sacrifice have rarely been exhibited, and it was all done with a simplicity which commands our reverence. It was more than should have been asked, and a boy less accustomed than Daniel Webster to the devotion of others, even with the incentive of brotherly love, might have shrunk from making the request. The promise of future support was easily made, but the hard pinch of immediate sacrifice had to be borne at once. The devoted family gave themselves up to the struggle to secure an education for the two boys, and for years they did battle with debt and the pressure of poverty. Ezekiel began his studies and entered college the year Daniel graduated; but the resources were running low, so low that the law had to be abandoned and money earned without delay; and hence the schoolmastership.

At no time in his life does Mr. Webster's character appear in a fairer or more lovable light than during this winter at Fryeburg. He took his own share in the sacrifices he had done so much to entail, and he carried it cheerfully. Out of school hours he copied endless deeds, an occupation which he loathed above all others, in order that he might give all his salary to his brother. The burden and heat of the day in this struggle for education fell chiefly on the elder brother in the years which followed; but here Daniel did his full part, and deserves the credit for it.

He was a successful teacher. His perfect dignity, his even temper, and imperturbable equanimity made his pupils like and respect him. The survivors, in their old age, recalled the impression he made upon them, and especially remembered the solemn tones of his voice at morning and evening prayer, extemporaneous exercises which he scrupulously maintained. His letters at this time are like those of his college days, full of fun and good humor and kind feeling. He had his early love affairs, but was saved from matrimony by the liberality of his affections, which were not confined to a single object. He laughs pleasantly and good-naturedly over his fortunes with the fair sex, and talks a good deal about them, but his first loves do not seem to have been very deep or lasting. Wherever he went, he produced an impression on all who saw him. In Fryeburg it was his eyes which people seem to have remembered best. He was still very thin in face and figure, and he tells us himself that he was known in the village as "All-eyes;" and one of the boys, a friend of later years, refers to Mr. Webster's "full, steady, large, and searching eyes." There never was a time in his life when those who saw him did not afterwards speak of his looks, generally either of the wonderful eyes or the imposing presence.

There was a circulating library in Fryeburg, and this he read through in his usual rapacious and retentive fashion. Here, too, he was called on for a Fourth of July oration. This speech, which has been recently printed, dwells much on the Constitution and the need of adhering to it in its entirety. There is a distinct improvement in his style in the direction of simplicity, but there is no marked advance in thought or power of expression over the Hanover oration. Two months after delivering this address he returned to Salisbury and resumed the study of the law in Mr. Thompson's office. He now plunged more deeply into law books, and began to work at the law with zeal, while at the same time he read much and thoroughly in the best Latin authors. In the months which ensued his mind expanded, and ambition began to rise within him. His horizon was a limited one; the practice of his profession, as he saw it carried on about him, was small and petty; but his mind could not be shackled. He saw the lions in the path plainly, but he also perceived the great opportunities which the law was to offer in the United States, and he prophesied that we, too, should soon have our Mansfields and Kenyons. The hand of poverty was heavy upon him, and he was chafing and beating his wings against the iron bars with which circumstances had imprisoned him. He longed for a wider field, and eagerly desired to finish his studies in Boston, but saw no way to get there, except by a "miracle."

This miracle came through Ezekiel, who had been doing more for himself and his family than any one else, but who, after three years in college, was at the end of his resources, and had taken, in his turn, to keeping school. Daniel went to Boston, and there obtained a good private school for his brother. The salary thus earned by Ezekiel was not only sufficient for himself, but enabled Daniel

to gratify the cherished wish of his heart, and come to the New England capital to conclude his professional studies.

The first thing to be done was to gain admittance to some good office. Mr. Webster was lucky enough to obtain an introduction to Mr. Gore, with whom, as with the rest of the world, that wonderful look and manner, apparent even then, through boyishness and rusticity, stood him in good stead. Mr. Gore questioned him, trusted him, and told him to hang up his hat, begin work as clerk at once, and write to New Hampshire for his credentials. The position thus obtained was one of fortune's best gifts to Mr. Webster. It not only gave him an opportunity for a wide study of the law under wise supervision, but it brought him into daily contact with a trained barrister and an experienced public man. Christopher Gore, one of the most eminent members of the Boston bar and a distinguished statesman, had just returned from England, whither he had been sent as one of the commissioners appointed under the Jay treaty. He was a fine type of the aristocratic Federalist leader, one of the most prominent of that little group which from the "headquarters of good principles" in Boston so long controlled the politics of Massachusetts. He was a scholar, gentleman, and man of the world, and his portrait shows us a refined, high-bred face, suggesting a French marquis of the eighteenth century rather than the son of a New England sea-captain. A few years later, Mr. Gore was chosen governor of Massachusetts, and defeated when a candidate for reëlection, largely, it is supposed, because he rode in a coach and four (to which rumor added outriders) whenever he went to his estate at Waltham. This mode of travel offended the sensibilities of his democratic constituents, but did not prevent his being subsequently chosen to the Senate of the United States, where he served a term with much distinction. The society of such a man was invaluable to Mr. Webster at this time. It taught him many things which he could have learned in no other way, and appealed to that strong taste for everything dignified and refined which was so marked a trait of his disposition and habits. He saw now the real possibilities which he had dreamed of in his native village; and while he studied law deeply and helped his brother with his school, he also studied men still more thoroughly and curiously. The professional associates and friends of Mr. Gore were the leaders of the Boston bar when it had many distinguished men whose names hold high places in the history of American law. Among them were Theophilus Parsons, Chief Justice of Massachusetts; Samuel Dexter, the ablest of them all, fresh from service in Congress and the Senate and as Secretary of the Treasury; Harrison Gray Otis, fluent and graceful as an orator; James Sullivan, and Daniel Davis, the Solicitor-General. All these and many more Mr. Webster saw and watched, and he has left in his diary discriminating sketches of Parsons and Dexter, whom he greatly admired, and of Sullivan, of whom he had a poor opinion professionally.

Towards the end of the year 1804, while Mr. Webster was thus pleasantly engaged in studying his profession, getting a glimpse of the world, and now and then earning a little money, an opening came to him which seemed to promise immediate and assured prosperity. The judges of his father's court of common pleas offered him the vacant clerkship, worth about fifteen hundred dollars annually. This was wealth to Mr. Webster. With this income he could relieve the family from debt, make his father's last years comfortable, and smooth Ezekiel's path to the bar. When, however, he announced his good luck to Mr. Gore, and his intention of immediately going home to accept the position, that gentleman, to Mr. Webster's great surprise, strongly urged a contrary course. He pointed out the possible reduction of the salary, the fact that the office depended on the favor of the judges, and, above all, that it led to nothing, and destroyed the chances of any really great career. This wise mentor said: "Go on and finish your studies. You are poor enough, but there are greater evils than poverty; live on no man's favor; what bread you do eat, let it be the bread of independence; pursue your profession, make yourself useful to your friends and a little formidable to your enemies, and you have nothing to fear." Mr. Webster, always susceptible to outside influences, saw the wisdom of this advice, and accepted it. It would have been well if he had never swerved even by a hair's breadth from the high and sound principles which it inculcated. He acted then without delay. Going at once to Salisbury, he broke the news of his unlooked-for determination to his father, who was

utterly amazed. Pride in his son's high spirit mingled somewhat with disappointment at the prospect of continued hardships; but the brave old man accepted the decision with the Puritan stoicism which was so marked a trait in his character, and the matter ended there.

Returning to Boston, Mr. Webster was admitted to the bar in March, 1805. Mr. Gore moved his admission, and, in the customary speech, prophesied his student's future eminence with a sure knowledge of the latent powers which had dictated his own advice in the matter of the clerkship. Soon after this, Mr. Webster returned to New Hampshire and opened his office in the little town of Boscawen, in order that he might be near his father. Here he devoted himself assiduously to business and study for more than two years, working at his profession, and occasionally writing articles for the "Boston Anthology." During this time he made his first appearance in court, his father being on the bench. He gathered together a practice worth five or six hundred a year, a very creditable sum for a young country practitioner, and won a reputation which made him known in the State.

In April, 1806, after a noble, toiling, unselfish life of sixty-seven years, Ebenezer Webster died. Daniel assumed his father's debts, waited until Ezekiel was admitted to the bar, and then, transferring his business to his brother, moved, in the autumn of 1807, to Portsmouth. This was the principal town of the State, and offered, therefore, the larger field which he felt he needed to give his talents sufficient scope. Thus the first period in his life closed, and he started out on the extended and distinguished career which lay before him. These early years had been years of hardship, but they were among the best of his life. Through great difficulties and by the self-sacrifice of his family, he had made his way to the threshold of the career for which he was so richly endowed. He had passed an unblemished youth; he had led a clean, honest, hard-working life; he was simple, manly, affectionate. Poverty had been a misfortune, not because it had warped or soured him, for he smiled at it with cheerful philosophy, nor because it had made him avaricious, for he never either then or at any time cared for money for its own sake, and nothing could chill the natural lavishness of his disposition. But poverty accustomed him to borrowing and to debt, and this was a misfortune to a man of Mr. Webster's temperament. In those early days he was anxious to pay his debts; but they did not lie heavy upon him or carry a proper sense of responsibility, as they did to Ezekiel and to his father. He was deeply in debt; his books, even, were bought with borrowed money, all which was natural and inevitable; but the trouble was that it never seems to have weighed upon him or been felt by him as of much importance. He was thus early brought into the habit of debt, and was led unconsciously to regard debts and borrowing as he did the sacrifices of others, as the normal modes of existence. Such a condition was to be deplored, because it fostered an unfortunate tendency in his moral nature. With this exception, Mr. Webster's early years present a bright picture, and one which any man had a right to regard with pride and affection.

CHAPTER II.
LAW AND POLITICS IN NEW HAMPSHIRE

The occasion of Mr. Webster's first appearance in court has been the subject of varying tradition. It is certain, however, that in the counties where he practised during his residence at Boscawen, he made an unusual and very profound impression. The effect then produced is described in homely phrase by one who knew him well. The reference is to a murder trial, in which Mr. Webster gained his first celebrity.

> "There was a man tried for his life, and the judges chose Webster to plead for him; and, from what I can learn, he never has spoken better than he did there where he first began. He was a black, raven-haired fellow, with an eye as black as death's, and as heavy as a lion's,—that same heavy look, not sleepy, but as if he didn't care about anything that was going on about him or anything anywhere else. He didn't look as if he was thinking about anything, but as if he *would* think like a hurricane if he once got waked up to it. They say the lion looks so when he is quiet…. Webster would sometimes be engaged to argue a case just as it was coming to trial. That would set him to thinking. It wouldn't wrinkle his forehead, but made him restless. He would shift his feet about, and run his hand up over his forehead, through his Indian-black hair, and lift his upper lip and show his teeth, which were as white as a hound's."

Of course the speech so admired then was infinitely below what was done afterwards. The very next was probably better, for Mr. Webster grew steadily. This observer, however, tells us not what Mr. Webster said, but how he looked. It was the personal presence which dwelt with every one at this time.

Thus with his wonderful leonine look and large, dark eyes, and with the growing fame which he had won, Mr. Webster betook himself to Portsmouth. He had met some of the leading lawyers already, but now he was to be brought into direct and almost daily competition with them. At that period in New England there was a great rush of men of talent to the bar, then casting off its colonial fetters and emerging to an independent life. The pulpit had ceased to attract, as of old; medicine was in its infancy; there were none of the other manifold pursuits of to-day, and politics did not offer a career apart. Outside of mercantile affairs, therefore, the intellectual forces of the old Puritan commonwealths, overflowing with life, and feeling the thrill of youthful independence and the confidence of rapid growth in business, wealth, and population, were concentrated in the law. Even in a small State like New Hampshire, presenting very limited opportunities, there was, relatively speaking, an extraordinary amount of ability among the members of the bar, notwithstanding the fact that they had but just escaped from the condition of colonists. Common sense was the divinity of both the courts and the profession. The learning was not extensive or profound, but practical knowledge, sound principles, and shrewd management were conspicuous. Jeremiah Smith, the Chief Justice, a man of humor and cultivation, was a well read and able judge; George Sullivan was ready of speech and fertile in expedients; and Parsons and Dexter of Massachusetts, both men of national reputation, appeared from time to time in the New Hampshire courts. Among the most eminent was William Plumer, then Senator, and afterwards Governor of the State, a well-trained, clear-headed, judicious man. He was one of Mr. Webster's early antagonists, and defeated him in their first encounter. Yet at the same time, although a leader of the bar and a United States Senator, he seems to have been oppressed with a sense of responsibility and even of inequality by this thin, black-eyed young lawyer from the back country. Mr. Plumer was a man of cool and excellent judgment, and he thought that Mr. Webster on this occasion was too excursive and declamatory. He also deemed him better fitted by mind and temperament for politics than for the law, an opinion fully justified in the future, despite

Mr. Webster's eminence at the bar. In another case, where they were opposed, Mr. Plumer quoted a passage from Peake's "Law of Evidence." Mr. Webster criticised the citation as bad law, pronounced the book a miserable two-penny compilation, and then, throwing it down with a fine disdain, said, "So much for Mr. Thomas Peake's compendium of the 'Law of Evidence.'" Such was his manner that every one present appeared to think the point settled, and felt rather ashamed of ever having heard of Mr. Peake or his unfortunate book. Thereupon Mr. Plumer produced a volume of reports by which it appeared that the despised passage was taken word for word from one of Lord Mansfield's decisions. The wretched Peake's character was rehabilitated, and Mr. Webster silenced. This was an illustration of a failing of Mr. Webster at that time. He was rough and unceremonious, and even overbearing, both to court and bar, the natural result of a new sense of power in an inexperienced man. This harshness of manner, however, soon disappeared. He learned rapidly to practise the stately and solemn courtesy which distinguished him through life.

There was one lawyer, however, at the head of his profession in New Hampshire, who had more effect upon Mr. Webster than any other whom he ever met there or elsewhere. This was the man to whom the Shaker said: "By thy size and thy language[1] I judge that thou art Jeremiah Mason." Mr. Mason was one of the greatest common-lawyers this country has ever produced. Keen and penetrating in intellect, he was master of a relentless logic and of a style which, though simple and homely, was clear and correct to the last point. Slow and deliberate in his movements, and sententious in his utterances, he dealt so powerfully with evidence and so lucidly with principles of law that he rarely failed to carry conviction to his hearers. He was particularly renowned for his success in getting verdicts. Many years afterwards Mr. Webster gave it as his deliberate opinion that he had never met with a stronger intellect, a mind of more native resources or quicker and deeper vision than were possessed by Mr. Mason, whom in mental reach and grasp and in closeness of reasoning he would not allow to be second even to Chief Justice Marshall. Mr. Mason on his side, with his usual sagacity, at once detected the great talents of Mr. Webster. In the first case where they were opposed, a murder trial, Mr. Webster took the place of the Attorney-General for the prosecution. Mr. Mason, speaking of the impression made by his youthful and then unknown opponent, said:—

> "He broke upon me like a thunder shower in July, sudden, portentous, sweeping all before it. It was the first case in which he appeared at our bar; a criminal prosecution in which I had arranged a very pretty defence, as against the Attorney-General, Atkinson, who was able enough in his way, but whom I knew very well how to take. Atkinson being absent, Webster conducted the case for him, and turned, in the most masterly manner, the line of my defences, carrying with him all but one of the jurors, so that I barely saved my client by my best exertions. I was nevermore surprised than by this remarkable exhibition of unexpected power. It surpassed, in some respects, anything which I have ever since seen even in him."

With all his admiration for his young antagonist, however, one cannot help noticing that the generous and modest but astute counsel for the defence ended by winning his case.

Fortune showered many favors upon Mr. Webster, but none more valuable than that of having Jeremiah Mason as his chief opponent at the New Hampshire bar. Mr. Mason had no spark of envy in his composition. He not only regarded with pleasure the great abilities of Mr. Webster, but he watched with kindly interest the rapid rise which soon made this stranger from the country his principal competitor and the champion commonly chosen to meet him in the courts. He gave Mr. Webster his friendship, staunch and unvarying, until his death; he gave freely also of his wisdom and experience in advice and counsel. Best of all was the opportunity of instruction and discipline which Mr. Webster gained by repeated contests with such a man. The strong qualities of Mr. Webster's

[1] Mr. Mason, as is well known, was six feet seven inches in height, and his language, always very forcible and direct, was, when he was irritated, if we may trust tradition, at times somewhat profane.

mind rapidly developed by constant practice and under such influences. He showed more and more in every case his wonderful instinct for seizing on the very heart of a question, and for extricating the essential points from the midst of confused details and clashing arguments. He displayed, too, more strongly every day his capacity for close, logical reasoning and for telling retort, backed by a passion and energy none the less effective from being but slowly called into activity. In a word, the unequalled power of stating facts or principles, which was the predominant quality of Mr. Webster's genius, grew steadily with a vigorous vitality while his eloquence developed in a similar striking fashion. Much of this growth and improvement was due to the sharp competition and bright example of Mr. Mason. But the best lesson that Mr. Webster learned from his wary yet daring antagonist was in regard to style. When he saw Mr. Mason go close to the jury box, and in a plain style and conversational manner, force conviction upon his hearers, and carry off verdict after verdict, Mr. Webster felt as he had never done before the defects of his own modes of expression. His florid phrases looked rather mean, insincere, and tasteless, besides being weak and ineffective. From that time he began to study simplicity and directness, which ended in the perfection of a style unsurpassed in modern oratory. The years of Mr. Webster's professional life in Portsmouth under the tuition of Mr. Mason were of inestimable service to him.

Early in this period, also, Mr. Webster gave up his bachelor existence, and made for himself a home. When he first appeared at church in Portsmouth the minister's daughter noted and remembered his striking features and look, and regarded him as one with great capacities for good or evil. But the interesting stranger was not destined to fall a victim to any of the young ladies of Portsmouth. In the spring of 1808 he slipped away from his new friends and returned to Salisbury, where, in May, he was married. The bride he brought back to Portsmouth was Grace Fletcher, daughter of the minister of Hopkinton. Mr. Webster is said to have seen her first at church in Salisbury, whither she came on horseback in a tight-fitting black velvet dress, and looking, as he said, "like an angel." She was certainly a very lovely and charming woman, of delicate and refined sensibilities and bright and sympathetic mind. She was a devoted wife, the object of her husband's first and strongest love, and the mother of his children. It is very pleasant to look at Mr. Webster in his home during these early years of his married life. It was a happy, innocent, untroubled time. He was advancing in his profession, winning fame and respect, earning a sufficient income, blessed in his domestic relations, and with his children growing up about him. He was social by nature, and very popular everywhere. Genial and affectionate in disposition, he attached everybody to him, and his hearty humor, love of mimicry, and fund of anecdote made him a delightful companion, and led Mr. Mason to say that the stage had lost a great actor in Webster.

But while he was thus enjoying professional success and the contented happiness of his fireside, he was slowly but surely drifting into the current of politics, whither his genius led him, and which had for him an irresistible attraction. Mr. Webster took both his politics and his religion from his father, and does not appear to have questioned either. He had a peculiarly conservative cast of mind. In an age of revolution and scepticism he showed no trace of the questioning spirit which then prevailed. Even in his earliest years he was a firm believer in existing institutions, in what was fixed and established. He had a little of the disposition of Lord Thurlow, who, when asked by a dissenter why, being a notorious free-thinker, he so ardently supported the Established Church, replied: "I support the Church of England because it is established. Establish your religion, and I'll support that." But if Mr. Webster took his religion and politics from his father in an unquestioning spirit, he accepted them in a mild form. He was a liberal Federalist because he had a wide mental vision, and by nature took broad views of everything. His father, on the other hand, was a rigid, intolerant Federalist of a thorough-going Puritan type. Being taken ill once in a town of Democratic proclivities, he begged to be carried home. "I was born a Federalist," he said, "I have lived a Federalist, and I won't die in a Democratic town." In the same way Ezekiel Webster's uncompromising Federalism shut him out from political preferment, and he would never modify his principles one jot in order to gain the seat in Congress which he might

easily have obtained by slight concessions. The broad and liberal spirit of Daniel Webster rose superior to the rigid and even narrow opinions of his father and brother, but perhaps it would have been better for him if he had had in addition to his splendid mind the stern, unbending force of character which made his father and brother stand by their principles with immovable Puritan determination. Liberal as he was, however, in his political opinions, the same conservative spirit which led him to adopt his creed made him sustain it faithfully and constantly when he had once accepted it. He was a steady and trusted party man, although neither then nor at any time a blind, unreasoning partisan.

Mr. Webster came forward gradually as a political leader by occasional addresses and speeches, at first with long intervals between them, and then becoming more frequent, until at last he found himself fairly engaged in a public career. In 1804, at the request of some of his father's friends, he published a pamphlet, entitled, "An Appeal to Old Whigs," in the interest of Gilman, the Federal candidate for governor. He seems to have had a very poor opinion of this performance, and his interest in the success of the party at that juncture was very slight. In 1805 he delivered a Fourth of July oration at Salisbury, which has not been preserved; and in the following year he gave another before the "Federal gentlemen" of Concord, which was published. The tone of this speech is not very partisan, nor does it exhibit the bitter spirit of the Federalists, although he attacked the administration, was violent in urging the protection of commerce, and was extremely savage in his remarks about France. At times the style is forcible, and even rich, but, as a rule, it is still strained and artificial. The oration begins eagerly with an appeal for the Constitution and the Republic, the ideas always uppermost in Mr. Webster's mind. As a whole, it shows a distinct improvement in form, but there are no marks of genius to raise it above the ordinary level of Fourth of July speeches. His next production was a little pamphlet, published in 1808, on the embargo, which was then paralyzing New England, and crushing out her prosperity. This essay is important because it is the first clear instance of that wonderful faculty which Mr. Webster had of seizing on the vital point of a subject, and bringing it out in such a way that everybody could see and understand it. In this case the point was the distinction between a temporary embargo and one of unlimited duration. Mr. Webster contended that the latter was unconstitutional. The great mischief of the embargo was in Jefferson's concealed intention that it should be unlimited in point of time, a piece of recklessness and deceit never fully appreciated until it had all passed into history. This Mr. Webster detected and brought out as the most illegal and dangerous feature of the measure, while he also discussed the general policy in its fullest extent. In 1809 he spoke before the Phi Beta Kappa Society, upon "The State of our Literature," an address without especial interest except as showing a very marked improvement in style, due, no doubt, to the influence of Mr. Mason.

During the next three years Mr. Webster was completely absorbed in the practice of his profession, and not until the declaration of war with England had stirred and agitated the whole country did he again come before the public. The occasion of his reappearance was the Fourth of July celebration in 1812, when he addressed the Washington Benevolent Society at Portsmouth. The speech was a strong, calm statement of the grounds of opposition to the war. He showed that "maritime defence, commercial regulations, and national revenue" were the very corner-stones of the Constitution, and that these great interests had been crippled and abused by the departure from Washington's policy. He developed, with great force, the principal and the most unanswerable argument of his party, that the navy had been neglected and decried because it was a Federalist scheme, when a navy was what we wanted above all things, and especially when we were drifting into a maritime conflict. He argued strongly in favor of a naval war, and measures of naval defence, instead of wasting our resources by an invasion of Canada. So far he went strictly with his party, merely invigorating and enforcing their well-known principles. But when he came to defining the proper limits of opposition to the war he modified very essentially the course prescribed by advanced Federalist opinions. The majority of that party in New England were prepared to go to the very edge of the narrow legal line which divides constitutional opposition from treasonable resistance. They

were violent, bitter, and uncompromising in their language and purposes. From this Mr. Webster was saved by his breadth of view, his clear perceptions, and his intense national feeling. He says on this point:—

> "With respect to the war in which we are now involved, the course which our principles require us to pursue cannot be doubtful. It is now the law of the land, and as such we are bound to regard it. Resistance and insurrection form no part of our creed. The disciples of Washington are neither tyrants in power nor rebels out. If we are taxed to carry on this war we shall disregard certain distinguished examples and shall pay. If our personal services are required we shall yield them to the precise extent of our constitutional liability. At the same time the world may be assured that we know our rights and shall exercise them. We shall express our opinions on this, as on every measure of the government,—I trust without passion, I am certain without fear. By the exercise of our constitutional right of suffrage, by the peaceable remedy of election, we shall seek to restore wisdom to our councils, and peace to our country."

This was a sensible and patriotic opposition. It represented the views of the moderate Federalists, and traced the lines which Mr. Webster consistently followed during the first years of his public life. The address concluded by pointing out the French trickery which had provoked the war, and by denouncing an alliance with French despotism and ambition.

This oration was printed, and ran at once through two editions. It led to the selection of Mr. Webster as a delegate to an assembly of the people of the county of Rockingham, a sort of mass convention, held in August, 1812. There he was placed on the committee to prepare the address, and was chosen to write their report, which was adopted and published. This important document, widely known at the time as the "Rockingham Memorial," was a careful argument against the war, and a vigorous and able presentation of the Federalist views. It was addressed to the President, whom it treated with respectful severity. With much skill it turned Mr. Madison's own arguments against himself, and appealed to public opinion by its clear and convincing reasoning. In one point the memorial differed curiously from the oration of a month before. The latter pointed to the suffrage as the mode of redress; the former distinctly hinted at and almost threatened secession even while it deplored a dissolution of the Union as a possible result of the administration's policy. In the one case Mr. Webster was expressing his own views, in the other he was giving utterance to the opinions of the members of his party among whom he stood. This little incident shows the susceptibility to outside influences which formed such an odd trait in the character of a man so imperious by nature. When acting alone, he spoke his own opinions. When in a situation where public opinion was concentrated against him, he submitted to modifications of his views with a curious and indolent indifference.

The immediate result to Mr. Webster of the ability and tact which he displayed at the Rockingham Convention was his election to the thirteenth Congress, where he took his seat in May, 1813. There were then many able men in the House. Mr. Clay was Speaker, and on the floor were John C. Calhoun, Langdon Cheves and William Lowndes of South Carolina, Forsyth and Troup of Georgia, Ingersoll of Pennsylvania, Grundy of Tennessee, and McLean of Ohio, all conspicuous in the young nationalist war party. Macon and Eppes were representatives of the old Jeffersonian Republicans, while the Federalists were strong in the possession of such leaders as Pickering of Massachusetts, Pitkin of Connecticut, Grosvenor and Benson of New York, Hanson of Maryland, and William Gaston of North Carolina. It was a House in which any one might have been glad to win distinction. That Mr. Webster was considered, at the outset, to be a man of great promise is shown by the fact that he was placed on the Committee on Foreign Relations, of which Mr. Calhoun was the head, and which, in the war time, was the most important committee of the House.

Mr. Webster's first act was a characteristic one. Early in June he introduced a set of resolutions calling upon the President for information as to the time and mode in which the repeal of the French decrees had been communicated to our government. His unerring sagacity in singling out the weak point in his enemy's armor and in choosing his own keenest weapon, was never better illustrated than on this occasion. We know now that in the negotiations for the repeal of the decrees, the French government tricked us into war with England by most profligate lying. It was apparent then that there was something wrong, and that either our government had been deceived, or had withheld the publication of the repealing decree until war was declared, so that England might not have a pretext for rescinding the obnoxious orders. Either horn of the dilemma, therefore, was disagreeable to the administration, and a disclosure could hardly fail to benefit the Federalists. Mr. Webster supported his resolutions with a terse and simple speech of explanation, so far as we can judge from the meagre abstract which has come down to us. The resolutions, however, were a firebrand, and lighted up an angry and protracted debate, but the ruling party, as Mr. Webster probably foresaw, did not dare to vote them down, and they passed by large majorities. Mr. Webster spoke but once, and then very briefly, during the progress of the debate, and soon after returned to New Hampshire. With the exception of these resolutions, he took no active part whatever in the business of the House beyond voting steadily with his party, a fact of which we may be sure because he was always on the same side as that staunch old partisan, Timothy Pickering.

After a summer passed in the performance of his professional duties, Mr. Webster returned to Washington. He was late in his coming, Congress having been in session nearly three weeks when he arrived to find that he had been dropped from the Committee on Foreign Relations. The dominant party probably discovered that he was a young man of rather too much promise and too formidable an opponent for such an important post. His resolutions had been answered at the previous session, after his departure, and the report, which consisted of a lame explanation of the main point, and an elaborate defence of the war, had been quietly laid aside. Mr. Webster desired debate on this subject, and succeeded in carrying a reference of the report to a committee of the whole, but his opponents prevented its ever coming to discussion. In the long session which ensued, Mr. Webster again took comparatively little part in general business, but he spoke oftener than before. He seems to have been reserving his strength and making sure of his ground. He defended the Federalists as the true friends of the navy, and he resisted with great power the extravagant attempt to extend martial law to all citizens suspected of treason. On January 14, 1814, he made a long and well reported speech against a bill to encourage enlistments. This is the first example of the eloquence which Mr. Webster afterwards carried to such high perfection. Some of his subsequent speeches far surpass this one, but they differ from it in degree, not in kind. He was now master of the style at which he aimed. The vehicle was perfected and his natural talent gave that vehicle abundance of thought to be conveyed. The whole speech is simple in form, direct and forcible. It has the elasticity and vigor of great strength, and glows with eloquence in some passages. Here, too, we see for the first time that power of deliberate and measured sarcasm which was destined to become in his hands such a formidable weapon. The florid rhetoric of the early days is utterly gone, and the thought comes to us in those short and pregnant sentences and in the choice and effective words which were afterwards so typical of the speaker. The speech itself was a party speech and a presentation of party arguments. It offered nothing new, but the familiar principles had hardly ever been stated in such a striking and impressive fashion. Mr. Webster attacked the war policy and the conduct of the war, and advocated defensive warfare, a navy, and the abandonment of the restrictive laws that were ruining our commerce, which had been the main cause of the adoption of the Constitution. The conclusion of this speech is not far from the level of Mr. Webster's best work. It is too long for quotation, but a few sentences will show its quality:—

> "Give up your futile projects of invasion. Extinguish the fires that blaze on your inland frontier. Establish perfect safety and defence there by adequate force. Let every man that sleeps on your soil sleep in security. Stop the blood that flows

> from the veins of unarmed yeomanry and women and children. Give to the living time to bury and lament their dead in the quietness of private sorrow. Having performed this work of beneficence and mercy on your inland border, turn, and look with the eye of justice and compassion on your vast population along the coast. Unclench the iron grasp of your embargo. Take measures for that end before another sun sets…. Let it no longer be said that not one ship of force, built by your hands, yet floats upon the ocean…. If then the war must be continued, go to the ocean. If you are seriously contending for maritime rights, go to the theatre where alone those rights can be defended. Thither every indication of your fortune points you. There the united wishes and exertions of the nation will go with you. Even our party divisions, acrimonious as they are, cease at the water's edge."

Events soon forced the policy urged by Mr. Webster upon the administration, whose friends carried first a modification of the embargo, and before the close of the session introduced a bill for its total repeal. The difficult task of advocating this measure devolved upon Mr. Calhoun, who sustained his cause more ingeniously than ingenuously. He frankly admitted that restriction was a failure as a war measure, but he defended the repeal on the ground that the condition of affairs in Europe had changed since the restrictive policy was adopted. It had indeed changed since the embargo of 1807, but not since the imposition of that of 1813, which was the one under discussion.

Mr. Calhoun laid himself open to most unmerciful retorts, which was his misfortune, not his fault, for the embargo had been utterly and hopelessly wrong from the beginning. Mr. Webster, however, took full advantage of the opportunity thus presented. His opening congratulations are in his best vein of stately sarcasm, and are admirably put. He followed this up by a new argument of great force, showing the colonial spirit of the restrictive policy. He also dwelt with fresh vigor on the identification with France necessitated by the restrictive laws, a reproach which stung Mr. Calhoun and his followers more than anything else. He then took up the embargo policy and tore it to pieces,—no very difficult undertaking, but well performed. The shifty and shifting policy of the government was especially distasteful to Mr. Webster, with his lofty conception of consistent and steady statesmanship, a point which is well brought out in the following passage:—

> "In a commercial country, nothing can be more objectionable than frequent and violent changes. The concerns of private business do not endure such rude shocks but with extreme inconvenience and great loss. It would seem, however, that there is a class of politicians to whose taste all change is suited, to whom whatever is unnatural seems wise, and all that is violent appears great…. The Embargo Act, the Non-Importation Act, and all the crowd of additions and supplements, together with all their garniture of messages, reports, and resolutions, are tumbling undistinguished into one common grave. But yesterday this policy had a thousand friends and supporters; to-day it is fallen and prostrate, and few 'so poor as to do it reverence.' Sir, a government which cannot administer the affairs of a nation without so frequent and such violent alterations in the ordinary occupations and pursuits of private life, has, in my opinion, little claim to the regard of the community."

All this is very characteristic of Mr. Webster's temperament in dealing with public affairs, and is a very good example of his power of dignified reproach and condemnation.

Mr. Calhoun had said at the close of his speech, that the repeal of the restrictive measures should not be allowed to affect the double duties which protected manufactures. Mr. Webster discussed this point at length, defining his own position, which was that of the New England Federalists, who believed in free trade as an abstract principle, and considered protection only as an expedient of which they wanted as little as possible. Mr. Webster set forth these views in his usual effective and lucid

manner, but they can be considered more fitly at the period when he dealt with the tariff as a leading issue of the day and of his own public life.

Mr. Webster took no further action of importance at this session, not even participating in the great debate on the loan bill; but, by the manner in which these two speeches were referred to and quoted in Congress for many days after they were delivered, we can perceive the depth of their first impression. I have dwelt upon them at length because they are not in the collected edition of his speeches, where they well deserve a place, and, still more, because they are the first examples of his parliamentary eloquence which show his characteristic qualities and the action of his mind. Mr. Webster was a man of slow growth, not reaching his highest point until he was nearly fifty years of age, but these two speeches mark an advanced stage in his progress. The only fresh point that he made was when he declared that the embargo was colonial in spirit; and this thought proceeded from the vital principle of Mr. Webster's public life, his intense love for nationality and union, which grew with his growth and strengthened with his strength. In other respects, these speeches presented simply the arguments and opinions of his party. They fell upon the ear of Congress and the country with a new and ringing sound because they were stated so finely and with such simplicity. Certainly one of them, and probably both, were delivered without any immediate preparation, but they really had the preparation of years, and were the utterance of thoughts which had been garnered up by long meditation. He wisely confined himself at this time to a subject which had been long before his mind, and upon which he had gathered all the essential points by observation and by a study of the multitude of speeches and essays with which the country had been deluged. These early speeches, like some of the best of his prime, although nominally unprepared, were poured forth from the overflowing resources which had been the fruit of months of reflection, and which had been stored up by an unyielding memory. They had really been in preparation ever since the embargo pamphlet of 1808, and that was one reason for their ripeness and terseness, for their easy flow and condensed force. I have examined with care the debates in that Congress. There were many able and experienced speakers on the floor. Mr. Clay, it is true, took no part, and early in the session went to Europe. But Mr. Calhoun led in debate, and there were many others second only to him. Among all the speeches, however, Mr. Webster's stand out in sharp relief. His utterances were as clear and direct as those of Mr. Calhoun, but they had none of the South Carolinian's dryness. We can best judge of their merit and their effect by comparing them with those of his associates. They were not only forcible, but they were vivid also and full of life, and his words when he was roused fell like the blows of a hammer on an anvil. They lacked the polish and richness of his later efforts, but the force and power of statement and the purity of diction were all there, and men began to realize that one destined to great achievements had entered the field of American politics.

This was very apparent when Mr. Webster came back to Washington for the extra session called in September, 1814. Although he had made previously but two set speeches, and had taken comparatively little part in every-day debate, he was now acknowledged, after his few months of service, to be one of the foremost men in the House, and the strongest leader in his party. He differed somewhat at this time from the prevailing sentiment of the Federalists in New England, for the guiding principle of his life, his love of nationality, overrode all other influences. He discountenanced the measures which led to the Hartford Convention, and he helped to keep New Hampshire out of that movement; but it is an entire mistake to represent him as an independent Federalist at this period. The days of Mr. Webster's independent politics came later, when the Federalists had ceased to exist as a party and when no new ties had been formed. In the winter of 1814 and 1815, although, like many of the moderate Federalists, he disapproved of the separatist movement in New England, on all other party questions he acted consistently with the straitest of the sect. Sensibly enough, he did not consider the convention at Hartford, although he had nothing to do with it, either treasonable or seditious; and yet, much as he disliked its supposed purposes, he did not hesitate, in a speech on the Enlistment Bill, to use them as a threat to deter the administration from war measures. This was a favorite Federalist

practice, gloomily to point out at this time the gathering clouds of domestic strife, in order to turn the administration back from war, that poor frightened administration of Mr. Madison, which had for months been clutching frantically at every straw which seemed to promise a chance of peace.

But although Mr. Webster went as steadily and even more strongly with his party in this session, he did more and better service than ever before, partly, perhaps, because on the questions which arose, his party was, in the main, entirely right. The strength of his party feeling is shown by his attitude in regard to the war taxes, upon which he made a quiet but effective speech. He took the ground that, as a member of the minority, he could not prevent the taxes nor stop hostilities, but he could protest against the war, its conduct, and its authors, by voting against the taxes. There is a nice question of political ethics here as to how far an opposition ought to go in time of national war and distress, but it is certainly impossible to give a more extreme expression to parliamentary opposition than to refuse the supplies at a most critical moment in a severe conflict. To this last extreme of party opposition to the administration, Mr. Webster went. It was as far as he could go and remain loyal to the Union. But there he stopped absolutely. With the next step, which went outside the Union, and which his friends at home were considering, he would have nothing to do, and he would not countenance any separatist schemes. In the national Congress, however, he was prepared to advance as far as the boldest and bitterest in opposition, and he either voted against the war taxes or abstained from voting on them, in company with the strictest partisans of the Pickering type.

There is no need to suppose from this that Mr. Webster had lost in the least the liberality or breadth of view which always characterized him. He was no narrower then than when he entered Congress, or than when he left it. He went with his party because he believed it to be right,—as at that moment it undoubtedly was. The party, however, was still extreme and bitter, as it had been for ten years, but Mr. Webster was neither. He went all lengths with his friends in Congress, but he did not share their intensity of feeling or their fierce hostility to individuals. The Federalists, for instance, as a rule had ceased to call upon Mr. Madison, but in such intolerance Mr. Webster declined to indulge. He was always on good terms with the President and with all the hostile leaders. His opposition was extreme in principle, but not in manner; it was vigorous and uncompromising, but also stately and dignified. It was part of his large and indolent nature to accept much and question little; to take the ideas most easy and natural to him, those of his friends and associates, and of his native New England, without needless inquiry and investigation. It was part of the same nature, also, to hold liberal views after he had fairly taken sides, and never, by confounding individuals with principles and purposes, to import into politics the fiery, biting element of personal hatred and malice.

His position in the House once assured, we find Mr. Webster taking a much more active part in the daily debates than before. On these occasions we hear of his "deliberate, conversational" manner, another of the lessons learned from Mr. Mason when that gentleman, standing so close to the jury-box that he could have "laid his finger on the foreman's nose," as Mr. Webster said, chatted easily with each juryman, and won a succession of verdicts. But besides the daily debate, Mr. Webster spoke at length on several important occasions. This was the case with the Enlistment Bill, which involved a forced draft, including minors, and was deemed unconstitutional by the Federalists. Mr. Webster had "a hand," as he puts it,—a strong one, we may be sure,—in killing "Mr. Monroe's conscription."

The most important measure, however, with which Mr. Webster was called to deal, and to which he gave his best efforts, was the attempt to establish a national bank. There were three parties in the House on this question. The first represented the "old Republican" doctrines, and was opposed to any bank. The second represented the theories of Hamilton and the Federalists, and favored a bank with a reasonable capital, specie-paying, and free to decide about making loans to the government. The third body was composed of members of the national war-party, who were eager for a bank merely to help the government out of its appalling difficulties. They, therefore, favored an institution of large capital, non-specie-paying, and obliged to make heavy loans to the government, which involved, of course, an irredeemable paper currency. In a word, there was the party of no bank, the party of a

specie bank, and the party of a huge paper-money bank. The second of these parties, with which of course Mr. Webster acted, held the key of the situation. No bank could be established unless it was based on their principles. The first bill, proposing a paper-money bank, originated in the House, and was killed there by a strong majority, Mr. Webster making a long speech against it which has not been preserved. The next bill came from the Senate, and was also for a paper-money bank. Against this scheme Mr. Webster made a second elaborate speech, which is reprinted in his works. His genius for arranging and stating facts held its full strength in questions of finance, and he now established his reputation as a master in that difficult department of statesmanship. His recent studies of economical questions in late English works and in English history gave freshness to what he said, and in clearness of argument, in range of view, and wisdom of judgment, he showed himself a worthy disciple of the school of Hamilton. His argument proceeded on the truest economical and commercial principles, and was, indeed, unanswerable. He then took his stand as the foe of irredeemable paper, whether in war or peace, and of wild, unrestrained banking, a position from which he never wavered, and in support of which he rendered to the country some of his best service as a public man. The bill was defeated by the casting vote of the Speaker. When the result was announced, Mr. Calhoun was utterly overwhelmed. He cared little for the bank but deeply for the government, which, as it was not known that peace had been made, seemed to be on the verge of ruin. He came over to Mr. Webster, and, bursting into tears, begged the latter to aid in establishing a proper bank, a request which was freely granted.

The vote was then reconsidered, the bill recommitted and brought back, with a reduced capital, and freed from the government power to force loans and suspend specie payments. This measure was passed by a large majority, composed of the Federalists and the friends of the government, but it was the plan of the former which had prevailed. The President vetoed the bill for a variety of reasons, duly stated, but really, as Mr. Webster said, because a sound bank of this sort was not in favor with the administration. Another paper-money scheme was introduced, and the conflict began again, but was abruptly terminated by the news of peace, and on March 4 the thirteenth Congress came to an end.

The fourteenth Congress, to which he had been reëlected, Mr. Webster said many years afterward, was the most remarkable for talents of any he had ever seen. To the leaders of marked ability in the previous Congress, most of whom had been reëlected, several others were added. Mr. Clay returned from Europe to take again an active part. Mr. Pinkney, the most eminent practising lawyer in the country, recently Attorney-General and Minister to England, whom John Randolph, with characteristic insolence, "believed to be from Maryland," was there until his appointment to the Russian mission. Last, but not least, there was John Randolph himself, wildly eccentric and venomously eloquent,—sometimes witty, always odd and amusing, talking incessantly on everything, so that the reporters gave him up in despair, and with whom Mr. Webster came to a definite understanding before the close of the session.

Mr. Webster did not take his seat until February, being detained at the North by the illness of his daughter Grace. When he arrived he found Congress at work upon a bank bill possessing the same objectionable features of paper money and large capital as the former schemes which he had helped to overthrow. He began his attack upon this dangerous plan by considering the evil condition of the currency. He showed that the currency of the United States was sound because it was gold and silver, in his opinion the only constitutional medium, but that the country was flooded by the irredeemable paper of the state banks. Congress could not regulate the state banks, but they could force them to specie payments by refusing to receive any notes which were not paid in specie by the bank which issued them. Passing to the proposed national bank, he reiterated the able arguments which he had made in the previous Congress against the large capital, the power to suspend specie payments, and the stock feature of the bank, which he thought would lead to speculation and control by the state banks. This last point is the first instance of that financial foresight for which Mr. Webster was so remarkable, and which shows so plainly the soundness of his knowledge in regard to economical

matters. A violent speculation in bank stock did ensue, and the first years of the new institution were troubled, disorderly, and anything but creditable. The opposition of Mr. Webster and those who thought with him, resulted in the reduction of the capital and the removal of the power to suspend specie payments. But although shorn of its most obnoxious features, Mr. Webster voted against the bill on its final passage on account of the participation permitted to the government in its management. He was quite right, but, after the bank was well established, he supported it as Lord Thurlow promised to do in regard to the dissenter's religion. Indeed, Mr. Webster ultimately so far lost his original dislike to this bank that he became one of its warmest adherents. The plan was defective, but the scheme, on the whole, worked better than had been expected.

Immediately after the passage of the bank bill, Mr. Calhoun introduced a bill requiring the revenue to be collected in lawful money of the United States. A sharp debate ensued, and the bill was lost. Mr. Webster at once offered resolutions requiring all government dues to be paid in coin, in Treasury notes, or in notes of the Bank of the United States. He supported these resolutions, thus daringly put forward just after the principle they involved had been voted down, in a speech of singular power, clear, convincing, and full of information and illustration. He elaborated the ideas contained in his previous remarks on the currency, displaying with great force the evils of irredeemable paper, and the absolute necessity of a sound currency based on specie payments. He won a signal victory by the passage of his resolutions, which brought about resumption, and, after the bank was firmly established, gave us a sound currency and a safe medium of exchange. This was one of the most conspicuous services ever rendered by Mr. Webster to the business interests and good government of the country, and he deserves the full credit, for he triumphed where Mr. Calhoun had just been defeated.

Mr. Webster took more or less part in all the questions which afterwards arose in the House, especially on the tariff, but his great efforts were those devoted to the bank and the currency. The only other incident of the session was an invitation to fight a duel sent him by John Randolph. This was the only challenge ever received by Mr. Webster. He never could have seemed a very happy subject for such missives, and, moreover, he never indulged in language calculated to provoke them. Randolph, however, would have challenged anybody or anything, from Henry Clay to a field-mouse, if the fancy happened to strike him. Mr. Webster's reply is a model of dignity and veiled contempt. He refused to admit Randolph's right to an explanation, alluded to that gentleman's lack of courtesy in the House, denied his right to call him out, and wound up by saying that he did not feel bound to risk his life at any one's bidding, but should "always be prepared to repel, in a suitable manner, the aggression of any man who may presume on this refusal." One cannot help smiling over this last clause, with its suggestion of personal violence, as the two men rise before the fancy,—the big, swarthy black-haired son of the northern hills, with his robust common sense, and the sallow, lean, sickly Virginia planter, not many degrees removed mentally from the patients in Bedlam.

In the affairs of the next session of the fourteenth Congress Mr. Webster took scarcely any part. He voted for Mr. Calhoun's internal improvement bill, although without entering the debate, and he also voted to pass the bill over Mr. Madison's veto. This was sound Hamiltonian Federalism, and in entire consonance with the national sentiments of Mr. Webster. On the constitutional point, which he is said to have examined with some care, he decided in accordance with the opinions of his party, and with the doctrine of liberal construction, to which he always adhered.

On March 4, 1817, the fourteenth Congress expired, and with it the term of Mr. Webster's service. Five years were to intervene before he again appeared in the arena of national politics. This retirement from active public life was due to professional reasons. In nine years Mr. Webster had attained to the very summit of his profession in New Hampshire. He was earning two thousand dollars a year, and in that hardy and poor community he could not hope to earn more. To a man with such great and productive talents, and with a growing family, a larger field had become an absolute necessity. In June, 1816, therefore, Mr. Webster removed from Portsmouth to Boston. That he gained

by the change is apparent from the fact that the first year after his removal his professional income did not fall short of twenty thousand dollars. The first suggestion of the possibilities of wealth offered to his abilities in a suitable field came from his going to Washington. There, in the winter of 1813 and 1814, he was admitted to the bar of the Supreme Court of the United States, before which he tried two or three cases, and this opened the vista of a professional career, which he felt would give him verge and room enough, as well as fit remuneration. From this beginning the Supreme Court practice, which soon led to the removal to Boston, rapidly increased, until, in the last session of his term, it occupied most of his time. This withdrawal from the duties of Congress, however, was not due to a sacrifice of his time to his professional engagements, but to the depression caused by his first great grief, which must have rendered the noise and dust of debate most distasteful to him. Mr. and Mrs. Webster had arrived in Washington for this last session, in December, 1816, and were recalled to Boston by the illness of their little daughter Grace, who was their oldest child, singularly bright and precocious, with much of her father's look and talent, and of her mother's sensibility. She was a favorite with her father, and tenderly beloved by him. After her parents' return she sank rapidly, the victim of consumption. When the last hour was at hand, the child, rousing from sleep, asked for her father. He came, raised her upon his arm, and, as he did so, she smiled upon him and died. It is a little incident in the life of a great man, but a child's instinct does not err at such a moment, and her dying smile sheds a flood of soft light upon the deep and warm affections of Mr. Webster's solemn and reserved nature. It was the first great grief. Mr. Webster wept convulsively as he stood beside the dead, and those who saw that stately creature so wrung by anguish of the heart never forgot the sight.

Thus the period which began at Portsmouth in 1807 closed in Boston, in 1817, with the death of the eldest born. In that decade Mr. Webster had advanced with great strides from the position of a raw and youthful lawyer in a back country town of New Hampshire. He had reached the highest professional eminence in his own State, and had removed to a wider sphere, where he at once took rank with the best lawyers. He was a leading practitioner in the highest national court. During his two terms in Congress he had become a leader of his party, and had won a solid national reputation. In those years he had rendered conspicuous service to the business interests of the nation, and had established himself as one of the ablest statesmen of the country in matters of finance. He had defined his position on the tariff as a free-trader in theory and a very moderate protectionist when protection was unavoidable, a true representative of the doctrine of the New England Federalists. He had taken up his ground as the champion of specie payments and of the liberal interpretation of the Constitution, which authorized internal improvements. While he had not shrunk from extreme opposition to the administration during the war, he had kept himself entirely clear from the separatist sentiment of New England in the year 1814. He left Congress with a realizing sense of his own growing powers, and, rejoicing in his strength, he turned to his profession and to his new duties in his new home.

CHAPTER III.
THE DARTMOUTH COLLEGE CASE. —MR. WEBSTER AS A LAWYER

There is a vague tradition that when Mr. Webster took up his residence in Boston, some of the worthies of that ancient Puritan town were disposed at first to treat him rather cavalierly and make him understand that because he was great in New Hampshire it did not follow that he was also great in Massachusetts. They found very quickly, however, that it was worse than useless to attempt anything of this sort with a man who, by his mere look and presence whenever he entered a room, drew all eyes to himself and hushed the murmur of conversation. It is certain that Mr. Webster soon found himself the friend and associate of all the agreeable and distinguished men of the town, and that he rapidly acquired that general popularity which, in those days, went with him everywhere. It is also certain that he at once and without effort assumed the highest position at the bar as the recognized equal of its most eminent leaders. With an income increased tenfold and promising still further enlargement, a practice in which one fee probably surpassed the earnings of three months in New Hampshire, with an agreeable society about him, popular abroad, happy and beloved at home, nothing could have been more auspicious than these opening years of his life in Boston.

The period upon which he then entered, and during which he withdrew from active public service to devote himself to his profession, was a very important one in his career. It was a period marked by a rapid intellectual growth and by the first exhibition of his talents on a large scale. It embraces, moreover, two events, landmarks in the life of Mr. Webster, which placed him before the country as one of the first and the most eloquent of her constitutional lawyers, and as the great master in the art of occasional oratory. The first of these events was the argument in the Dartmouth College case; the second was the delivery of the Plymouth oration.

I do not propose to enter into or discuss the merits or demerits of the constitutional and legal theories and principles involved in the famous "college causes," or in any other of the great cases subsequently argued by Mr. Webster. In a biography of this kind it is sufficient to examine Mr. Webster's connection with the Dartmouth College case, and endeavor, by a study of his arguments in that and in certain other hardly less important causes, to estimate properly the character and quality of his abilities as a lawyer, both in the ordinary acceptation of the term and in dealing with constitutional questions.

The complete history of the Dartmouth College case is very curious and deserves more than a passing notice. Until within three years it is not too much to say that it was quite unknown, and its condition is but little better now. In 1879 Mr. John M. Shirley published a volume entitled the "Dartmouth College Causes," which is a monument of careful study and thorough research. Most persons would conclude that it was a work of merely legal interest, appealing to a limited class of professional readers. Even those into whose hands it chanced to come have probably been deterred from examining it as it deserves by the first chapter, which is very obscure, and by the confusion of the narrative which follows. Yet this monograph, which has so unfortunately suffered from a defective arrangement of material, is of very great value, not only to our legal and constitutional history, but to the political history of the time and to a knowledge of the distinguished actors in a series of events which resulted in the establishment of one of the most far-reaching of constitutional doctrines, one that has been a living question ever since the year 1819, and is at this moment of vast practical importance. Mr. Shirley has drawn forth from the oblivion of manuscript a collection of documents which, taken in conjunction with those already in print, throws a flood of light upon a dark place of the past and gives to a dry constitutional question the vital and human interest of political and personal history.

In his early days, Eleazer Wheelock, the founder of Dartmouth College, had had much religious controversy with Dr. Bellamy of Connecticut, who was like himself a graduate of Yale. Wheelock was a Presbyterian and a liberal, Bellamy a Congregationalist and strictly orthodox. The charter of Dartmouth was free from any kind of religious discrimination. By his will the elder Wheelock provided in such a way that his son succeeded him in the presidency of the college. In 1793 Judge Niles, a pupil of Bellamy, became a trustee of the college, and he and John Wheelock represented the opposite views which they respectively inherited from tutor and father. They were formed for mutual hostility, and the contest began some twelve years before it reached the public. The trustees and the president were then all Federalists, and there would seem to have been no differences of either a political or a religious nature. The trouble arose from the resistance of a minority of the trustees to what they termed the "family dynasty." Wheelock, however, maintained his ascendency until 1809, when his enemies obtained a majority in the board of trustees, and thereafter admitted no friend of the president to the government, and used every effort to subdue the dominant dynasty.

In New Hampshire, at that period, the Federalists were the ruling party, and the Congregationalists formed the state church. The people were, in practice, taxed to support Congregational churches, and the clergy of that denomination were exempted from taxation. All the Congregational ministers were stanch Federalists and most of their parishioners were of the same party. The college, the only seat of learning in the State, was one of the Federalist and Congregational strongholds.

After several years of fruitless and bitter conflict, the Wheelock party, in 1815, brought their grievances before the public in an elaborate pamphlet. This led to a rejoinder and a war of pamphlets ensued, which was soon transferred to the newspapers, and created a great sensation and a profound interest. Wheelock now contemplated legal proceedings. Mr. Plumer was in ill health, Judge Smith and Mr. Mason were allied with the trustees, and the president therefore went to Mr. Webster, consulted him professionally, paid him, and obtained a promise of his future services. About the time of this consultation, Wheelock sent a memorial to the Legislature, charging the trustees with misapplication of the funds, and various breaches of trust, religious intolerance, and a violation of the charter in their attacks upon the presidential office, and prayed for a committee of investigation. The trustees met him boldly and offered a sturdy resistance, denying all the charges, especially that of religious intolerance; but the committee was voted by a large majority. On August 5th, Wheelock, as soon as he learned that the committee was to have a hearing, wrote to Mr. Webster, reminding him of their consultation, inclosing a fee of twenty dollars, and asking him to appear before the committee. Mr. Webster did not come, and Wheelock had to go on as best he could without him. One of Wheelock's friends, Mr. Dunham, wrote a very indignant letter to Mr. Webster on his failure to appear; to which Mr. Webster replied that he had seen Wheelock and they had contemplated a suit in court, but that at the time of the hearing he was otherwise engaged, and moreover that he did not regard a summons to appear before a legislative committee as a professional call, adding that he was by no means sure that the president was wholly in the right. The truth was, that many of Mr. Webster's strongest personal and political friends, and most of the leaders with whom he was associated in the control of the Federalist party, were either trustees themselves or closely allied with the trustees. In the interval between the consultation with Wheelock and the committee hearing, these friends and leaders saw Mr. Webster, and pointed out to him that he must not desert them, and that this college controversy was fast developing into a party question. Mr. Webster was convinced, and abandoned Wheelock, making, as has been seen, a very unsatisfactory explanation of his conduct. In this way he finally parted company with Wheelock, and was thereafter irrevocably engaged on the side of the trustees.

Events now moved rapidly. The trustees, without heeding the advice of Mr. Mason to delay, removed Wheelock from the presidency, and appointed in his place the Rev. Francis Brown. This fanned the flame of popular excitement, and such a defiance of the legislative committee threw the

whole question into politics. As Mr. Mason had foreseen when he warned the trustees against hasty action, all the Democrats, all members of sects other than the Congregational, and all freethinkers generally, were united against the trustees, and consequently against the Federalists. The election came on. Wheelock, who was a Federalist, went over to the enemy, carrying his friends with him, and Mr. Plumer, the Democratic candidate, was elected Governor, together with a Democratic Legislature. Mr. Webster perceived at once that the trustees were in a bad position. He advised that every effort should be made to soothe the Democrats, and that the purpose of founding a new college should be noised abroad, in order to create alarm. Strategy, however, was vain. Governor Plumer declared against the trustees in his message, and the Legislature in June, 1816, despite every sort of protest and remonstrance, passed an act to reorganize the college, and virtually to place it within the control of the State. The Governor and council at once proceeded to choose trustees and overseers under the new law, and among those thus selected was Joseph Story of Massachusetts.

Both boards of trustees assembled. The old board turned out Judge Woodward, their secretary, who was a friend to Wheelock and secretary also of the new board, and, receiving a thousand dollars from a friend of one of the professors, resolved to fight. President Brown refused to obey the summons of the new trustees, who expelled the old board by resolution. Thereupon the old board brought suit against Woodward for the college seal and other property, and the case came on for trial in May, 1817. Mr. Mason and Judge Smith appeared for the college, George Sullivan and Ichabod Bartlett for Woodward and the state board. The case was argued and then went over to the September term of the same year, at Exeter, when Mason and Smith were joined by Mr. Webster.

The cause was then argued again on both sides and with signal ability. In point of talent the counsel for the college were vastly superior to their opponents, but Sullivan and Bartlett were nevertheless strong men and thoroughly prepared. Sullivan was a good lawyer and a fluent and ready speaker, with great power of illustration. Bartlett was a shrewd, hard-headed man, very keen and incisive, and one whom it was impossible to outwit or deceive. He indulged, in his argument, in some severe reflections upon Mr. Webster's conduct toward Wheelock, which so much incensed Mr. Webster that he referred to Mr. Bartlett's argument in a most contemptuous way, and strenuously opposed the publication of the remarks "personal or injurious to counsel."

The weight of the argument for the college fell upon Mason and Smith, who spoke for two and four hours respectively. Sullivan and Bartlett occupied three hours, and the next day Mr. Webster closed for the plaintiffs in a speech of two hours. Mr. Webster spoke with great force, going evidently beyond the limits of legal argument, and winding up with a splendid sentimental appeal which drew tears from the crowd in the Exeter court-room, and which he afterwards used in an elaborated form and with similar effect before the Supreme Court at Washington.

It now becomes necessary to state briefly the points at issue in this case, which were all fully argued by the counsel on both sides. Mr. Mason's brief, which really covered the whole case, was that the acts of the Legislature were not obligatory, 1, because they were not within the general scope of legislative power; 2, because they violated certain provisions of the Constitution of New Hampshire restraining legislative power; 3, because they violated the Constitution of the United States. In Farrar's report of Mason's speech, twenty-three pages are devoted to the first point, eight to the second, and six to the third. In other words, the third point, involving the great constitutional doctrine on which the case was finally decided at Washington, the doctrine that the Legislature, by its acts, had impaired the obligation of a contract, was passed over lightly. In so doing Mr. Mason was not alone. Neither he nor Judge Smith nor Mr. Webster nor the court nor the counsel on the other side, attached much importance to this point. Curiously enough, the theory had been originated many years before, by Wheelock himself, at a time when he expected that the minority of the trustees would invoke the aid of the Legislature against him, and his idea had been remembered. It was revived at the time of the newspaper controversy, and was pressed upon the attention of the trustees and upon that of their counsel. But the lawyers attached little weight to the suggestion, although they introduced it

and argued it briefly. Mason, Smith, and Webster all relied for success on the ground covered by the first point in Mason's brief. This is called by Mr. Shirley the "Parsons view," from the fact that it was largely drawn from an argument made by Chief Justice Parsons in regard to visitatorial powers at Harvard College. Briefly stated, the argument was that the college was an institution founded by private persons for particular uses; that the charter was given to perpetuate such uses; that misconduct of the trustees was a question for the courts, and that the Legislature, by its interference, transcended its powers. To these general principles, strengthened by particular clauses in the Constitution of New Hampshire, the counsel for the college trusted for victory. The theory of impairing the obligation of contracts they introduced, but they did not insist on it, or hope for much from it. On this point, however, and, of course, on this alone, the case went up to the Supreme Court. In December, 1817, Mr. Webster wrote to Mr. Mason, regretting that the case went up on "one point only." He occupied himself at this time in devising cases which should raise what he considered the really vital points, and which, coming within the jurisdiction of the United States, could be taken to the Circuit Court, and thence to the Supreme Court at Washington. These cases, in accordance with his suggestion, were begun, but before they came on in the Circuit Court, Mr. Webster made his great effort in Washington. Three quarters of his legal argument were there devoted to the points in the Circuit Court cases, which were not in any way before the Supreme Court in the College vs. Woodward. So little, indeed, did Mr. Webster think of the great constitutional question which has made the case famous, that he forced the other points in where he admitted that they had no proper standing, and argued them at length. They were touched upon by Marshall, who, however, decided wholly upon the constitutional question, and they were all thrown aside by Judge Washington, who declared them irrelevant, and rested his decision solely and properly on the constitutional point. Two months after his Washington argument, Mr. Webster, still urging forward the Circuit Court cases, wrote to Mr. Mason that all the questions must be brought properly before the Supreme Court, and that, on the "general principle" that the State Legislature could not divest vested rights, strengthened by the constitutional provisions of New Hampshire, he was sure they could defeat their adversaries. Thus this doctrine of "impairing the obligation of contracts," which produced a decision in its effects more far-reaching and of more general interest than perhaps any other ever made in this country, was imported into the case at the suggestion of laymen, was little esteemed by counsel, and was comparatively neglected in every argument.

It is necessary to go back now, for a moment, in the history of the case. The New Hampshire court decided against the plaintiffs on every point, and gave a very strong and elaborate judgment, which Mr. Webster acknowledged was "able, plausible, and ingenious." After much wrangling, the counsel agreed on a special verdict, and took the case up on a writ of error to the Supreme Court. Mason and Smith were unable or unwilling to go to Washington, and the case was intrusted to Mr. Webster, who secured the assistance of Mr. Joseph Hopkinson of Philadelphia. The case for the State, hitherto ably managed, was now confided to Mr. John Holmes of Maine, and Mr. Wirt, the Attorney-General, who handled it very badly. Holmes, an active, fluent Democratic politician, made a noisy, rhetorical, political speech, which pleased his opponents and disgusted his clients and their friends. Mr. Wirt, loaded with business cares of every sort, came into court quite unprepared, and endeavored to make up for his deficiencies by declamation. On the other side the case was managed with consummate skill. Hopkinson was a sound lawyer, and, being thoroughly prepared, made a good legal argument. The burden of the conflict was, however, borne by Mr. Webster, who was more interested personally than professionally, and who, having raised money in Boston to defray the expenses of the suit, came into the arena at Washington armed to the teeth, and in the full lustre of his great powers.

The case was heard on March 10, 1818, and was opened by Mr. Webster. He had studied the arguments of his adversaries below, and the vigorous hostile opinion of the New Hampshire judges. He was in possession of the thorough argument emanating from the penetrating mind of Mr. Mason

and fortified and extended by the ample learning and judicial wisdom of Judge Smith. To the work of his eminent associates he could add nothing more than one not very important point, and a few cases which his far-ranging and retentive memory supplied. All the notes, minutes, and arguments of Smith and Mason were in his hands. It is only just to say that Mr. Webster tells all this himself, and that he gives all credit to his colleagues, whose arguments he says "he clumsily put together," and of which he adds that he could only be the reciter. The faculty of obtaining and using the valuable work of other men, one of the characteristic qualities of a high and commanding order of mind, was even then strong in Mr. Webster. But in that bright period of early manhood it was accompanied by a frank and generous acknowledgment of all and more than all the intellectual aid he received from others. He truly and properly awarded to Mason and Smith all the credit for the law and for the legal points and theories set forth on their side, and modestly says that he was merely the arranger and reciter of other men's thoughts. But how much that arrangement and recitation meant! There were, perhaps, no lawyers better fitted than Mason and Smith to examine a case and prepare an argument enriched with everything that learning and sagacity could suggest. But when Mr. Webster burst upon the court and the nation with this great appeal, it was certain that there was no man in the land who could so arrange arguments and facts, who could state them so powerfully and with such a grand and fitting eloquence.

The legal part of the argument was printed in Farrar's report and also in Wheaton's, after it had been carefully revised by Mr. Webster with the arguments of his colleagues before him. This legal and constitutional discussion shows plainly enough Mr. Webster's easy and firm grasp of facts and principles, and his power of strong, effective, and lucid statement; but it is in its very nature dry, cold, and lawyer-like. It gives no conception of the glowing vehemence of the delivery, or of those omitted portions of the speech which dealt with matters outside the domain of law, and which were introduced by Mr. Webster with such telling and important results. He spoke for five hours, but in the printed report his speech occupies only three pages more than that of Mr. Mason in the court below. Both were slow speakers, and thus there is a great difference in time to be accounted for, even after making every allowance for the peroration which we have from another source, and for the wealth of legal and historical illustration with which Mr. Webster amplified his presentation of the question. "Something was left out," Mr. Webster says, and that something which must have occupied in its delivery nearly an hour was the most conspicuous example of the generalship by which Mr. Webster achieved victory, and which was wholly apart from his law. This art of management had already been displayed in the treatment of the cases made up for the Circuit Courts, and in the elaborate and irrelevant legal discussion which Mr. Webster introduced before the Supreme Court. But this management now entered on a much higher stage, where it was destined to win victory, and exhibited in a high degree tact and knowledge of men. Mr. Webster was fully aware that he could rely, in any aspect of the case, upon the sympathy of Marshall and Washington. He was equally certain of the unyielding opposition of Duvall and Todd; the other three judges, Johnson, Livingston, and Story, were known to be adverse to the college, but were possible converts. The first point was to increase the sympathy of the Chief Justice to an eager and even passionate support. Mr. Webster knew the chord to strike, and he touched it with a master hand. This was the "something left out," of which we know the general drift, and we can easily imagine the effect. In the midst of all the legal and constitutional arguments, relevant and irrelevant, even in the pathetic appeal which he used so well in behalf of his Alma Mater, Mr. Webster boldly and yet skilfully introduced the political view of the case. So delicately did he do it that an attentive listener did not realize that he was straying from the field of "mere reason" into that of political passion. Here no man could equal him or help him, for here his eloquence had full scope, and on this he relied to arouse Marshall, whom he thoroughly understood. In occasional sentences he pictured his beloved college under the wise rule of Federalists and of the Church. He depicted the party assault that was made upon her. He showed the citadel of learning threatened with unholy invasion and falling helplessly into the hands of Jacobins and freethinkers. As the tide of his resistless and solemn eloquence, mingled with his masterly argument, flowed on, we

can imagine how the great Chief Justice roused like an old war-horse at the sound of the trumpet. The words of the speaker carried him back to the early years of the century, when, in the full flush of manhood, at the head of his court, the last stronghold of Federalism, the last bulwark of sound government, he had faced the power of the triumphant Democrats. Once more it was Marshall against Jefferson,—the judge against the President. Then he had preserved the ark of the Constitution. Then he had seen the angry waves of popular feeling breaking vainly at his feet. Now, in his old age, the conflict was revived. Jacobinism was raising its sacrilegious hand against the temples of learning, against the friends of order and good government. The joy of battle must have glowed once more in the old man's breast as he grasped anew his weapons and prepared with all the force of his indomitable will to raise yet another constitutional barrier across the path of his ancient enemies.

Конец ознакомительного фрагмента.